

A303 Amesbury to Berwick Down

TR010025

Deadline 3

8.17 – Written summaries of oral submissions put at Open Floor Hearings held on 22 and 23 May 2019

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Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure)**Rules 2010****A303 Amesbury to Berwick Down**

Development Consent Order 20[**]

**Written summaries of oral submissions put at Open Floor Hearings
held on 22 and 23 May 2019**

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1 Introduction

1.1 Purpose of Report

- 1.1.1 This document provides responses by Highways England (the “Applicant”) to the oral submissions put by interested parties at the Open Floor Hearings (“OFH”) held on the 22 and 23 May 2019 at City Hall in Salisbury.
- 1.1.2 The OFH were attended by the Examining Authority and Highways England, together with interested parties.
- 1.1.3 The OFH provided a useful forum in which discussions and key issues were raised by the Examining Authority and Interested parties. Highways England has listened to and considered the submission made at the OFH and has prepared this document in response. It is not intended to be a repeat of the discussion in full in this written response. However, this document provides the Applicant’s response to points raised by the interested parties and the Examining Authority and, where applicable, references where these topics have been dealt with in previous submissions by the Applicant.
- 1.1.4 Audio recordings of the OFH have been published and are available on the Planning Inspectorate’s website.

1.2 Structure of this document

- 1.2.1 The report is split into four sections, one for each of the four OFH sessions that took place on the 22 and 23 May 2019.

2 Representations – OFH 22 May 2019 (Daytime)

2.1 Welcome and introductions

- 2.1.1 The Examining Authority began the first session of open floor hearings by making introductions and explaining the purpose of the meeting.

2.2 Ms Emma Cook – Wiltshire Bridleway Association

- 2.2.1 Ms Cook discussed the need for suitable equestrian facilities to be provided as part of the Scheme.
- 2.2.2 Ms Cook considered that a lot of work in the A303 DCO application was incomplete with further details required in the areas of landscaping, surfacing and fencing.

Highway England response

- 2.2.2.1 Highways England noted at the end of the first hearing session that further clarifications regarding its proposals for Public Rights of Way (PROW) materials, fencing, lighting and surfacing were provided at Deadline 2 REP2-040.
- 2.2.2.2 Further specific measures in this regard are now set out in the updated OEMP submitted at Deadline 3, compliance with which is secured by requirement 4 of the draft DCO. The Public Rights of Way proposals for the Scheme include adequate and suitable provision for equestrian users.
- 2.2.3 Ms Cook added specific concerns that the new byway route (J) for equestrians that crossed Longbarrow roundabout was unfriendly due to the presence of a lot fencing, corralling of users along the top of a cutting at the side of the road and the provision of a signal control crossing at Longbarrow junction. She noted that the use of rights of way with shared-use facilities created problems (e.g. due to dust being kicked up by 4x4 vehicles).

Highway England response

- 2.2.3.1 Highways England noted at the end of the first hearing session that the route that crossed Longbarrow roundabout was in fact a bridleway (reference Y) rather than a byway which should address some of the concerns raised (details are shown in the PROW clarification document issued at Deadline 2 [REP2-040]).
- 2.2.3.2 A fence is required either side of bridleway reference Y to prevent users straying into the highway cutting to the north and onto privately owned land to the south.
- 2.2.3.3 Details relating to the suitability of the Pegasus crossing at Longbarrow have been provided in the Applicant's response to Examiners Question Tr.1.20 [REP2-036] and in the response to the written representation of Winterbourne Stoke Parish Council.

- 2.2.3.4 In response to the concern about dust, if this relates to the bridleway being adjacent to the A303 it is to be noted there will be a hedge alongside the road cutting, as shown on Environmental Statement Figure 2.5E - Environmental masterplan [APP-059]. This will screen the bridleway from the cutting. If the concern is more general, it is to be noted that most new public rights of way provided by the scheme are restricted byways or bridleways; 4x4 vehicles are not permitted on either of these, except where private means of access rights have been proposed.

2.3 Dr Andrew Shuttleworth – Winterbourne Stoke Parish Council (REP2-182)

- 2.3.1 Dr Shuttleworth stated that the scheme should have much more emphasis on archaeology with the importance of considering the legacy of the scheme over 5000 years. Dr Shuttleworth noted he had already raised a number of items in his representations but had a number of other issues.
- 2.3.2 Dr Shuttleworth suggested that a much better alternative scheme existed that was located much further north, which would have avoided 95% of the archaeology and cost much less.

Highway England response

- 2.3.2.1 Highways England noted at the end of the first hearing session that alternatives had been carefully appraised in the Environmental Statement (ES) and documents referred to in it, with over 60 routes considered (including those further north and south). Details of the reasons why the Scheme had been chosen have been provided in Chapter 3 of the ES [APP-041]. In addition, Highways England considers that considerable emphasis has been placed on archaeology in the development of the scheme, the preferred route for which was carefully chosen to minimise effects on archaeology and to avoid known archaeological remains, important sites and monuments.
- 2.3.3 Dr Shuttleworth questioned the suitability of noise modelling undertaken by the Scheme and need for review of this work. He also raised concern over the impact of operational noise and vehicle headlights, and the lack of mitigation provided in the area through Winterbourne Stoke (noting the increased effects on the Conservation Area and Parsonage Down).

Highway England response

- 2.3.3.1 Highways England noted at the end of the first hearing session that the noise modelling used on the Scheme is the standard approach to noise modelling used by acousticians in this country. It is used on every road scheme, has been agreed with Wiltshire Council in the Statement of Common Ground submitted at deadline 2 [REP2-18] and no alternative model has been suggested that is more suitable. It is considered that the model adopted remains the best available tool for noise assessment. With

respect to traffic noise effects in Winterbourne Stoke, Highways England referred the Panel to Chapter 9 of the ES [APP-047], Table 9.24 on page 9-51, which shows that, whilst one property in Winterbourne Stoke shows a predicted significant increase in noise levels, 50 properties are showing a predicted significant benefit, the majority of which are in Winterbourne Stoke. It is noted that further information regarding the noise modelling and assessment is already covered in detail in Dr Shuttleworth's Written Representation [REP2-183 and 184] and a detailed response has been provided to it at Deadline 3.

- 2.3.4 Dr Shuttleworth noted his concerns regarding the potential health effects of phosphatic chalk.

Highway England response

- 2.3.4.1 Highways England noted at the end of the first hearing session that the presence of phosphatic chalk has been addressed in Chapter 10 of the ES [APP-048], ref paragraphs 10.6.72 to 10.6.81 and in appendix 10 [APP-273], which explains the testing done and that, because the identified risk was too low so as to cause a material impact on human health, water quality or radioactivity, it was scoped out of further assessment. It was noted that the issue was raised in the Winterbourne Stoke Parish Council's Written Representation [REP2-149]. A detailed response has been provided at Deadline 3, and in the Examining Authority's First Written Question Fg.1.2 responded to at Deadline 2 of this Examination.
- 2.3.5 Dr Shuttleworth also raised concern regarding need for and details in respect of the provision of Green Bridge 1.

Highway England response

- 2.3.5.1 It is noted that information on Green Bridge 1 is already covered in detail in Dr Shuttleworth's Written Representation [REP2-183 and 184] and a detailed response has been provided to it at Deadline 3.

2.4 Mr Mike Birkin – Friends of the Earth and Stonehenge Alliance

- 2.4.1 Mr Birkin began by highlighting the importance of climate change and stated that whilst representing a significant proportion of overall UK carbon emissions, transport was not achieving the forecast reductions. Mr Birkin added that whilst offering support to the scheme local authorities in the southwest had also declared climate emergencies which conflicted with this support.
- 2.4.2 Mr Birkin noted that little evidence has been submitted by the Scheme on the impact on carbon emissions, probably due to the fact that the scheme's contribution is only a small percentage of the overall transport emissions total.

- 2.4.3 Mr Birkin stated that carbon emission values used in the assessment of road schemes were under-priced and based on a fixed value rather than a range. In response to questioning Mr Birkin added that it was the carbon produced during the operation of the scheme that was most significant.

Highway England response

- 2.4.3.1 The National Policy Statement for National Networks (2014) (NPSNN) page 11 sets out the need for, and Government's policies to deliver, development of nationally significant infrastructure projects on the national road and rail networks in England. Compliance of the Scheme with the requirements of the NPSNN, including those related to health and the wider environment, are shown in Appendix A of the Case for the Scheme [APP-294].
- 2.4.3.2 The Government's Road Investment Strategy (2015) page 55 sets out priorities for improvements to the strategic road network, consistent with the NPSNN. This document confirmed the improvement of the A303 between Amesbury and Berwick Down as a priority project.
- 2.4.3.3 At Section 3.6 on page 25, it is recognised that transport has an important part to play if the government is to meet its legally binding carbon targets. It is acknowledged that a key part of this will be a shift to greener technologies and fuels with the largest reduction in emissions likely to come from domestic transport due to efficiency improvement in conventional vehicles. Specific reference is made to the carbon emissions reduction in cars and vans due to EU targets for CO₂ performance.
- 2.4.3.4 Section 3.8, page 25 states that '*the annual CO₂ impacts from delivering a programme of investment on the Strategic Road Network of the scale envisaged in Investing in Britain's Future amount to well below 0.1% of average annual carbon emissions allowed in the fourth carbon budget. This would be outweighed by additional support for ULEVs [Ultra Low Emission Vehicles] also identified as overall policy.*'
- 2.4.3.5 As is set out in Chapter 14 of the ES, the Scheme assessment of carbon emissions (GHG) concludes that the Scheme will not have a material impact on the ability of the UK Government to meet its carbon reduction targets (paragraph 14.9.11[APP-52]). Comprehensive and detailed evidence relating to the GHG assessment of the Scheme is provided throughout Chapter 14, in Highways England's response to the Examining Authority's First Written Question CC.1.6, and in the output from the carbon assessment that is presented in table 14.16 of Chapter 14. This sets out, for instance, that the greatest period of emissions impact during the life of the Scheme will be during the 4th carbon budget (2023-2027) when net emissions are estimated to be 449,231 tCO₂e. This will equate to 0.023% of the 4th carbon budget (1,950 MtCO₂e). During the 5th carbon budget period (2028 to 2032) net GHG emissions from the operation of the Scheme are estimated to be 136,080 tCO₂e. This equates to 0.008% of

the total 5th carbon budget (1725 MtCO₂e). There is no specific industry guidance that provides thresholds on what level of GHG emissions should be considered significant. Whilst the GHG assessment conducted for the Scheme has identified an increase in GHG emissions, in the context of the overall UK GHG emissions the magnitude of the increase will not have a material impact on the government meeting its carbon reduction targets. It is noted that the issues raised regarding carbon are also covered in the written representation by Stonehenge Alliance [REP2-129], a detailed response to which has been provided at Deadline 3 of this Examination.

- 2.4.3.6 With regards to the pricing of carbon the assessment for the Scheme, this has been undertaken based on the industry standard Transport Assessment Guidance (TAG) Unit A3 and using the figures provided in the associated TAG Data Book Table. The calculations for carbon focus on the most likely or central outcomes consistent with other environmental topics.
- 2.4.4 Mr Birkin stated that the assessment of alternative modes of transport considered in the Environmental Assessment was inadequate.

Highway England response

- 2.4.4.1 Highways England noted at the end of the first hearing session that alternative modes of transport had been considered in the Transport Assessment, which concluded at section 6.2 '*the alternative modes considered will not provide a solution to the problems on the A303 between Amesbury and Berwick Down or meet the principle objectives of the scheme*' and that alternative routes had been carefully appraised in the ES and documents referred to in it with over 60 routes considered (including those further north and south). Details of the reasons that the scheme had been chosen have been set out in Chapter 3 of the ES – Assessment of Alternatives [APP-041].
- 2.4.4.2 This issue is covered in detail in Stonehenge Alliance's Written Representation [REP2-129] and further details have been provided by the Applicant in the response issued at Deadline 3.

