

**A303 Amesbury to Berwick Down  
(Stonehenge) Wiltshire  
TR010025**

**Wiltshire Council (A303-AFP022)  
Review of 3.1 Draft Development  
Consent Order (Rev 1) (000770)  
Submitted at Deadline 2**

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## 1. Introduction

Wiltshire Council has reviewed the draft Development Consent Order (Rev 1) submitted at Deadline 2. It is recognised that the development of this document will be an iterative process, with another revised version due to be submitted by the Applicant at Deadline 3, which will form the basis of discussion at the Issue Specific Hearing on the Draft DCO. However, the Council thought it may be helpful to the ExA to outline some of the points identified which will require further discussion and amendment.

These comments are submitted without prejudice to any further representations the Council may wish to make on the draft DCO, and its future iterations, including at the Issue Specific Hearing on 4<sup>th</sup> June 2019.

## 2. Wiltshire Council's Comments on Updated Draft Development Consent Order

### Part 1 Preliminary

#### Interpretation (Article 2)

As stated within Wiltshire Council's response to the first round of ExA questions, a clear definition of ancillary, enabling and preliminary works would be helpful. Additionally, a definition for the maintenance and promotion of good health for tree and hedgerow plants would be useful. Furthermore, the Council believes that a definition for "replacement land" should be included.

The Council is of the opinion, as stated within its response for the first round of ExA questions, that the definitions for "the authorised development", "commence" and "maintain" will also require amendment during the Examination.

#### Disapplication of Legislative Provisions (Article 3)

Wiltshire Council commented on the disapplication of legislative provisions relating to land drainage consenting within its written representation submitted at Deadline 2.

Article 3 (1) (b), (c) and (d) relate to the disapplication of sections of the Land Drainage Act 1991. The Council is in agreement with the disapplication of land drainage consenting for normal construction activities but does not agree to the disapplication of land drainage consenting for the discharge of abstracted water for dewatering related to the tunnel construction. The issue of large scale dewatering is wide-ranging in its impact. It affects flood risk, water quality, ecology, water resources and archaeology.

Discussions are ongoing with Highways England and the Environment Agency to progress this, along with the protective provisions. The Council will align its approach with the Environment Agency's on environmental permitting.

### Part 2 Works Provisions

#### Development consent, etc. granted by the Order (Article 4)

The Council would suggest a minor amendment to the wording within this sub-clause (1), so that it states "...for the authorised development *to be carried out within the Order limits.*"

Maintenance of the authorised development (Article 5)

The Council recommends that a sub-clause (2) is added to this article which states “*Paragraph (1) does not extend to any maintenance works which would give rise to any materially new or materially worse environmental effects from those assessed in the environmental statement.*”

Limits of Deviation (Article 7)

The Council has expressed concern regarding the proposed limits of deviation. Please see the Council’s response to ExA question DCO.1.30.

Temporary stopping up and restriction of use of streets (Article 11)

It is not possible to temporarily stop up a highway. Despite this approach being taken from precedent documents (including the Advice Note on the drafting of DCOs), the Council believes that it is wrong, and should be amended. Known errors should not be perpetuated.

Motor Vehicle Restrictions (New Addition)

Wiltshire Council suggests that a new article is added into the draft DCO, which could be situated as a new Article 12, to cover motor vehicle restrictions on specified byways. The suggested wording is as follows:

*12. –(1) No person shall, except upon the direction or with the permission of a Police Constable in uniform or a Civil Enforcement Officer, cause or permit any motor vehicle to proceed or wait along the length of restricted byway specified in Schedule X to this Order.*

*(2) No person shall, except upon the direction or with the permission of a Police Constable in uniform or a Civil Enforcement Officer, cause or permit any motor vehicle to proceed or wait along the lengths of the byways open to all traffic which are specified in Schedule X to this Order.*

*(3) Nothing in paragraphs (1) or (2) of this Order shall apply so as to prevent any person from using or causing or permitting any motor vehicle to proceed or wait on the lengths of byways open to all traffic referred to in the Schedule to this Order if the vehicle is being used:*

*i) in the services of the Police Authority, Fire and Rescue Authority or Ambulance Service; or*

*ii) for the purposes of a statutory undertaker in an emergency in connection with any loss of supplies of gas, electricity or water to premises in the area, which necessitates the bringing of vehicles into the section of the road to which this order applies;*

*iii) Nothing in this Article shall render it unlawful for any public service vehicle (which includes vehicles in use by Wiltshire Council and / or their contractors or Highways England and / or their contractors or English Heritage and / or their contractors) to use the said lengths of byways*

*(4) Nothing in paragraph (1) or (2) above applies –*

*a) to motorcycles;*

b) to agricultural vehicles.

(5) Nothing in paragraph (1) applies to a vehicle being used –

- a) for the maintenance, improvement or reconstruction of the road including the verge; or
- b) the laying, erection, alteration or repair on, or in land adjacent to the road or verge or any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined in the Telecommunications Act 1984;
- c) in the service of the local authority, Highways England, or a statutory undertaker in pursuance of statutory powers or duties;
- d) for fire brigade, ambulance or police purposes.

(6) Paragraphs (1) to (5) have effect as if made by a traffic regulation order under the 1984 Act, and their application may be varied or revoked by such an order or by any other enactment which provides for the variation or revocation of such orders.

The proposed wording for the associated Schedule for this new Article is as follows:

MOTOR VEHICLE RESTRICTIONS FOR PUBLIC RIGHTS OF WAY

(1) Area	(2) Restriction	(3) Extent of Restriction
Parish of Durrington	Byway open to all traffic DURR 10 (part)	From its junction with Fargo Road to its junction with AMES12 and C506 <i>As shown on sheet X of the rights of way and access plans</i>
Parish of Amesbury	Byway open to all traffic AMES 11	For a length of 606 metres from its junction with the A303 in a southerly direction to its junction with WILS 2 <i>As shown on sheet X of the rights of way and access plans</i>
	Byway open to all traffic AMES 12 (part)	For a length of 907 metres from its junction with DURR 10 crossing the C506 over to its junction with A303 <i>As shown on sheet X of the rights of way and access plans</i>
	Byway open to all traffic AMES 12 (part)	For a length of 536 metres from its junction with A303 in a southerly direction to its junction with WCLA 1

(1) Area	(2) Restriction	(3) Extent of Restriction
		<i>As shown on sheet X of the rights of way and access plans</i>
	<i>Restricted byways XXXX (old surface of A303)</i>	Length of 400 m between its junction with AMES 11 and AMES 12 <i>As shown on sheet X of the rights of way and access plans</i>
Parish of Wilsford cum Lake	Byway open to all traffic WCLA 1 (part)	For a length of 1,614 metres from its junction with AMES 12 to its junction with BERW 11 <i>As shown on sheet X of the rights of way and access plans</i>
	Byway open to all traffic WCLA 2 (part)	For a length of 3,080 metres from its junction with AMES 11 to its junction with Footpath WCLA 3 at Springbottom Farm, Wilsford cum Lake and continuing to its junction with Public Footpath WCLA 7 and 3900133901/00003 <i>As shown on sheet X of the rights of way and access plans</i>
Parish of Berwick St James	Byway open to all traffic BSJA 11	For a length of 1,008 metres from its junction with WCLA 1 to its junction with WFOR 16 <i>As shown on sheet X of the rights of way and access plans</i>
Parish of Woodford	Byway open to all traffic WFOR 16	For a length of 145 metres from its junction with BSJA 11 to its junction with the A360 Druids Lodge <i>As shown on sheet X of the rights of way and access plans</i>

### Discharge of water (Article 13)

The Council suggests that the following amendments are made to sub-clause (6) of this Article, "...Regulations 2016, or land drainage consent under section 23 of the Land Drainage Act 1991."

It is also imperative that the Council is engaged in its role as LLFA in this regard.