2.5 Mr Phillip Mathews

- 2.5.1 Mr Mathews, whilst a member of Wilton Town Council and Salisbury and Wilton Business Chamber, noted he was appearing in a personal capacity and then raised the following concerns.
- 2.5.2 The scheme would merely move congestion along the A303 and the congestion on the A303 route as a whole needed to be considered as one issue.

Highway England response

- 2.5.2.1 The Applicant's response to Examining Authority's First Written Question G1.3 [REP2-021], references the government's aim, announced in the

Road Investment Strategy, to upgrade all remaining single lane carriageway sections of the A303 between the M3 and the M5 at Taunton to a high-quality dual carriageway. Whilst the constraints along the corridor were considered in assessing the merits of the scheme, the DCO application considers the case for the A303 Amesbury to Berwick Down Scheme and does not set out evidence to judge the merits of the government's aim to upgrade the other single carriageway sections.

- 2.5.3 That whilst he had not looked at the area, he was concerned that underground water flows would be affected by the tunnel.

Highway England response

- 2.5.3.1 Highways England noted at the end of the first hearing session that groundwater effects have been assessed in discussion with the EA by appropriately qualified experts, as set out in paragraph 11.1.2 of Chapter 11 of the ES [APP-049] and Appendix 1.1 [APP-185]. The outcome of the groundwater assessment is reported in ES Chapter 11, Road Drainage and the Water Environment [APP-049], Section 11.9, which concludes that there would be no significant adverse effects on groundwater as a result of the Scheme. Details are presented in the Groundwater Risk Assessment, ES Appendix 11.4 [APP-282].
- 2.5.4 Mr Matthews noted that the right to see Stonehenge without payment was being removed by the Scheme.

Highway England response

- 2.5.4.1 Highways England noted at the end of the first hearing session that the ability to obtain a view of the stones without payment from the existing A303 would be retained from the restricted byway being created on the line of the existing road as part of the Scheme, and that a detailed response had already been provided on this issue in response to the Examiners Question SE1.16 [REP2-032].

2.6 Mr Paul Gossage (REP2-167)

- 2.6.1 Mr Gossage noted his distrust of the assessments by English Heritage and Historic England of the effects of the Scheme and the risk of damage of the Blick Mead site, stating it was only 20m from the site and other dimensions quoted were not correct.

Highway England response

- 2.6.1.1 This issue is covered in detail in Mr Gossage's Written Representation [REP2-167] and a detailed response to it is contained within "8.17 Response to Written Representations" which has been provided at Deadline 3.

- 2.6.2 In response to question from the Panel Mr Gossage noted that the reference to the West abutment in his representation actually referred to the east abutment.

Highway England response

- 2.6.2.1 This correction has been noted and has been considered when addressing the response to Mr Gossage's written representation [REP2-167].

2.7 Ms Kate Freeman (REP2-190)

- 2.7.1 Ms Freeman noted the importance of Stonehenge and its appreciation all over the world, and that she believed the consultation had not been wide enough (by not being all over UK and international). Ms Freeman tabled a map of archaeological features which she had been unable to submit earlier and agreed to submit this to the Panel at Deadline 3).

Highway England response

- 2.7.1.1 Public exhibition events were held in locations which reflected the impact and interest of the scheme to local communities and customers. These were agreed with Wiltshire Council as host local authority. Reflecting wider interest, an exhibition was also held in central London. The consultation was also advertised extensively, using national and local media, and the material was available on the Scheme website for the wider audience. In deciding to accept the application, the Planning Inspectorate will have had regard to the adequacy of the consultation undertaken by the Applicant, and to the nine adequacy of consultation responses received from the relevant local authorities, who confirmed that they considered the consultation had been carried out adequately, in accordance with the relevant statutory requirements.
- 2.7.2 Ms Freeman noted her view that more work should be done looking at alternatives, noting that whilst she had previously supported a longer tunnel, she now had concerns about how long the tunnel would last.

Highway England response

- 2.7.2.1 Highways England noted at the end of the first hearing session that alternatives had been carefully appraised in the ES and documents referred to in it with over 60 routes considered (including those further north and south). Details of the reasons why the scheme had been chosen have been set out in Chapter 3 of the ES - Assessment of Alternatives [APP-041].
- 2.7.3 Ms Freeman noted her concern that fencing details were not specified or shown in photomontages, and that this had been an issue on a previous scheme where these details were not provided in the application and the impacts had therefore not been clear.

Highway England response

- 2.7.3.1 Highways England noted at the end of the first hearing session that further clarification regarding its proposals for Public Rights of Way (PROW) materials, fencing, lighting and surfacing was provided at Deadline 2 REP2-040.
- 2.7.3.2 Further specific measures in this regard are now set out in the updated OEMP submitted at Deadline 3, compliance with which is secured by requirement 4.
- 2.7.4 In response to a question regarding the noise environment Ms Freeman noted that, depending on wind direction, the current noise in the WHS was not that bad in her opinion and that she was still able to hear birdsong.

Highways England response

- 2.7.4.1 This issue is covered in detail in Ms Freeman's Written Representation [REP2-190] and a detailed response has been provided to it at Deadline 3.

2.8 Mr Robert Turner – Manor Farm (REP2-142)

- 2.8.1 Mr Turner explained that he had many issues with the scheme but wanted to raise three main areas at the hearing. He began by outlining some of the main effects of the Scheme on his farming business including changes being required to his calving arrangements and a requirement for revised access arrangements between different areas of the farm.
- 2.8.2 Mr Turner then explained the health concerns from the construction of the Scheme and the issues for the proximity of his family at Foredown House (which included two very young children).
- 2.8.3 Finally, Mr Turner explained the issue of the restoration of land following its temporary possession due to the effects of compaction lowering its quality and hence future productivity.

Highway England response

- 2.8.3.1 These issues have been explained in detail in the relevant representation from Mr and Mrs Turner, at various meetings and in their Written Representation [REP2-142 and 143]. A detailed response has been provided to each of these items in the response to their written representation at Deadline 3.
- 2.8.3.2 Highways England noted at the end of the first hearing session that discussions with Mr and Mrs Turner were continuing and the Examining Authority would be updated in due course on the status of those negotiations.

2.9 Mrs Fiona Turner (REP2-142)

- 2.9.1 Mrs Turner raised a number of concerns regarding the scheme in addition to those matters raised previously by her husband. These included:
- 2.9.2 That the scheme did not offer Value for Money (VfM) due to it taking large amounts of prime agricultural land and double handling of material from the tunnel.

Highway England response

- 2.9.2.1 The assessment of VfM is set out in the Combined Modelling and Appraisal Report submitted in support of the [APP-298]. Table 6-1 (page 6-2) provides an overview of the benefits and costs, including purchase of agricultural and other necessary land and construction costs (which includes movement and handling of material from the tunnel) which is included in the Scheme capital costs.
- 2.9.3 The risks related to Phosphatic Chalk and its handling.

Highway England response

- 2.9.3.1 Highways England noted at the end of the first hearing session that the presence of phosphatic chalk has been addressed in Chapter 10 of the ES [APP-048], ref paragraphs 10.6.72 to 10.6.81 and in appendix 10 [APP-273], which explains the testing done and that, because the identified risk was too low so as to cause a material impact on human health, water quality or radioactivity, it was scoped out of further assessment. It is noted that issue was raised in the Winterbourne Stoke Parish Council Written Representation [REP2-149], a detailed response has been provided at Deadline 3, and in the Examining Authority's First Written Question Fg.1.2 responded to at Deadline 2 of this Examination.
- 2.9.4 The need for an underpass at Yarnbury Castle.

Highway England response

- 2.9.4.1 Details of why an underpass provision at Yarnbury Castle has not been provided and alternate crossing facilities via Green Bridge 1 have been provided are set out in the Applicant's response to Examiners Question Tr.1.20 [REP2-036].
- 2.9.5 Consideration of an alternative route further south to alleviate the A386 around Salisbury as well as the A303.

Highway England response

- 2.9.5.1 Highways England noted at the end of the first hearing session that alternatives had been carefully appraised in the ES and documents referred to in it with over 60 routes considered (including those further north and south). Details of the reasons why the scheme had been chosen have been set out in Chapter 3 of the ES Assessment of Alternatives [APP-041].

- 2.9.6 Potential misuse of Byways, the inadequacy of proposed byways at Longbarrow junction, risk of fire in the tunnel, taking more prime agricultural land than was necessary and concerns regarding landscaping and noise.

Highway England response

- 2.9.6.1 These issues have been responded to in detail in the relevant representation from Mr and Mrs Turner, at meetings and in their Written Representation [REP2-142 and 143]. Furthermore, a detailed response has been provided to each of these items in the response to their written representation at Deadline 3.

2.10 Dr Tim Marshall

- 2.10.1 Dr Marshall stated that the scheme had not considered alternatives adequately, had not followed best practice and raised particular issues with the consideration of freight noting it was a small but significant proportion of the A303 traffic. Following questioning from the Panel, Dr Marshall added that the issue of freight was a broad issue which needed to be considered nationally.

Highway England response

- 2.10.1.1 Highways England noted at the end of the first session of hearings that alternatives had been carefully appraised in the ES and documents referred to in it with over 60 routes considered (including those further north and south). Details of the reasons that the scheme had been chosen have been provided in Chapter 3 of the ES Assessment of Alternatives [APP-041].
- 2.10.1.2 It was also noted at the end of the first session of hearings that the DCO process is not in place for the Examining Authority to consider whether the merits of policy adopted by government is correct or not (e.g. the issue of freight which Dr Marshall referred to). In accordance with section 104(2)(a) of the Planning Act 2008, in deciding the application, the Examining Authority must have regard to any national policy statement which has effect in relation to development of the description to which the application relates. In any event, for something to be a genuine alternative to the proposed scheme, it would need to deliver the same benefits and achieve the Scheme objectives. Generic challenges to transport policy do not provide sufficient detail to be an alternative to the Scheme and they do not demonstrate that a specific change would achieve the objectives of the Scheme.
- 2.10.1.3 Alternative Freight growth was considered during traffic modelling and was shown to make no material difference due to a combination of the low number of HGV vehicles on the route and the reduction in that number on the busiest days during the summer months. The transport Data Package [APP-299] Section 5.2 shows that HGVs represent less than 15% of traffic

using the scheme. Uncertainty in freight growth forecasts was also considered in testing changes between the DfT Road Traffic Forecasts (RTF) 2015 and RTF 2018 [APP-301 Sections 4.5.13, 5.7.18], which showed no material differences in overall traffic forecasts.