Furthermore, monitoring will be required of water quality. It is possible that dilution of watercourses may occur with phosphates suspended in chalk and affect nitrogen levels. This would be governed by the Water Framework Directive (EU Directive).

#### Protective works to buildings (Article 14)

The Council would suggest some minor wording amendments at sub-clause 4(b) to this Article, so that it would read "...adjacent land (~~whether or not such adjacent land is inside or outside the Order limits~~) but not including any building erected on it."

The Council also queries the powers granted to the undertaker at sub-clause 4(b) to this Article, specifically "...and if it is reasonably required, the undertaker may take possession, or exclusive possession, of the building and any land or part thereof for the purpose of carrying out the protective works.", as this goes beyond the powers granted in other DCOs.

#### Authority to survey and investigate land (Article 15)

The Council would suggest some minor wording amendments at sub-clause 1(b) to this Article to state "...Order limits, *affected by the authorised development*".

#### Felling or lopping of trees and hedgerows (Article 17)

The Council believes that the following should be added into sub-clause (2) so that it reads "...such activity *and take steps to avoid a breach of the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 or any successor act and regulations*".

#### Maintenance of drainage works (Article 18)

Please see comments made by the Council in its response to the ExA's question DCO.1.40.

### **Part 3 Powers of Acquisition and Possession of Land**

#### Compulsory acquisition of land – incorporation of the minerals code (Article 20)

The Council suggests that an additional sub-clause (c) is added to this Article which states: (c) for "*undertaking*" substitute "*authorised development*".

#### Compulsory acquisition of rights (Article 22)

Please see comments made by the Council in its response to the ExA's question DCO.1.44.

### **Part 4 Interpretation**

#### Special category land (Article 34)

Please see comments made by the Council in its response to the ExA's question DCO.1.54.

## Part 4 Operational Provisions

### Classification of roads, etc. (Article 47)

Wiltshire Council will be entering into a side agreement with Highways England. In order to protect the Council from potential conflicts between the DCO and side agreement, amendments to the wording of sub-clause (6) is required. It is proposed that it should state: *“After bringing ~~On such day as the undertaker may determine~~ the roads described in Part 9 (roads to be de-trunked) or Schedule 9 into a condition which is to the reasonable satisfaction of the local highway authority, and on such day as the undertaker may determine, the roads described in Part 9 (roads to be de-trunked) of Schedule 9 are to cease to be trunk roads as if they had ceased to be trunk roads by virtue of an order made under section 10(2) of the 1980 Act specifying that date as the date on which they were to cease to be trunk roads. The undertaker may only make a determination for the purposes of paragraph 47 (6) with the consent of the Secretary of State, who must consult the local highway authority before deciding whether to give that consent.”*

### Traffic regulation measures (Article 48)

Please see comments made by the Council in its response to the ExA’s question DCO.1.58.

## Part 5 Miscellaneous and General

### Consents, agreements and approvals (Article 59)

The Council has concerns regarding the deemed consent provision within sub-clause (2) of this Article. Further discussion will be required during the Examination to address this.

## Schedule 2 Requirements

Please see comments included in Section 3 Requirements of this report below.

## Schedule 3 Permanent Stopping Up of Highways and Private Means of Access and Provision of New Highways and Private Means of Access

### Part 2 Highways to be Stopped Up for which No Substitute is to be Provided

The Council queries whether Allington Track should be classified as Part 2 or Part 1, given that a substitute road is going to be provided via Equinox Drive. Furthermore, the stated length of 410m is queried, as a Google map measure indicates the length to be circa 388m.

## Schedule 9 Classification of Roads Etc.

### Part 1 The New and Improved A303 Trunk Road

At the beginning of Part 1, it states “an 11.7 kilometre length of new road” but then refers to “an 11.6km length of new road” in sub-clause (1). The Council believes that these measures should be checked as it appears that one of them must be incorrect. Furthermore, the total measures referenced in sub-clauses (1) (b), (c), (d), (e), (f), (g), (h) and (i) total 11.51km. Whilst, the Council has not identified the error, there is clearly something incorrect here, with an error of up to 190m based on the stated figures.