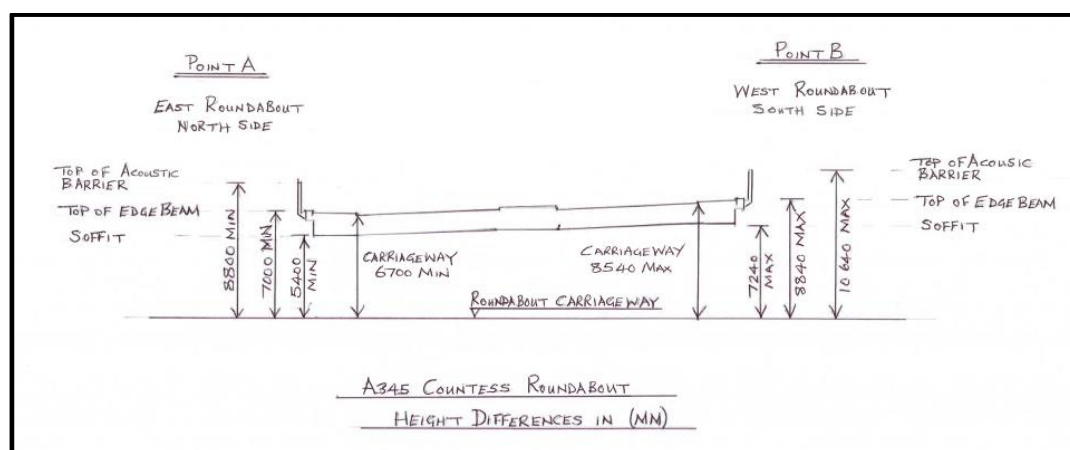
2.11 Ms Tracey Merrett – Amesbury Abbey Group (REP2-048 to 051)

- 2.11.1 Ms Merrett raised concerns regarding the effects of the scheme on Amesbury Park / Abbey and the properties in the Park including the care home and Mews houses and raised the following issues / requests.
- 2.11.2 Provision of confirmation of the height of the flyover at Countess Roundabout as she had been given conflicting information.
- 2.11.3 Consideration of the Setting Assessment noting her view that the Zone of Theoretical Visibility (TV) is incorrect as it excludes Amesbury Park / Abbey and the road can clearly be seen from that location.
- 2.11.4 Consideration of the screening provided to the Countess Flyover noting the effects of the effects on Setting and Tranquillity in the Winter Months with reduced foliage.
- 2.11.5 Consideration of the construction of the Countess flyover Setting Assessment noting the ZTV is incorrect as it excludes Amesbury Park / Abbey and the road can clearly be seen from that location.
- 2.11.6 Consideration of the noise effects on the residents with in the Park (Ms Merrett agreed to provide confirmation of the split of residents to the Panel at Deadline 3).
- 2.11.7 The need for planting proposals and further consideration / discussion.

Highway England response

- 2.11.7.1 These issues have been explained in detail in the written representation from Amesbury Abbey Group [REP2-048 to 0-51] and a detailed response has been provided to each of these items at Deadline 3.
- 2.11.7.2 The height of the Countess flyover and its approach roads will be limited by the vertical alignment of the improved A303 as shown on Sheet 9 of the Engineering Section Drawings (Plan and Profiles) [APP-010] and by the Limits of Deviation defined in Article 7 of the draft DCO rev 1 [REP2-003]. The visual assessment was informed using a 3-dimensional virtual model based on the levels shown on the Engineering Section Drawings (Plan and Profiles). The actual height of the proposed structure above existing ground level varies across the footprint of the structure. The maximum and minimum dimensions of various aspects of Countess flyover in the 3D model are shown on the figure below (excluding the limits of deviation of +/-0.5m). Any apparent conflict of information arises from different aspects

being referred to. Heights quoted in the region of 7-8m are from the Engineering Section Drawings (Plan and Profiles) [APP-010] which refer to the vertical clearance between carriageway surface levels of roads over and under the bridge. Heights in the region of 10m (such as referred to during the Accompanied Site Inspection) are measured to the top of the proposed 1.8m noise barrier, see paragraph 2.3.23 ES chapter 2 [APP-040]



2.12 Ms Gillian Anlezark – Cycling Opportunities for Salisbury (COGS), Cycling UK (REP2-084) & Sustrans

2.12.1 Ms Anlezark noted her disappointment with the consultation on the scheme, noting that despite the involvement of the cycling community and provision of feedback and provision of suggested improvements over a wide area, specific responses to them had not been provided or their proposals had been only very briefly acknowledged, whilst noting that they would not be part of the scheme. Ms Anlezark stated that the current proposals only considered cycling routes immediately adjacent to the scheme rather than the much wider proposals and she was not sure how to take the wider improvement suggestions to provide a lasting legacy for Non-Motorised User (NMU) routes (later explaining that her vision of lasting legacy would consist of regular crossings of the A303 and a surfaced route for NMUs alongside the tunnel).

Highways England response

2.12.1.1 Consultation was undertaken in accordance with the Statement of Community Consultation, which was subject to consultation with the Local Planning Authority and in accordance with the Planning Act 2008. In addition to public consultation, a workshop for walkers, cyclists, horse riders and carriage drivers was held on 24 July 2018. Organisations represented included Wiltshire Council's Rights of Way and Countryside Manager and the Senior Rights of Way Warden, a Wiltshire Council

Councillor, an Amesbury Town Councillor, the Winterbourne Stoke Parish Council Chair and representatives from; the National Trust, Campaign for the Protection of Rural England, English Heritage Trust, Cycling UK, Cycling Opportunities Groups for Salisbury (COGS) and the British Horse Society. A number of other organisations were invited including The Ramblers Association, Wiltshire Bridleway Association and Sustrans but were unable to attend. Representatives had the opportunity to provide feedback and to suggest other opportunities to improve the PRow network in the area.

- 2.12.1.2 Highways England noted at the end of the first session of the hearings that the Scheme was not a panacea to solve cycling issues in the wider area not relating to an impact from the scheme. However, Highways England is happy to continue discussing these matters. Written Representations have been received from both COGs and Cycling UK and a detailed response has been provided to each of these items, by Highways England, and will be issued at Deadline 3.

2.13 Mr Rhind-Tutt (REP2-177)

- 2.13.1 Mr Rhind-Tutt questioned the objective of the provision of the tunnel and in particular any potential political motives related to removing the free view of the stones.

Highway England response

- 2.13.1.1 Highways England noted at the end of the first session of hearings the ability to obtain a free view of the stones would remain by the use of the existing A303, which would be converted to restricted byway as part of the Scheme, and further noted that a principal aim of the Scheme (supporting the aims of the World Heritage Site (WHS) Management Plan 2015) is to remove the A303 and the sight and sound of traffic from much of the WHS landscape, therefore re-uniting Stonehenge with its surrounding monuments in their natural chalk downland setting. Visitors will continue to have free access by using the public rights of way that cross the WHS landscape and via the National Trust's right to roam policy. The Applicant notes that a detailed response had been provided on this issue in response to the Panel Question SE.1.16 [REP2-032].
- 2.13.2 Mr Rhind Tutt also raised a number of detailed concerns regarding the ability of the scheme to reduce rat running, in particular citing the large number of HGV movements originating from a Home Bargains warehouse at the Solstice Business Park and the likelihood of them rerouting around the Packway and through local villages when one of the tunnels was closed or congested.

Highway England response

- 2.13.2.1 Highways England noted at the end of the first session of hearings that the proposed tunnel accepted normal height HGVs and that abnormally high vehicles were very rare, hence the standard HGVs used by companies such as Home Bargains could be easily accommodated. One of the key benefits of the Scheme was the forecast reduction in congestion (ref table 5-1 of the Case for the Scheme [APP-294]) leading to a reduction in rat running. Planned overnight tunnel closures required for maintenance purposes would see the implementation of contraflow operations in the second tunnel bore at periods of lower traffic flows so reducing the likelihood of rat-running through local villages.
- 2.13.3 Mr Rhind Tutt outlined his proposal for an alternative scheme with a dual carriageway running to the South of Salisbury, freeing up the A36 and connecting to the A303 at Wylie and noting that plans had been submitted to Highways England in 2015.

Highway England response

- 2.13.3.1 Highways England noted at the end of the first session of hearings that alternative schemes had been carefully appraised in the Environmental Statement, with over 60 alternative routes considered (including a number of routes to the south of the Scheme). Details of the main reasons that the scheme had been chosen has been provided in Chapter 3 of the ES [APP-041].

2.14 Ms Mary Sebborn

- 2.14.1 Ms Sebborn noted that she lived in Bowles Hatches on Countess Road and in close proximity to the proposed A303 flyover, noting that she did not own the land between her property and the flyover so could not provide any suitable screening and had concerns regarding loss of privacy. Ms Sebborn noted that she had tried to sell her property in 2015 (later understood to be 2011) but, whilst liking the property, potential buyers were put off by the proposed A303 scheme.

Highway England response

- 2.14.1.1 Highways England noted at the end of the first session of hearings that no application for blight from Ms Sebborn has been received. The offer was therefore made to speak to Mrs Sebborn immediately after the close of the first hearing to discuss the blight process.

2.15 Graham Parker (REP1-070)

- 2.15.1 Mr Parker noted that the aim of the Scheme should have been the protection of the World Heritage site with the solution being a dual carriageway moved away from the WHS. Mr Parker had already submitted details of a revised proposal that he contended would offer time and cost savings and wished to

add a further additional plan to his submission that had been missing from the submitted proposals.

Highway England response

- 2.15.1.1 Highways England noted that alternatives had been carefully appraised in the ES and the documents referred within it, with over 60 routes considered (including those further south). Details of the reasons that the Scheme had been chosen have been provided in Chapter 3 of the ES Assessment of Alternatives [APP-041].

3 Representations – OFH 22 May 2019 (Evening)

3.1 Welcome and Introductions

- 3.1.1 The Examining Authority began the second session of open floor hearings by making introductions and explaining the purpose of the meeting.

3.2 King Arthur Pendragon (REP1-071)

- 3.2.1 King Arthur Pendragon outlined the religious and spiritual importance of the WHS and noted his support for many of the issues raised by the wider pagan and druid community, the Trail Riders Fellowship and Stonehenge Alliance. King Arthur Pendragon noted that his concerns related to the effects of the Scheme on his faith.
- 3.2.2 King Arthur noted his concern for the presence of elements of the scheme at the tunnel portals and approaches and effects on adjacent burial mounds, other archaeology and disturbance on religious gatherings. King Arthur Pendragon challenged that his rights under Articles 9, 10, 11 and 14 under the European Convention on Human Rights had not been considered.

Highway England response

- 3.2.2.1 Highways England noted at the end of the second session of hearings that a detailed assessment of the impact of the Scheme on the Stonehenge Community, including those of the Pagan community and the Druid faith, had been undertaken through the Equality Impact Assessment (EqIA) [APP-296]. Further details on the points raised by King Arthur Pendragon are provided in the responses to the Examining Authority First Written Question HW.1.14 and HW1.17 [REP2-032].
- 3.2.3 King Arthur noted that he was in support of a longer bored tunnel with portals outside the WHS, as long as it was in the chalk below any burial remains and did not affect Blick Mead.

Highway England response

- 3.2.3.1 Highways England noted at the end of the second session of hearings that a wide variety of alternative schemes including the provision for a longer tunnel had been carefully appraised in the ES. It was also noted that the length of the tunnel had increased by approximately 300m following the Preferred Route Announcement in 2017. Further extensions to the tunnel have been ruled out, as there is no evidence that the additional investment required to extend the tunnel length would deliver meaningful additional benefits to the WHS that would justify the additional cost. Further detail on this topic is provided in the response to the Examining Authority's Written Question AL.1.29) [REP2-024]. Moreover, a southern route was also rejected as having fewer overall benefits than the Scheme (as detailed in

the response to Examining Authority's Written Question AL.1.10 to 14) [REP2-024].

- 3.2.3.2 To confirm, the Scheme would have no adverse impact on Blick Mead. Where it passes by Blick Mead, the Scheme has been kept within the current highway boundary at the level of the existing A303 and would not touch the site [APP-044, para. 6.8.5].
- 3.2.4 Turning to access, King Arthur added that the loss of access using Byway 12 and its effect on seasonal gatherings had not been considered and would force the use of English Heritage facilities, requiring payment, to undertake religious worship.

Highway England response

- 3.2.4.1 Highways England noted that Byway AMES12 is not affected by the Scheme, but the Scheme does remove the A303 for vehicular traffic and turns it into a restricted byway. The Scheme does affect Byway AMES11 by closing two current vehicle movements (the ability to turn into AMES11 while travelling westbound on the A303 and the ability to turn left onto the A303 when travelling northbound on AMES11). The removal of these vehicle movements was not raised by the interested parties as affecting worship and should not do as vehicular access will still be available to Byway 11 from the South in any event.
- 3.2.5 King Arthur noted the importance of re-interring any remains affected by the scheme as close as possible to the site they were removed from.