### Part 2 The New Longbarrow Junction and the Slip Roads

The Council believes that the word “bifurcated” is misapplied in sub-clause (2) of Part 2 and the description in Part 6, The New Countess Junction Slip Roads, sub-clause (14). The slip road is not bifurcated but either merges with or diverges from the A303 mainline.

### Part 3 The New Longbarrow Junction and Link Roads

The Council wishes to inform the ExA that with regard to sub-clause (9), the 610 metre length of new road has been recorded by the local highway authority as the C507 and therefore should be referenced as such within the draft DCO.

### Part 4 The New Rollestone Cross

With respect to sub-clause (10), the Council does not consider that the point 2.97 km north of the existing Longbarrow roundabout is a logical point from which to measure. It is suggested that measurement is taken from Airmans Roundabout instead.

### Part 6 The New Countess Junction Slip Roads

Please see comment on the use of “bifurcated” in Part 2 The New Longbarrow Junction and the Slip Roads above.

### Part 7 The Existing A303

With regard to sub-clause (18), the Council suggests that the wording is modified as follows “...to be ~~reclassified as a C class road~~ from a point...”. The classification of roads plan should be amended accordingly.

Furthermore, in sub-clause (20), the wording should be amended to state “...C class road (~~new number to be confirmed~~) and recorded by the local highway authority as the C507, commencing...”. The classification of roads plan should be amended accordingly.

### Part 9 Roads to be De-Trunked

As outlined within the Council’s written representation submitted at Deadline 2, the Council considers that changes to this section are required. If incorporated, amendments would also be required to be made to the de-trunking plans. The Council suggests that sub-clause (22) is amended to state “...on sheet 1 of the de-trunking plans, *including the layby to the west of Scotland Lodge Farm, ...*”.

Furthermore, the Council suggests that an additional sub-clause (23) is added as follows “*The circulatory carriageway, verges and central part of the Countess Roundabout, as shown on sheet 3 of the de-trunking plans.*”

## **Schedule 10 Traffic Regulation Measures**

### Part 1 Speed Limits

The Council queries the specified distance of 12.25 kilometres within the traffic regulation measures plans (speed limits) – sheets 3 and 4, as it appears to be incorrect. 890 metres plus 285 metres equals 1.175 kilometres.



Furthermore, the Council argues that the traffic regulation measures plans (speed limits) – sheets 4 and 5 will need to be amended, as west of the Longbarrow Roundabout junction the de-trunked road is suitable for National Speed Limit (60 miles per hour). The Council suggests that the wording is amended as follows:

*“Existing A303 Trunk Road (and part of new road link to Longbarrow Junction)*

*Between...at Winterbourne Stoke and a point 70m to the west of ~~the centre point of its junction with~~ the southern...*

*New road (part) linking Longbarrow Junction to Winterbourne Stoke*

*From its junction with the southern roundabout at the new Longbarrow Junction for a distance of 70m in a generally westerly direction.”*

The Council considers that the description for the Link Road between Allington Track and Equinox Drive (the traffic regulation measures plans (speed limits) – sheet 11) is a poor description of the new road and should be amended. Furthermore, measures need to be checked. If it is compared with the Schedule 3 Part 3 reference that 410m (challenged) of Allington Track is to be stopped up, it seems logical that the same measure should apply to the start point of the diverted road. Furthermore, the Council asserts that the speed limit for this road should be national speed limit (60 miles per hour).

With respect to the New Rollestone Cross junction (traffic regulation measures plans (speed limits) – sheet 13), the Council is of the view that the speed restriction here may be inappropriate, and the bend flagged by way of advance warning signs and markings. It reserves its position with a view to maintaining a 50 miles per hour speed limit through the junction.

## **Schedule 11 Protective Provisions**

### Part 3 For the Protection of Drainage Authorities

Wiltshire Council and the Environment Agency are in discussions with HE regarding the protective provisions. Whilst negotiations are at an early stage, substantial amendments to these provisions are anticipated to be required.