Highway England response

- 3.2.5.1 Highways England noted King Arthur Pendragon's concerns.
- 3.2.5.2 The Draft Development Consent Order [dDCO REP2-003], Article 16 contains provisions establishing a procedure for the removal of human remains.
- 3.2.5.3 Under Article 16, if any human remains are discovered during the course of works, the Applicant must give notice before the remains are removed from the land. Thereafter, a personal representative or relative may give notice to the Applicant within 56 days of the first date of the notice being published of that person's intention to undertake the removal of the remains. Such remains can then be removed and re-interred in any burial ground or cemetery in which burials may legally take place or removed and cremated in any crematorium, as the relative or personal representative may choose.
- 3.2.5.4 It may be the case that no personal representative or relative responds to the notice, the authenticity of that person's claim to the remains cannot be confirmed, or the remains cannot be identified (noting that Article 16 provides for a procedure whereby an application may be made to the county court to determine who is to remove the remains). If it is determined

- or the Applicant agrees to undertake the removal of the remains then, similarly as the procedure outlined above, the Applicant must remove the remains and cause them to be re-interred in such burial ground or cemetery in which burials may take place as the Applicant thinks suitable.
- 3.2.5.5 Article 16 also provides that (Article 16 (12)) no notice is required before the removal of any human remains where the Applicant is satisfied (a) that the remains were interred more than 100 years ago; and (b) that no relative or personal representative of the deceased is likely to object to the remains being removed.
- 3.2.5.6 Article 16 further explains that references to a relative of the deceased are to a person who— (i) is a husband, wife, civil partner, parent, grandparent, child or grandchild of the deceased; or (ii) is, or is a child of, a brother, sister, uncle or aunt of the deceased; (b) references to a personal representative of the deceased are to a person or persons who— (i) is the lawful executor of the estate of the deceased; or (ii) is the lawful administrator of the estate of the deceased.”
- 3.2.5.7 It is therefore the case that, where a personal representative or relative is successful in claiming the remains, they may be reinterred in any lawful burial site or cremated. However, where the Applicant is responsible for removing the remains, they are to be reinterred in the lawful burial ground or cemetery that the Applicant considers to be suitable for the purpose. It should be further noted that Article 16 also provides that in so far as possible, remains from individual graves must be re-interred in individual containers identifiable by a record prepared with reference to the original position of burial of the remains that they contain.
- 3.2.5.8 In all cases where remains are re-interred or cremated under Article 16, a certificate must be sent by the Applicant to the Registrar General (i) giving the date of reinternment or cremation (ii) identifying the place from which the remains were removed and (iii) identifying the place in which they were reinterred or cremated. A copy of this certificate must also be sent by the Applicant to the planning authority.
- 3.2.5.9 The Secretary of State retains a supervisory function over the operation of article 16 and can make directions in respect of the removal of human remains under paragraph 14 of article 16.
- 3.2.5.10 Taken together, the Applicant considers that article 16 provides a proportionate procedure that respects the human rights of the relatives of the deceased by (i) providing a procedure whereby the remains can be claimed and re-interred or cremated in accordance with their wishes and (ii) provides a procedure whereby disputes can be determined by the County Court.
- 3.2.5.11 The Draft Detailed Archaeological Mitigation Strategy (DAMS, REP-038) submitted at Deadline 2 of this Examination sets out procedures for the investigation of burials [REP2-038, paras. 5.3.36-5.3.43] and a strategy for

the recovery of human remains [REP2-038, paras. 5.3.61- 5.3.72] in conjunction with Article 16 of the draft Development Consent Order. The DAMS notes that “The dissemination strategy will include the transfer of the complete project archive (site archive and research archive) to Salisbury Museum for long-term storage and curation. This will preserve the archive for use in future research projects and allow continued presentation of material to the public by the Museum.” (REP2-038, para. 4.3.33).

- 3.2.6 King Arthur Pendragon was informed that a question had been raised at Deadline 1 for him to answer and agreed to respond to the question by the Deadline 3 submission on 30th May 2019.

Highway England response

- 3.2.6.1 Highways England notes that King Arthur Pendragon will lodge a response at Deadline 3.

3.3 Mr Rollo Maughfling – Archdruid

- 3.3.1 Mr Maughfling outlined how much Stonehenge meant to the druid faith, noting he understood the need for harmony blending the needs of motorists into the landscape.
- 3.3.2 Mr Maughfling noted his concern in particular to the presence of the tunnel portals within the WHS and the consequential effects of noise and light pollution emanating from the portals.

Highway England response

- 3.3.2.1 Highways England noted that alternatives including the provision for a longer tunnel had been carefully appraised in the ES (Chapter 3). It was noted that the length of the tunnel had increased by approximately 300m following the Preferred Route Announcement in 2017. Further extensions to the tunnel have been ruled out on the basis of that the significant increase in cost would not result in a significant benefit (as detailed in Highways England's response to the Examining Authority's first written question AL.1.29) [REP2-024] and a southern route was also rejected as it was not as good at delivering the objectives as the Scheme (as detailed in Highways England's response to the Examining Authority's first written question AL.1.10 to 14) [REP2-024].
- 3.3.2.2 Highways England noted at the end of the second session of hearings that the new route of the A303 as proposed by the Scheme further from Stonehenge and partly in tunnel would inevitably reduce traffic noise at the stones.
- 3.3.2.3 As noted in the hearing the new mainline alignment of the A303 is not lit and the section between the western portal and the western end of the WHS is in a deep cutting, minimising the risk of light spillage from A303 traffic. The design of this section is part of the overall design approach to

minimise impact on the WHS (ref paragraph 6.8.5 subsection (e) of Chapter 6 of the ES [APP-044]).

- 3.3.2.4 The deep cutting in the WHS would also reduce the propagation of traffic noise from the new road, and the use of a noise absorbent finish at the entrance/exit of the tunnel would minimise noise from the tunnel portals. This commitment has been added to the revised OEMP to be submitted at deadline 3 (D-NOI6).
- 3.3.3 Mr Maughfling was informed that a question had been raised at Deadline 1 for him to answer and agreed to respond to the question by the Deadline 3 submission on 30th May 2019.

Highway England response

- 3.3.3.1 Highways England notes that Mr Maughfling will lodge a response at Deadline 3.

3.4 Barry Garwood (REP2-164)

- 3.4.1 Mr Garwood highlighted the importance of Blick Mead and that the recent findings suggest it should be included as contributing to the Outstanding Universal Value (OUV) of the area. Mr Garwood noted that the meaning of OUV is set by the United Nations and his opinion that their advice is being ignored.

Highway England response

- 3.4.1.1 Highways England noted at the end of the second session of hearings that the meaning and effects of the OUV are clearly understood, have been carefully assessed in the ES and form the basis of the appraisal of impact of the Scheme as detailed in the Heritage Impact Assessment [APP-195].
- 3.4.1.2 The Statement of OUV of the Stonehenge and Avebury World Heritage Site (SoOUV), which was formally adopted by the World Heritage Committee in 2013 (UNESCO 2013, 291–94), sets out that those sites that contribute to OUV relate to monuments that were built c. 3700 to 1600 BC, i.e. the Early Neolithic to the Early Bronze Age (inclusive) (ES Appendix 6.1 - Heritage Impact Assessment [APP-195, para. 5.10.29]). Blick Mead does not date to this period, consequently it does not contribute to conveying the Attributes of OUV of the WHS.
- 3.4.1.3 The 2008 Statement of Significance (Young, Chadburn and Bedu 2009), the 2013 SoOUV (UNESCO 2013), and the 2015 WHS Management Plan (Simmonds & Thomas 2015) do not indicate any proposals to revise the WHS inscription to include the Mesolithic period.
- 3.4.1.4 As noted in the HIA [APP-195, para 5.10.29], “The SoOUV clearly sets out that those sites that contribute to OUV relate to monuments built c. 3700 to 1600 BC i.e. the Early Neolithic to the Early Bronze Age (inclusive). The following assets do not convey the Attributes of OUV defined in the

SoOUV. For this reason, they have been scoped out of the HIA. They are, however, considered in the ES (Highways England 2018): Mesolithic sites, including four large early Mesolithic post settings west of Stonehenge on the site of the previous Stonehenge car park (Wiltshire HER MWI12433), lithic and faunal evidence for sustained or repeated Mesolithic activity at the spring line at Blick Mead (MWI74473 and MWI74449) and other Mesolithic finds identified within the WHS, including findspots of worked stone [...].”

- 3.4.1.5 The Applicant notes that Blick Mead has been thoroughly assessed in the preparation of the Scheme documentation and assessment. It forms part of a wider distribution of Mesolithic sites within the landscape, described in ES Appendix 6.2 Archaeology Baseline Report [APP-211], and is assessed as being of high value in the ES. In terms of experience of the asset (cultural associations, traditions and patterns of use), the annual winter solstice lantern parade which ends at Blick Mead is noted in the ES Appendix 6.1 - Heritage Impact Assessment [APP-195, 6.16.14]. The first lantern parade took place in 2011.
- 3.4.1.6 The scope and approach of the Heritage Impact Assessment, which is reported in ES Appendix 6.1 [APP-195], was endorsed by UNESCO/ICOMOS in their report from their third advisory mission on the scheme early in 2018 (<https://whc.unesco.org/en/list/373/documents/>). In accordance with ICOMOS 2011 Guidance, the assessment of Scheme impacts is clearly and directly tied to the attributes of OUV (ICOMOS 2011 https://www.icomos.org/world_heritage/HIA_20110201.pdf, p. 1, para. 4).
- 3.4.1.7 The recommendations of the UNESCO/ICOMOS missions carried out in 2015, 2017 and 2018 and the subsequent decisions of the World Heritage Committee have been considered carefully and aspects of the design have been altered to address their recommendations.
- 3.4.1.8 UNESCO/ICOMOS recommendations and World Heritage Committee decisions have informed the development of the Scheme throughout its development and its design responds to these including: the route alignment selected as the preferred route avoiding the winter solstice sunset alignment and the bisecting the Diamond Group; setting the road in deep retained cuttings to minimise land take; determining the length of the tunnel to avoid the Scheduled Monument known as the Avenue (NHLE 1010140) at its eastern end and a Bowl barrow south of the A303 and north west of Normanton Gorse (NHLE 1010832) at its western end – the tunnel length has been extended to 2 miles (or 3km) in length; the further addition of 200m of canopy at the western portal and 85m of canopy at the eastern portal to further extend the tunnel (to almost 3.3km) to aid landscape integration; the optimization of the positions of the tunnel portals at the head of dry valleys in the landscape in order to reduce the length of cutting (and minimise the length of the culvert part of the tunnel in the western approaches); the addition of the 150m long land bridge to maintain physical and visual connectivity between the Winterbourne Stoke

Crossroads Barrows and the Diamond Group; the removal of the surface A303 into a tunnel and approach cuttings to reduce noise and improve the tranquillity of the WHS. In order to minimise light spill measures have included no lighting of the new Longbarrow junction or the approach cuttings, new directional lighting at Countess junction replacing the existing non-directional lighting, lighting of the portals and canopies would be designed to minimise light spill out in to the WHS landscape and lighting under the land bridge will only operate during daylight hours. To minimise the visibility of new infrastructure within the WHS signage and other highways installations will sit completely within the approach cuttings and not extend above them.

- 3.4.1.9 Further information as to how Highways England has considered the recommendations of UNESCO/ ICOMOS can be found in the Consultation Report [APP-026], Chapters 2 and 3.
- 3.4.2 Mr Garwood also noted the importance of the whole WHS including the various barrow groups and noted his opposition to the presence of the tunnel portals within the WHS. His current preference would be for a bypass of Winterbourne Stoke only.

Highway England response

- 3.4.2.1 Highways England noted at the end of the second session of hearings that alternatives had been carefully appraised in the ES and the documents referred to in the Environmental Impact Assessment with over 60 routes considered (including those further south). Details of the reasons that the scheme had been chosen has been provided in Chapter 3 of the ES Assessment of Alternatives [APP-041]. Construction of the bypass only would not meet the objectives of the Scheme, and would prevent the creation of a high quality dual carriageway between the M3 and M5 as set out within the Road Investment Strategy. It is also noted that the Heritage Impact Assessment and development of the scheme has considered the impact on the WHS as a whole.
- 3.4.3 Mr Garwood raised his concern regarding any groundwater changes due to the tunnel affecting Blick Mead.

Highway England response

- 3.4.3.1 Highways England noted at the end of the second session of hearings that groundwater effects have been assessed in discussion with the EA by appropriately qualified experts, as set out in paragraph 11.1.2 of Chapter 11 of the Environmental Statement (ES) [APP-049] and appendix 1.1 [APP-185]. The assessment in the ES (Appendix 11.4 – Groundwater Risk Assessment [APP-282] and the ES [APP-049]) shows there will not be any adverse effect on the hydrology at Blick Mead. There is more detail in the response to Mr Garwood in WR-78-b1 and c1. Additional groundwater monitoring was requested by stakeholders and is ongoing. The results are consistent with the findings of the Tiered Assessment presented in Annex 3

of Appendix 11.4 – Groundwater Risk Assessment [APP-282] and the ES [APP-049].

- 3.4.4 Mr Garwood raised the concern regarding the closure of byway 12 affecting the summer solstice.

Highway England response

- 3.4.4.1 The existing BOAT AMES12 is not being downgraded as part of this Scheme, see sheet 6 of the Rights of Way and Access Plans [APP-009]. Changing the status of the existing BOATs is beyond the scope of the Scheme and is a matter for Wiltshire Council to consider as the local highway authority.

3.5 Mr Robin Parsons (REP2-175)

- 3.5.1 Mr Parsons noted he was an arable farmer with 200 acres and that 32 acres had been identified for temporary / permanent acquisition for the construction and operation of the Scheme.
- 3.5.2 Whilst acknowledging the benefits the Scheme will provide, Mr Parsons raised a number of issues the first of which was that the consultation to date had not been adequate, that his business had been blighted by the scheme and he was faced with loss of a significant portion of his farm.

Highway England response

- 3.5.2.1 During the consultation process Mr Parsons raised concerns about the land required for access to the green bridge and the public footpath connections between his land, Parsonage Down and the land to the north east (5-1 Appendix G, Figure 5.2 the Western Section [APP-033]) (5-1 Consultation Report [APP-026] (Table 5-7, PR#25)).
- 3.5.2.2 The raising of these issues influenced the design by reducing the permanent land required on the approach to green bridge 1 and the removal of the public footpath connections to Parsonage Down and land to the north east. These changes were shown within the design presented at supplementary consultation demonstrating the active engagement with Mr Parsons that was taking place.
- 3.5.2.3 The effects on Little Wishford Farm have been assessed within Chapter 13 People and Communities [APP-051], within tables 13.22 (temporary effects) and 13.23 (permanent effects) and which concluded that slight adverse effects would arise to the farm from the Scheme.
- 3.5.3 Mr Parsons second main issue concerned Green Bridge 1 which he contended was in the wrong location (as he understood it was not on a bat flightpath) and resulted in the need for significant acquisition of his land for extended PROW land take.

Highway England response

- 3.5.3.1 It is noted that information on Green Bridge 1 is already contained in detail in Mr Parsons Written Representation [REP2-175] and a detailed response has been provided to it at Deadline 3.
- 3.5.4 Mr Parsons third issue related to the extent of the closure of the existing A303 adjacent to Scotland Lodge Farm and its potential use for illegal and antisocial activities.

Highway England response

- 3.5.4.1 It is noted that information on the closure of the existing A303 adjacent to Scotland Lodge Farm is already contained in detail in Mr Parsons Written Representation [REP2-175] and a detailed response has been provided to it at Deadline 3.

3.6 Mr Andrew Nicholson – Cycling UK (REP2-084)

- 3.6.1 Mr Nicholson noted that he was a member and representative of Cycling UK and endorsed previous representations by other representatives of cycling including Gill Anlezark, COGs and Sustrans. Mr Nicholson continued, noting his opinion that Highways England should be predicting the emerging trends in cycling with fitness apps and E-Bikes leading to more long distance road travel and the opportunities for associated carbon reduction.
- 3.6.2 Mr Nicholson suggested there should be no ban of cyclists in the tunnel and discussed an example from Norway where cyclists could use a road tunnel (being supported by suitable technology warning other users of their presence). Mr Nicholson explained that the surface route was not up to road cycling standards regarding surfacing, was not lit and less attractive for road cyclists, who may find a lit tunnel very attractive, especially in the winter.
- 3.6.3 Mr Nicholson agreed to provide details of road tunnels in Europe that allow cyclists to use tunnels.

Highway England response

- 3.6.3.1 A key objective of the Scheme is to provide a positive legacy for communities and improve access both within and to the WHS. The new public rights of way (PRoW) proposed along the Scheme will not only maintain, but will also considerably enhance the existing PRoW network, significantly improving connectivity for users.
- 3.6.3.2 It is noted that information on the ban of cyclists in the tunnel is already contained in detail in Cycling UK's Written Representation [REP2-084] and a detailed response has been provided to it at Deadline 3.
- 3.6.3.3 The proposed restricted byway along the A303 will provide a high quality link for NMUs between Amesbury and Winterbourne Stoke, with a bound surface appropriate for its use.

4 Representations – OFH 23 May 2019 (Daytime)

4.1 Welcome and Introductions

4.1.1 The Examining Authority began the third session of open floor hearings by making introductions and explaining the purpose of the meeting.

4.2 Dr Suzanne Keene (REP2-169)

4.2.1 Dr Keene explained that Stonehenge is culturally important worldwide and that it is not just the Stones that are important, but their setting as well. Introducing large engineered structures would affect this setting and its OUV. Dr Keene referred to the importance of the cultural heritage benefits of the Scheme for its viability (see National Audit Office Report dated 20th May 2019).

4.2.2 Dr Keene noted she had made specific comments on the Contingent Valuation Assessment in her representations and referred the Panel to those.

Highway England response

4.2.2.1 As detailed in the ES Chapters on Cultural Heritage [APP-044] and Landscape and Visual [APP-045], details are provided on all the various elements of heritage interests and OUV which have been examined in considerable detail (including benefits on heritage impacts other than the stones identified as a result of the scheme). Highways England has therefore not had a focus on the Stonehenge monument, rather it has taken a holistic approach, looking at the impact of the Scheme on the WHS as a whole and its wider setting.

4.2.2.2 Highways England noted at the hearing that, with regard to the comments in the National Audit Office Report on contingent valuation, these were not related to the merit of the work done by Highways England, but to the level of confidence that the NAO believed could be attached to the method. Highways England has provided more detail on the method in the response to written question SE1.25 [REP2-035] and in its responses to Stonehenge Alliance's Written Representation.

4.2.2.3 It should also be noted that the NAO looked solely at the projected public spending associated with the Scheme. This contrasts to the judgement to be made under the Planning Act 2008, which is a planning decision balancing all the benefits and disbenefits of the Scheme relevant to land use planning. It is important not to conflate the two processes. It should also be noted that the Funding Statement provided at Deadline 2 [REP2-005] re-affirms the government's commitment to the Scheme.

4.2.3 Dr Keene noted that over 25,000 representations have been received over all of the stages of consultation which shows the importance of the proposal

to people. Dr Keene suggested that Highways England mis-represented support for the Scheme in the analysis of the results of that consultation.

Highway England response

- 4.2.3.1 Consultation was undertaken in accordance with the Statement of Community Consultation, which was subject to consultation with the relevant local authorities and in accordance with the Planning Act 2008 statutory requirements. The Consultation Report [APP-026] sets out the comments that Highways England received and its responses, including whether or not the Scheme was changed in response to the comments and the reasons why. In deciding to accept the application, the Planning Inspectorate will have had regard to the adequacy of the consultation undertaken by the Highways England, and to the nine adequacy of consultation responses received from the relevant local authorities, who confirmed that they considered the consultation had been carried out adequately, in accordance with the relevant statutory requirements.
- 4.2.4 The Panel asked Highways England to confirm if acts of sabotage had been taken into account in the Environmental Impact Assessment.

Highway England response

- 4.2.4.1 As noted at the hearing in relation to security concerns and the tunnel, Chapter 4 (table 4.6) of the ES [APP-042] demonstrates issues related to tunnel failure or fire and also bomb or vehicle attack have been addressed. It is important to understand that if someone wanted to detonate a bomb that would affect the stones they could do so from a much closer vantage point than if the Scheme were to proceed; there are other vantage points on publicly accessible land much closer to the stones that already exist.
- 4.2.4.2 The security of the tunnel and acts of sabotage have been considered in the design of the Scheme. This question has previously been posed in the Written Representation from Dr Keene [REP2-169] to which Highways England provided the following response: The security of the tunnel and acts of sabotage have been considered in the design of the Scheme. Highways England has been working with the Emergency Services throughout the design of the Scheme to ensure that key incident scenarios are considered. Representatives from the Emergency Services have played an important role at the Tunnel Design Safety and Consultation Group (TDSCG) to help shape key aspects of the Scheme's design and operational requirements. The Emergency Services have been involved in many aspects of the design which include identifying appropriate emergency response plans that will need to be developed during the detailed design to address potential incidents within the tunnel and on the road – [this includes explosions and security of the tunnel asset]. The Emergency Services have also supported the Scheme through their input to safety and design assessments that have informed the initial development of the Scheme. The engagement will continue through the

detailed design, the construction and the operational stages of the Scheme with increasing levels of detail. The tunnel will include a range of design features to meet the safety requirements of relevant tunnel design codes and to support an effective response to incidents, as explained in section 6.2.3 of the Design and Access Statement [APP-295].

4.3 Mr Simon Banton

- 4.3.1 Mr Banton referred to the OUV of the WHS which he stated was absolute and noted it was not possible to mitigate or compensate for damage to the OUV.

Highway England response

- 4.3.1.1 Highways England noted at the hearing that the suggestion that a scheme that has any adverse effect on OUV cannot proceed has been addressed in some detail in the response to the Examining Authority's Written Question G.1.1 in [REP2-021]. This answer addresses World Heritage Convention Articles 4, 5 and 6 in detail and includes cross reference to the Australian Conservation Foundation Incorporated case. Highways England's position is that the approach that is set out in the ES that allows regard to be had to benefits as well as harm is lawful.
- 4.3.1.2 The relevant tests for the Examining Authority and Secretary of State in determining whether to grant consent for the Scheme are set out in section 104 of the Planning Act 2008 and, as a result of those provisions, the decision maker must decide the application in accordance with the National Policy Statement for National Networks (NPSNN). That requirement is subject to certain exceptions, including under section 104(7) which requires that the application should be determined in accordance with the NPSNN unless the adverse impact of the proposed development would outweigh its benefits. This requires a balancing exercise to be undertaken of the adverse and beneficial impacts of the Scheme.
- 4.3.1.3 Another exception makes the requirements of the World Heritage Convention relevant to the decision to grant consent. Other prescribed matters and any other important and relevant matters will also be relevant to the decision, including conformity with local planning policy and the WHS Management Plan.
- 4.3.1.4 There is no requirement in the NPSNN, the World Heritage Convention, local planning policy, the WHS Management Plan or ICOMOS guidance to avoid all adverse impacts on the OUV of the WHS.
- 4.3.1.5 With respect to the NPSNN requirements, NPSNN is concerned to avoid substantial harm to heritage assets, and includes requirements in relation to the balancing of less than substantial harm against the public benefit of the development. The Scheme's compliance with the NPSNN requirements is demonstrated in the NPSNN accordance table in Appendix A of the Case for the Scheme and NPS Accordance [APP-294].