## **3. Requirements and the Outline Environmental Management Plan (OEMP)**

As set out in Wiltshire Council’s submitted Local Impact Report (Deadline 1), the Council believes that additional controls are necessary in order to exercise its statutory functions as local planning authority, local highway authority, and lead local flood authority.

The Council is broadly supportive of Highways England’s (HE) proposed approach of high-level requirements within the draft DCO with the detailed control mechanisms contained within the Outline Environmental Management Plans (OEMPs), which will be transposed into the Construction Environmental Management Plans (CEMPs). Upon reflection, it may be possible to incorporate some of the controls identified within the LIR into either the OEMP (including for incorporation into the CEMPs) or side agreement, which is being negotiated with HE, with the remaining items being retained as additional requirements in the draft DCO. If measures are to be included with the OEMP, changes to the existing provisions within the document will be required and the Council awaits the revised OEMP for review (it is understood that this will be submitted into Examination at Deadline 3) prior to finalisation of its position on these matters.

However, in respect of the some of the proposed plans (e.g. the CEMP and the Detailed Archaeological Mitigation Strategy), the Council's current view is that it is likely to be inappropriate for HE to be responsible for approving its own proposals, whereas provided the OEMP / CEMP sets appropriate parameters (the Council hopes the revised OEMP will help to identify the parameters), and as long as there is appropriate consultation with the Council and the product of that consultation is conscientiously taken into account, some plans may be able to be approved by HE whilst others may need to be approved by the relevant planning, highway, drainage etc. authority. The Council is currently in discussions with HE as to the methodology of consultation within this project, the outcome of which (together with the revised OEMP) will assist the Council in reaching a definitive view on these issues.

It is the Council's current understanding that with respect to any requirement which requires details to be submitted to the Secretary of State for approval following consultation with another party, the details submitted must be accompanied by a report setting out the consultation undertaken by HE to inform the details submitted along with HE's response to that consultation, and enclosing a copy of all consultation responses received. This report should also be provided to the relevant consultees. The report should state how the comments have been addressed within the details submitted, or if not incorporated, the reasons why any requests made in consultation responses have not been included within the submitted details. The Council suggests that this is included as an additional requirement within the DCO. However, it is also noted that the timescales for approval / determination by the Secretary of State as set out in Schedule 2 Part 2 of the draft DCO only grant the Secretary of State 10 working days to request further information. The Council is concerned that the times stated may not be sufficient, if the Secretary of State determines that further consultation with the LPA is required. Furthermore, the Council believes that it should be explicitly stated who the report shall be written by and to provide a definition of materially new or materially worse environmental effects.

In respect of the CEMP, it is the Council's current view that this should be approved by the Secretary of State in consultation with the Council. In respects of the DAMS, it is the Council's view that this should be approved by the Council as LPA in consultation with the relevant heritage partners. Given its familiarity with National Planning Policy, the Core Strategy and the WHS Management Plan and traffic issues, the Council as LPA is best placed to balance the competing public interests of transport needs and cultural heritage needs and to provide transparency in the decision-making process. The Council's current view is that these matters should be included as requirements.

As further clarity becomes available on the proposed approach to be adopted on this Scheme, additional requirements, which were not originally identified within the Council's LIR, may be required. Additionally, amendments will be required to the OEMP (not just within the REAC tables) in order to address some of the Council's more generic concerns.

Further comments on the Requirements and OEMP were included within the Council's response to ExA questions DCO.1.67, DCO.1.70, DCO.1.73, DCO.1.74, DCO.1.80, DCO.1.91, DCO.1.93, DCO.1.95, DCO.1.97 and DCO.1.105.

#### **4. Conclusion**

The Council trusts that the information contained above will better assist the ExA in understanding the Council's current position on the draft DCO, including the Requirements, and OEMP in advance of the Issue Specific Hearings.

As the development of these documents will be an iterative process, this response is submitted without prejudice and the Council reserves the right to make further representations on the draft DCO and OEMP.