- 4.3.1.6 Local planning policy compliance is addressed in Appendix B of the Case for the Scheme and NPS Accordance [APP-294].
- 4.3.1.7 The requirements of the World Heritage Convention and the Scheme's compliance with those requirements are addressed in response to written question G.1.1 [REP2-021].
- 4.3.1.8 In full recognition of its obligations under the Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO 1972) (the World Heritage Convention) the Government is making a substantial investment in funding a tunnel past Stonehenge to bring extensive benefits to the WHS. The application has been prepared (and the consultation on it undertaken) with due regard to the obligations under the World Heritage Convention.
- 4.3.1.9 The protection and conservation of World Heritage Sites is integrated into the comprehensive UK legal and policy framework in connection with the assessment and consideration of harm to heritage assets – namely, the UK's national policy statements, NPPF, Planning Act 2008 provision, and the established approach to assessment of impacts on heritage generally and the balancing of factors in decision making (see the response to written question G.1.1 for further detail [REP2-021]). As a result, great weight is given to harm to World Heritage Sites. The application by the Secretary of State of the planning balance envisaged by this framework, and in particular the NPSNN, is in accordance with the World Heritage Convention.
- 4.3.1.10 The 2015 World Heritage Site Management Plan (Simmonds & Thomas 2015, para. 1.1.6) notes that “1.1.6 All effective conservation is concerned with the appropriate management of change. Conserving the Site is fundamental, but some change is inevitable if it is to respond to the needs of present-day society. Effective management of a WHS is therefore concerned with identification and promotion of change that will respect and enhance the Site and maintain its OUV, with the avoidance, modification or mitigation of changes that might damage this. It is also necessary to develop policies for the sustainable use of the Site for the benefit of the local community and wider communities and the economy.”
- 4.3.1.11 For this reason, Highways England's position is that it is possible to mitigate changes that might damage OUV.
- 4.3.2 Mr Banton had disagreed with the exclusion of route option F010 from statutory consultation meant that the public were not given the opportunity to choose an option that would have avoided the need for a tunnel. He disagreed with reasons for ruling it out as it would also benefit Salisbury traffic.

Highway England response

- 4.3.2.1 Highways England noted at the meeting that alternatives had been carefully appraised in the ES and the documents referred to in the

Environmental Impact Assessment with over 60 routes considered (including a number of routes to the south of the Scheme). Details of the reasons why the scheme had been chosen has been provided in Chapter 3 of the ES Assessment of Alternatives [APP-041]. A southern route (F010) was rejected as it did not perform as well as the D corridor routes. This is further explained in Highways England's response to the Examining Authority's first written question AL.1.10 to 14) [REP2-024].

- 4.3.3 Mr Banton disputed the claim that the Scheme would lead to the linking of the north and south of the WHS allowing it to be explored as there were landownership restrictions to the south.

Highway England response

- 4.3.3.1 A key objective of the Scheme is to provide a positive legacy for communities and improve access both within and to the WHS. The new public rights of way (PRoW) proposed along the Scheme will not only maintain, but will also considerably enhance the existing PRoW network, significantly improving connectivity for users. The extent of the PRoW routes provided by the Scheme is dictated by private land ownership to the south of the A303 but it is considered that connectivity will still be improved by the Scheme, for example by providing a link between Druid's Lodge (linking with Byway 12) and Airman's Corner (linking with former A344) along the western edge of the WHS. This new route links to the restricted byway along the existing A303 at Longbarrow.
- 4.3.4 Mr Banton suggested that the closure of PRoW would mean that those with disabilities would not be able to access the Stones so easily.

Highway England response

- 4.3.4.1 The development of the Scheme has been supported by an Equalities Impact Assessment (EqIA) [APP-296]. This identified that disabled users would benefit from new PRoW network and safer crossings proposed as part of the Scheme.
- 4.3.4.2 All of the new Public Rights of Way (PRoW) proposed along the length of the Scheme would be constructed in a way that will make them fit for all the uses permitted by their designated status. In the context of disability discrimination and disabled users, where existing topographical constraints allow, there will be disabled access to all new PRoW proposed along the Scheme and safer crossings for all are proposed as part of the Scheme. Their access to the Stonehenge Monument and to the WHS will remain. This will be developed through the requirement in D-CH14 of the Outline Environment Management Plan for surfacing within the WHS to be developed in consultation with stakeholders. The PRoW surfacing outside the WHS are currently under discussion with Wiltshire Council. Further clarification is provided within the PRoW report submitted at Deadline 2 and in the updated OEMP submitted at Deadline 3.

- 4.3.4.3 Further information on the EqlA is detailed in the response to Examiners Question Tr.1.30 [REP2-036].
- 4.3.5 Mr Banton also suggested that a tunnel is the wrong solution since evolving technology, such as autonomous vehicles, would solve safety issues in the future.

Highway England response

- 4.3.5.1 The Department for Transport's (DfT's) Road Traffic Forecasts 2018¹(RTF18), paragraph 5.4 explains the uncertainties of the effects that new technologies may have.
- 4.3.5.2 Paragraphs 5.57 and 5.58 within the conclusion state:
- 4.3.5.3 *The demand technology tests presented here show the level of uncertainty around the impact of vehicle technology on road traffic demand with traffic growth ranging from 5% to 71% between 2015 and 2050. These tests also show that relatively small changes to car occupancy levels could have a significant impact on the future of road traffic demand. The potential for CAVs to create behavioural change leading to ride sharing will be a key focus of research in the near future.*
- 4.3.5.4 *The supply technology tests demonstrate two key messages. Firstly, the potential positive impacts of CAVs reducing congestion through increased capacity. Secondly the negative impacts on congestion if demand is increased without these capacity benefits being realised. As with all tests presented here, the magnitude of the impacts is subject to a great deal of uncertainty.*
- 4.3.5.5 While Highways England understands that the DfT is undertaking research in order to improve the understanding of the effect of CAVs, Highways England has followed the guidance that is currently in force in order to assess the impacts of the Scheme.
- 4.3.5.6 One of the main objectives of the Scheme is to improve road safety on the A303 (please see section 5.2 of the Case for the Scheme [APP-294]. Moreover, the objective is broader and also seeks to address the congestion, rat-running and associated impacts on the A303. Finally, the Applicant notes that the tunnel solution has emerged as the optimum solution from extensive studies of a full range of alternative options (for more information, please see Chapter 3 of the Environmental Statement, Assessment of Alternatives, [APP-041]).
- 4.3.6 Mr Banton considered that it would take 30 to 40 years for the landscape to recover after construction is completed and that the final proposed solution was worse than doing nothing.

¹ <https://www.gov.uk/government/publications/road-traffic-forecasts-2018>

Highway England response

- 4.3.6.1 It would not take 30 to 40 years for the landscape to recover. As stated in the Environmental Statement chapter 8 Biodiversity [APP-086], paragraph 8.9.66 *“By year of opening, there would be net gain of early successional chalk grassland habitat, because the Winterbourne Stoke bypass and associated soft estate would be in place prior to the year of opening, whereas habitat creation on most of the much more extensive area east of Parsonage Down would be less advanced at that stage. There would be progressive increase in the benefits expected in the period to the assessment year, 15 years after opening.”*
- 4.3.6.2 There is evidence of establishment of diverse and attractive chalk grassland habitat within five years or so in arable reversion schemes carried out locally by the National Trust and other landowners, from projects at RSPB Winterbourne Down and from highway projects such as the Weymouth relief road. The species composition in the chalk grassland would continue to develop over time. Where the environmental masterplan [APP-059] indicates hedges or shrubs those would be well developed in less than 15 years. New tree planting would also have grown by year 15 to heights required for landscape integration and visual screening and would continue to establish to 30 years after being planted.
- 4.3.7 Mr Banton was asked by the Panel about the location of the western portal. The location was changed to avoid effects on the winter solstice astronomical alignment, but he noted that the location would still result in significant effects to a Bronze Age settlement and features in that area.

Highway England response

- 4.3.7.1 As Mr Banton noted, the removal of the existing surface A303 into a 2-mile long bored tunnel, particularly where it currently crosses the winter solstice sunset alignment south west of Stonehenge would remove traffic and modern road infrastructure from views towards the winter solstice sunset. There would also be no visibility of any Scheme structures in the backdrop of the horizon containing the winter solstice sunset alignment.
- 4.3.7.2 The proposed Scheme will have no lighting within the WHS beyond that necessary within the tunnel and beneath the c. 150 metre wide Green Bridge No. 4 near Longbarrow junction. There will be no lighting within the open cutting, and tunnel lighting will be designed to minimise light spill outside of the tunnel portals. Lighting under Green Bridge No. 4 will only operate during daylight hours. There will be no roadside lighting at the new Longbarrow Junction, and the improved Countess junction will utilise new directional roadside lighting to minimise light spill. This lighting is provided for in the Outline Environmental Management Plan (OEMP), a revised version of which is submitted at Deadline 3, (D-CH9 to D-CH12), and paragraph 4 of Schedule 2 of the DCO [REP2-003] requires the scheme to be carried out in accordance with the OEMP. These are significant

improvements over the current situation, where both Countess and Longbarrow junctions are brightly lit.

- 4.3.7.3 There would therefore be no risk of roadside or tunnel approach lighting affecting the experience of the winter solstice sunset. Due to the deep road cutting which forms the western approach to the tunnel (and is not on the alignment of the winter solstice sunset viewed from Stonehenge), vehicular lights would not intrude on the winter solstice sunset alignment. It is assessed that the Scheme would have a large beneficial effect overall on this Attribute of the OUV of the WHS, as concluded in the Heritage Impact Assessment (HIA), ES Appendix 6.1 [APP-195].
- 4.3.7.4 Impacts on monuments and monument groups (Asset Groups) in this part of the WHS are considered in ES Chapter 6, Cultural Heritage [APP-044] and the Heritage Impact Assessment (ES Chapter 6, Cultural Heritage, Appendix 6.1) [APP-195]. The preferred route for the Scheme was selected to avoid known archaeological remains, important sites and monuments.
- 4.3.7.5 Recent archaeological evaluation of the western portal and approach cutting has confirmed the results of geophysical survey and previous fieldwork. A limited number of subsurface features were exposed in the trial trenches, including a single isolated crouched burial (located outside the construction footprint of the retained cutting) and several isolated pits which, together with artefactual material in the plough zone indicate occupation in the area during the Early Bronze Age period. The reports detailing the results of the archaeological evaluation trenches in the area of the western cutting were submitted on 12 April [REP1-045 and 046]. Three areas of flint concentrations in the ploughsoil have been identified, some of which may have the potential to be related to occupation. Within the footprint of the retained cutting, the evidence does not suggest extensive long term Bronze Age settlement. There is also no evidence for any dense burial groups, flat grave cemeteries, burial monuments/ other monuments or Neolithin or Early Bronze Age date within the Scheme construction footprint for the western portal or approach cutting. Further detail of charcoal and mollusc assemblages from the evaluation here, together with lithic material from the ploughzone as requested by HMAG members will be submitted at Deadline 3.
- 4.3.7.6 Archaeological interventions in connection with the proposed Scheme are being undertaken to high standards developed with the Heritage Monitoring Advisory Group (HMAG) and the Scientific Committee, and have the potential to contribute significant data to ongoing research priorities [APP-195, 9.3.75]. The application recognises the archaeological potential of the Scheme and therefore has put forward the Deadline 2 Submission - 8.11 Draft Detailed Archaeological Mitigation Strategy (DAMS) [REP2-038] which sets out the structured, iterative detailed archaeological mitigation strategy. The DAMS is being developed in consultation with HMAG (which comprises Wiltshire Council Archaeology Service, Historic England, National Trust, and English Heritage Trust) and with inputs from the

independent expert panel of archaeologists that form the Scientific Committee. It will be finalised prior to the end of the Examination and is secured by Requirement 5 of Schedule 2 of the draft Development Consent Order [REP2-003]. Paragraph 1.4.1 and Appendix B of the draft DAMS [REP2-038] set out the current good practice guidance that the draft DAMS conforms to. The draft DAMS is rooted in a heritage research-led framework [REP2-038; Section 2].

4.4 Ms Lois Lloyd

- 4.4.1 Ms Lloyd (Archdruid of the Astronomical Druid Order and Sacred Grove Western Isles and speaking on behalf of a member of open access to Stonehenge) raised concerns regarding security risk of the tunnel close to Stonehenge.

Highway England response

- 4.4.1.1 As noted at the hearing in relation to security concerns and the tunnel, Chapter 4 (table 4.6) of the ES issues [APP-042] issues related to tunnel failure or fire and also bomb, or vehicle attack have been addressed. It is important to note that were a group or individual minded to explode a bomb with a view to damaging the stones, it is highly likely they would do so from a much closer vantage point than from the proposed location of the Scheme. There are other vantage points on publicly accessible land much closer to the stones that already exist.
- 4.4.1.2 The security of the tunnel and acts of sabotage have been considered in the design of the scheme. This question has previously been asked in Written Representation from Suzanne Keene [REP2-169] to which Highways England provided the following response: Highways England has been working with the Emergency Services throughout the design of the Scheme to ensure that key incident scenarios are considered. Representatives from the Emergency Services have played an important role at the Tunnel Design Safety and Consultation Group (TDSCG) to help shape key aspects of the Scheme's design and operational requirements. The Emergency Services have been involved in many aspects of the design which include identifying appropriate emergency response plans that will need to be developed during the detailed design to address potential incidents within the tunnel and on the road [this includes explosions and security of the tunnel asset]. The Emergency Services have also supported the Scheme through their input to safety and design assessments that have informed the initial development of the Scheme. The engagement will continue through the detailed design, the construction and the operational stages of the Scheme with increasing levels of detail. The tunnel will include a range of design features to meet the safety requirements of relevant tunnel design codes and to support an effective response to incidents, as explained in section 6.2.3 of the Design and Access Statement [APP-295].

- 4.4.2 Ms Lloyd noted that the tunnel would affect the enjoyment of the Stones by the whole community of visitors and access via the Byways Open to All Traffic (BOATs) and PRowS would restrict access for ceremonies, especially for the disabled.
- 4.4.3 Ms Lloyd referred to attempts by Wiltshire Council to restrict access to BOATs with gates and, following court proceedings, the removal of those gates. She thought that these may be reinstated once legal issues had been overcome which would particularly disadvantage those with disabilities.

Highway England response

- 4.4.3.1 A key objective of the Scheme is to provide a positive legacy for communities and improve access both within and to the WHS. The new public rights of way (PRow) proposed along the Scheme will not only maintain, but will also considerably enhance the existing PRow network, significantly improving connectivity for users.
- 4.4.3.2 The development of the Scheme has been supported by an Equalities Impact Assessment (EqIA) [APP-296]. This identified that disabled users would benefit from new PRow network and safer crossings proposed as part of the Scheme.
- 4.4.3.3 All of the new Public Rights of Way (PRow) proposed along the length of the Scheme would be constructed in a way that will make them fit for all the uses permitted by their designated status. In the context of disability discrimination and disabled users, where existing topographical constraints allow, there will be disabled access to all new PRow proposed along the Scheme and safer crossings for all are proposed as part of the Scheme. Their access to the Stonehenge Monument and to the WHS will remain. This will be developed through the requirement in D-CH14 of the Outline Environment Management Plan for surfacing within the WHS to be developed in consultation with stakeholders. The PRow surfacing outside the WHS are currently under discussion with Wiltshire Council. Further clarification is provided within the PRow report submitted at Deadline 2. and the updated OEMP submitted at Deadline 3
- 4.4.3.4 Further information on the EqIA is detailed in the response to Examiners Question Tr.1.30 [REP2-036].
- 4.4.3.5 AMES 11 and AMES 12 will remain byways open to all traffic (including motorised vehicles). However, along the line of what will be the former A303, from the existing Longbarrow roundabout (sheet 5 of the Rights of Way and Access Plans [APP-009]) to part way along the existing Stonehenge Road, the Scheme proposes a new restricted byway (references IB, I and J shown on sheets 5 to 8 inclusive of the Rights of Way and Access Plans [APP-009]). Not providing public vehicular rights along the new restricted byway is consistent with the Scheme's aim of removing the sight and sound of traffic from the vicinity of Stonehenge and

the historic landscape of the World Heritage Site. This is further explained in the response to Examiners Question Tr.1.28 [REP2-036].

- 4.4.4 Ms Lloyd also noted the poor business case for the scheme and issue earlier that week of the National Audit Office Report (May 2019).

Highway England response

- 4.4.4.1 Highways England noted that the NAO process looks solely at the projected public spending associated with the Scheme. This contrasts to the judgement made under the Planning Act 2008, which is a planning decision, balancing all the benefits and disbenefits of the Scheme relevant to land use planning. It is important not to conflate the two processes. It should also be noted that the Funding Statement provided at Deadline 2 [REP2-005] re-affirms the government's commitment to the scheme.

4.5 Mr Howard Smith (PJ Rowland & Sons) (REP2-123)

- 4.5.1 Mr Smith raised issues of access to Ratfyn Farm on behalf his client. He noted concerns regarding the access following modifications to byways AMES2 and BULF 12 and the importance of any access being suitable for a combine harvester and its header. Mr Smith added that access arrangements also required the use of Equinox Drive which can be restrictive in width as lorries park up overnight. This may worsen if tourists do the same.

Highway England response

- 4.5.1.1 Highways England noted at the hearing that it is continuing to discuss the concerns raised with Mr Rowland and his representative.
- 4.5.1.2 The issues identified have been set out in detail in the written representation from PJ Rowland & Sons and Mr C A Rowland [REP2-123] and a detailed response has been provided by Highways England to each of these items at Deadline 3.
- 4.5.2 As a tenant required to live at Ratfyn Farm by his tenancy agreement, Mr Smith also raised increased noise levels as a further concern of his client and the benefits of planting.

Highway England response

- 4.5.2.1 In relation to noise at Ratfyn Farm, Highways England noted at the meeting that the ES does not identify any significant noise effect on Ratfyn Farm either during construction or operation, ref Chapter 9 of the ES [APP-047].
- 4.5.2.2 Further information on the changes in operational noise levels and construction noise impacts are provided in the detailed response to Mr Rowland's Written Representation [REP2-123,4 and 178] provided at Deadline 3.

4.6 Howard Smith (Mr Charles Rowland) (REP2-178)

- 4.6.1 Mr Smith noted that his Client ran a number of businesses including a bed and breakfast and a fishing business.
- 4.6.2 Mr Smith raised concerns regarding the location of a construction compound close to the River Avon and the effects if there was a pollution incident. He noted an alternative, proposed in written representations, and asked the Panel to investigate pollution control measures.

Highway England response

- 4.6.2.1 Highways England noted at the hearing that it is continuing to discuss the concerns raised with Mr Rowland and his representative.
- 4.6.2.2 In relation to protection of watercourses from pollution incidents, those issues are already addressed in the Outline Environmental Management Plan (OEMP) [APP-187], which provides processes for preventing and dealing with such incidents, for example through a requirement for a pollution incident control plan (see MW-G20 of the OEMP). An update of the OEMP has been issued at Deadline 3 and detail for these outline measures will be provided in the Construction Environmental Management Plan process and associated management plans. These measures are secured in the draft DCO [REP2-003], which provides at requirement 4 that the authorised development must be in accordance with the OEMP. Discussions are continuing with the Environment Agency to ensure that measures to protect water resources flow through those two documents.
- 4.6.3 Concerns were also raised regarding the proximity of the compound to Mr Rowland's dwelling and the resulting noise and lighting impacts during construction. More planting between Ratfyn Farm and Countess Roundabout was proposed for noise mitigation as it was believed to be effective.
- 4.6.4 The Applicant was asked for details of the timing of the setting up of the compound.

Highway England response

- 4.6.4.1 Highways England noted at the hearing, in relation to effects on the Bed and Breakfast business, it is important to note that during construction there will be a need for accommodation of the workforce in the proximity of the scheme to some extent.
- 4.6.4.2 At this stage the timings of the compound set-up are not known as this will be dependent on the programme of works which will be developed by the contractor once appointed. It is however considered likely that compound set-up will be part of the early stages of the main works construction phase which, should the DCO be granted, is currently anticipated to commence in 2021.

- 4.6.4.3 Further information on all issues raised is explained in detail in the response to written representations from PJ Rowland & Sons and Mr C A Rowland [REP2-123,4 and 178] provided at Deadline 3.

4.7 Mr Howard Smith (Ms Pamela Sandell) (REP2-179)

- 4.7.1 Mr Smith identified that there was no suitable road access to his client's property as it was claimed by Highways England that it was not possible to purchase National Trust land. However, the National Trust has not provided evidence that land is inalienable. If it is not, then Highways England could use its powers to purchase the land. If all accesses are stopped up, there will be no access to the land north of the A303.
- 4.7.2 No details have been provided as to how water will supply the sprinkler system in the tunnel and Mr Smith's client is concerned that more of her land may be required to provide a pipeline.
- 4.7.3 Mr Smith also raised concerns regarding anti-social behaviour and illegal activity near to Park Farm Cottages.

Highway England response

- 4.7.3.1 Highways England noted at the hearing that it is continuing to discuss the concerns raised with Ms Sandell and her representative.
- 4.7.3.2 The issues raised have been set out in detail in the written representation from Mr P M Sandell [REP2-179] and a detailed response has been provided by Highways England to each of these items at Deadline 3.
- 4.7.3.3 In relation to the access across National Trust land by Countess Farm, discussions are continuing and updates will be provided in due course.

4.8 Mr Howard Smith (Mr Philip Sawkill) (REP2-180)

- 4.8.1 Mr Smith requested that the Panel consider moving the stopping up point of Stonehenge Road down to Woodford Road in order to prevent anti-social and illegal behaviour and the use of this road for 'free parking' as it is at the moment during the Solstices.
- 4.8.2 Mr Smith requested details of how utilities will be linked to eastern portal, so as to be satisfied that it will not disrupt his client's farming activities.

Highway England response

- 4.8.2.1 Highways England noted that it is continuing to discuss the concerns raised with Mr Sawkill and his representative.
- 4.8.2.2 The issues raised have been explained in detail in the written representation from Mr Philip Sawkill [REP2-180] and a detailed response has been provided to each of these items at Deadline 3.

4.9 Mr Howard Smith (Mr Stephen Moore) (REP2-171)

- 4.9.1 Mr Smith asked for justification of acquisition of his client's land and why it will not be returned following construction, as the Scheme results in the loss of 21% of his land. It is suggested that the impact on his business should be considered against the impact on Natural England's Parsonage Down Nature Reserve.
- 4.9.2 Mr Smith questioned the effectiveness of attenuation ponds on chalk ground which may drain straight through the chalk. The Panel asked if there was any suitable alternative proposed.

Highway England response

- 4.9.2.1 Highways England noted that it is continuing to discuss the concerns raised with Mr Moore and his representative.
- 4.9.2.2 With regard to the impacts related to Parsonage Down, Highways England is aware of the issues and has not sought Compulsory Acquisition powers lightly, but after careful consideration. The justification for acquisition can be seen in section 5 and in Annex A of the Statement of Reasons [APP-023] and is supported by the detailed assessment set out in the tunnel arisings management strategy at Appendix 12.1 of the ES [APP-285]. Highways England continues to engage with Mr Moore and his representatives with a view to avoiding the need to exercise the power of compulsory acquisition in the DCO but until such agreement is reached it is reasonable, necessary and appropriate and in accordance with published guidance to continue to seek to acquire the land compulsorily.
- 4.9.2.3 It is noted that the issues raised have been explained in detail in the written representation from Mr Moore [REP2-171] and a detailed response has been provided to each of these items at Deadline 3.

4.10 Mr Frank Whiting (REP2-213)

- 4.10.1 Mr Whiting described his DIY livery and training business using livestock and explained that 13 of the 46 acres of his land are proposed for either permanent or temporary acquisition. He has no issue with the permanent acquisition of parcel 03-23 which is for the realignment of the Shrewton Road but does have an issue with the other two parcels 03-13 and 03-14. Mr Whiting understood parcel 03-13 was for the dumping spoil from the tunnel / a cutting and would like to know why permanent rights are being retained over this plot. On Parcel 03-14, Mr Whiting has spoken with Esso and understands that Esso do not require this plot for their diversion work which is why he understood this plot was being taken. Mr Whiting noted that he did not consider there had been sufficient meaningful contact between him and Highways England.

Highway England response

- 4.10.1.1 Highways England noted that they are continuing to discuss the concerns raised with Mr Whiting and his representative.
- 4.10.1.2 Highways England noted that the reason for the acquisition of each parcel has been set out in detail in the Statement of Reasons [APP- 023]. Parcel 03-13 is not required for dumping of tunnel spoil but is instead required for essential landscaping (to integrate the proposed embankment into the landscape (ref Table 2, page 9-24).
- 4.10.2 It is noted that the need for plot 03-14 has been raised by Mr Whiting in his written representation [REP2-147], a detailed response to which is being provided at Deadline 3. Mr Whiting is concerned about how access to the north side of his land would be maintained during the construction of the Scheme (access being essential to a livery business to allow horse owners to directly leave the area).

Highway England response

- 4.10.2.1 Highways England will continue to work with Mr Whiting to explore options of how to maintain access to the north side of his land during the construction period.
- 4.10.3 Mr Whiting proposed an alternative location for Green Bridge 1 which is closer to bat flight lines.

Highway England response

- 4.10.3.1 Highways England noted at the meeting that detailed responses to various issues around the Green Bridges, including the location of Green Bridge 1, were provided in Highways England's responses to the Examining Authority's first written questions Ag.1.6-7 [REP2-022], AL.1.21 [REP2-024], CH.1.56-57 [REP2-025] and TR.1.22-23 [REP2-036]. Further details are available in the response to Mr Whiting's Written Representation [REP2-183 and 184] provided at Deadline 3.
- 4.10.4 Mr Whiting is also concerned about the retention of the western end of the bypassed A303 and it being left open to all traffic which could encourage anti-social and illegal behaviour.

Highway England response

- 4.10.4.1 It is noted that this concern has been raised by Mr Whiting in his written representation [REP2-147], a detailed response to which is provided at Deadline 3.

5 Representations – OFH 23 May 2019 (Evening)

5.1 Welcome and Introductions

- 5.1.1 The Examining Authority began by making introductions and explaining the purpose of the meeting.

5.2 David Hassett (Shrewton Parish Council) (REP2-126)

- 5.2.1 Mr Hassett noted that Shrewton Parish Council endorsed Highways England's proposals for the A303 Amesbury to Berwick Down scheme and noted that the A303 was operating significantly over capacity resulting in very significant queuing. He noted that the village suffers from rat running, particularly at peak times and in the summer months. A community speed watch has been set up in Shrewton; which has traffic speed monitoring devices on London Road, which can be moved around the village and which records excessive speeds from the rat running traffic on very narrow roads.
- 5.2.2 Mr Hassett noted the benefits that would result from the Scheme including the benefits from the modifications at Rollestone crossroads.

Highway England response

- 5.2.2.1 Mr Hassett's comments about rat running in Shrewton are noted. Highways England's assessment of the Scheme impacts within the local area is noted in the Transport Assessment (APP-297) Section 6.3.11. This forecasts that by 2041 there will be a 1600 vehicle (2-way, 24hr Annual Average Daily Total) reduction on the B390 west of Shrewton, a 1650 vehicle reduction on London Road, west of Shrewton, as well as a 2450 vehicle reduction on the A360 north of Longbarrow junction. These reductions in traffic flow as a result of the Scheme will help relieve traffic issues experienced in Shrewton, particularly during busy periods of the year. The anticipated reductions in traffic flow are predicted to result in small improvements in air quality at residential properties in Shrewton.

5.3 Mrs J Hassett (Stonehenge Traffic Action Group) (REP2-127)

- 5.3.1 Mr Hassett noted the A303 was significantly over capacity and the effect of rat-running and excessive speeds that were being experienced by the residents of Shrewton (noting that STAG had submitted a petition to parliament in 2014 regarding the rat running in Shrewton). Mrs Hassett discussed some of the previous accidents that had occurred in Shrewton and agreed to submit details of these to the Panel.
- 5.3.2 Mrs Hassett noted that the proposed tunnel is not directly under Stonehenge as is often incorrectly quoted and, whilst noting that there would be some disturbance to archaeology during the construction process, noted that there was no reason there could not be a balance struck between the needs of the living and the dead.

Highway England response

- 5.3.2.1 As detailed in paragraph 5.1.2.1 Highways England's assessment of the Scheme impacts within the local area forecast a reduction of traffic through Shrewton by 2041 of 1600 vehicles on the B390 (west of Shrewton) of 1650 vehicles and on London Road, west of Shrewton, and a 2450 vehicle reduction on the A360 north of Longbarrow junction. These reductions in traffic flow as a result of the Scheme will help relieve traffic issues experienced in Shrewton, particularly during busy periods of the year.

5.4 Tom Holland (Stonehenge Alliance) (REP2-128 to 138)

- 5.4.1 Mr Holland outlined the main reasons for opposing the Scheme including predicted damage to wildlife, archaeology, the water table and the international reputation of a UNESCO World Heritage Site, which is unique.
- 5.4.2 Mr Holland explained in more detail that changes in hydrology would affect buried archaeology placing undiscovered finds at risk. This is particularly the case at Blick Mead. The uniqueness of the heritage of the area was described and its national significance with influences from Scotland and Wales.

Highway England response

- 5.4.2.1 It is noted that, with the exception of the note regarding the National Audit Office Report (addressed below), all the concerns raised by Mr Holland were already identified in the 11 written representations submitted by Stonehenge Alliance [REP2-128 to 138], a detailed response to which has been provided at Deadline 3.
- 5.4.3 Mr Holland referred to the National Audit Office Report 2019 and the Tax Payers Alliance Report which the Panel asked to be submitted.

Highway England response

- 5.4.3.1 Highways England noted that the NAO process looks solely at the projected public spending associated with the Scheme. This contrasts to the judgement made under the Planning Act 2008, which is a planning decision, balancing all the benefits and disbenefits of the Scheme relevant to land use planning. It is important not to conflate the two processes. It should also be noted that the Funding Statement provided at Deadline 2 [REP2-005] re-affirms the government's commitment to the scheme.

5.5 Frank Summer (Amesbury Druids)

- 5.5.1 Mr Summer confirmed that he is in favour of the traffic issues at Stonehenge being addressed. He described the basis and history of the Druid religion and the sacred nature of not just Stonehenge, but the whole area, including Blick Mead spring. He also noted the current A303 does not affect ceremonies at Stonehenge.

- 5.5.2 There are Ley lines in the area and Mr Summer believes that no research has been done into the effects on geomagnetic energy and if these could be affected by the tunnel.

Highway England response

- 5.5.2.1 Highways England noted that a detailed assessment of the impact of the Scheme on the Stonehenge Community, including those of the Druid faith, had been undertaken through the Equality Impact Assessment (EqIA) [APP-296]. Further details are set out in the response to the Examining Authority's Written Question HW1.17 [REP2-032]. This assessment extends to the entire area of the Scheme.
- 5.5.2.2 In terms of ley lines, the Heritage Impact Assessment (HIA) (APP-195, para. 6.16.10) notes that "Ley-lines are theoretical alignments of natural landmarks, religious sites and human constructions. Some believe that they are straight, navigable paths and that they have spiritual significance, or that they emanate psychic or mystical energy. Although their existence is disputed, they are endorsed by adherents of the earth mysteries movement."
- 5.5.2.3 There is much debate as to whether these energy lines exist or not, in fact the term ley line was coined in the early 1920s by Alfred Watkins, a landscape photographer and amateur archaeologist, who noticed that ancient sites seemed to be aligned with others nearby, his idea being that our ancestors built and used prominent features in the landscape as navigation points and that these lines in the landscape connecting ancient sites and natural features represented old trackways or routes that were followed in prehistoric times. This original idea has subsequently been developed by others and investigated by bodies such as the British Society of Dowzers. Many archaeological surveys have been undertaken over the years on the landscape of Stonehenge and, with specific reference to this scheme, Highways England and their consultants have comprehensively covered the full area within the Order limits with detailed non-intrusive geophysical surveys which have the ability to identify buried archaeological and geological features, as well as power cables and other utility cables buried in the ground. These surveys have not identified any such energy lines or ley lines in the landscape.
- 5.5.2.4 In terms of the spiritual experience of modern people associated with Blick Mead (cultural associations, traditions and patterns of use), the annual winter solstice lantern parade which ends at Blick Mead is noted in the ES Appendix 6.1 - Heritage Impact Assessment (HIA) [APP-195, 6.16.14]. The first lantern parade took place in 2011. The HIA [para 9.3.68] notes a large beneficial effect on AG27 (the Avenue) which the lantern parade broadly follows to King Barrow Ridge, then Stonehenge Road in to Amesbury, and on to Blick Mead.

- 5.5.3 It was suggested by Mr Summer that there should be gathering places (and parking) and routes to the Stones created in surrounding locations.

Highway England response

- 5.5.3.1 Parking is available in Amesbury and along existing roads in the area where no parking restrictions exist. Byway 12 is not affected by the Scheme, but the Scheme does remove mechanically propelled vehicles (MPVs) from the A303 between Longbarrow and Stonehenge Road and turns it into a restricted byway. Access by MPVs will continue to be permitted along Byway 11 from the south but they will not be permitted to join the route of the existing A303. All other rights of way and permissive paths in the area are unaffected by the Scheme. Access will also be available from Winterbourne Stoke in the west via a new bridleway alongside the former A303 and from Amesbury in the east via a restricted byway along Stonehenge Road. The Stonehenge monument itself is managed by English Heritage and the Scheme does not propose any new routes directly to it, although a restricted byway is proposed to run to English Heritage's visitor centre.

5.6 Mr Andrew Rhind-Tutt (REP2-177)

- 5.6.1 Mr Rhind-Tutt noted his experience in the area of highway lighting and requested clarity of the location and need for lighting of a crossover which was to be used during contraflow operations. Mr Rhind-Tutt noted that Highways England had stated there would be no mainline highway lighting in the WHS but to achieve this the contraflow to the west of the WHS would need to be west of Longbarrow junction which would require local traffic to have to travel an extensive diversion route through local villages when a contraflow was in place.
- 5.6.2 Mr Rhind-Tutt requested confirmation of further details of the contraflow location and diversion routes and that this included a site visit with him and representatives from Shrewton.

Highway England response

- 5.6.2.1 During maintenance operations the tunnel is proposed to operate in contraflow within one bore of the tunnel, whilst the other bore is closed for maintenance. Maintenance crossing points through the central reserve adjacent to Longbarrow and Countess junctions will be utilised to switch the traffic between carriageways.
- 5.6.2.2 The location of the cross overs is shown illustratively on the General Arrangement Drawings [APP-012]. Each cross over would be located outside the World Heritage Site (WHS). Locating each crossover outside the WHS avoids the impact or sensitivity in undertaking these operations within the WHS environment and retains the option to provide temporary road lighting to support the safe setup and operation of the contraflow.

5.6.2.3 However, it does result in certain turning movement constraints at Longbarrow and Countess Junctions during contraflow operation

- When the west bound (southern) bore is closed, it will not be possible to join the A303 westbound at Countess Junction. Drivers wishing to make this turn would be signposted along the A303 eastbound to Solstice Park junction and then to turn around and travel on the A303 in a westerly direction.
- When the east bound (northern bore) is closed, it will not be possible to join the A303 eastbound at Longbarrow Junction. Drivers wishing to make this turn would be signposted to use the diversion route through Larkhill along The Packway and joining the A303 at Countess junction.
- All other turning movements would be retained during contraflow operation.

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