

**From:** [REDACTED]  
**To:** [A303 Stonehenge](#)  
**Cc:** [REDACTED]  
**Subject:** A303 Stonehenge (TR010025) - Wiltshire Council Deadline 4 Submission  
**Date:** 21 June 2019 22:37:01  
**Attachments:** [REDACTED]

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Dear Sir / Madam,

In accordance with the Rule 8 letter outlining the Examination deadlines for the A303 Amesbury to Berwick Down (Stonehenge) Road Improvement Scheme (TR010025), Wiltshire Council's (A303-AFP022) submission for Deadline 4 is attached.

For clarity, the Council's submission for Deadline 4 includes:

- Covering Letter
- Legal Submission on Byways AMES 11 and 12
- Comments on the Draft DCO (Rev 2)
- Comments on the Updated OEMP
- Comments on the Drainage Reports Submitted at Deadline 3
- Response to Selected Comments Made on the Council's LIR
- Response to Selected Comments Made on Written Representation Comments
- Response to Selected Comments Made on First ExA Question Answers Comments

The Council's written summaries of its oral submissions at the Issue Specific Hearings held between 4<sup>th</sup> and 14<sup>th</sup> June will follow in due course.

Please acknowledge receipt the Council's submission for Deadline 4.

Kind Regards,  
Karen

Karen Jones  
Business Analyst

Please note that I do not work Wednesdays

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21<sup>st</sup> June 2019

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Your ref: TR010025

Our ref: A303-AFP022 Deadline 4 Response to  
ExA 21.06.19

Dear Ms McKay

**Re: A303 Amesbury to Berwick Down (TR010025) – Wiltshire Council Response to  
Deadline 4**

Further to the publication of the Rule 8 letter for the above referenced scheme on 11<sup>th</sup> April 2019, Wiltshire Council's response to Deadline 4 of the Examination is set out below and in the attached.

**Deadline 4 Submission**

The Council submits the following documents into Examination at this deadline:

- Legal Submission on Byways AMES 11 and 12
- Comments on the Draft Development Consent Order (DCO) (Rev 2)
- Comments on the Updated Outline Environmental Management Plan (OEMP)
- Comments on the Drainage Reports Submitted at Deadline 3
- Response to Selected Comments Made on the Council's Local Impact Report (LIR)
- Response to Selected Comments Made on Written Representation Comments
- Response to Selected Comments Made on First ExA Question Answers Comments

These have been included as separate documents to this submission.

The Council has not been in a position to comment on any of the other submissions made at Deadline 3 at this time. Discussions are on-going regarding the development of the Draft Archaeological Mitigation Strategy (DAMS) and further comment will be provided in due course.

Wiltshire Council acknowledges that its submission at Deadline 4 should also have included the written summaries of oral submissions put at the Issue Specific Hearings held between 4<sup>th</sup> and 14<sup>th</sup> June. The Council apologises to the ExA but due to resource constraints and the amount of work required to be undertaken for this Deadline, it has not been possible to produce these in time allocated and provide the other comments and

therefore the Council needed to afford some priority to some documents and not others. The Council will continue to work on this and will hopefully be in a position to submit the balance during week commencing 24<sup>th</sup> June. Wiltshire Council hopes that the ExA will agree to accept these into Examination at that stage.

### **Dates Reserved for Further Issue Specific Hearings and Second Accompanied Site Inspection**

The Council wishes to draw to the ExA's attention that its County Archaeologist will not be available to attend a hearing on either 21<sup>st</sup> or 22<sup>nd</sup> August 2019. Therefore, the Council requests that if a further hearing is required on archaeological or cultural heritage matters or on the Detailed Archaeological Mitigation Strategy, that this be scheduled on either 29<sup>th</sup> or 30<sup>th</sup> August 2019.

### **Additional Plans and Views to Assess Impact on WHS**

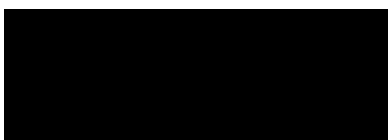
In previous representations, the Council has indicated that plans and views that show where the proposed western cutting can be seen from in relation to the landscape between the Winterbourne Stoke, Normanton Down and Diamond Barrow groups were requested at a meeting with Highways England (HE) on 28<sup>th</sup> March 2019. Whilst indicated in the Council's Statement of Common Ground, the Council wished to make the ExA aware of those plans and views which had been requested but not yet supplied.

It would be especially useful to have view-points shown looking westwards from the Wilsford G1 barrow location and looking north west towards the Winterbourne Stoke Group. It would also be useful to have a view from the most northerly barrow of the Normanton Down Group towards the Winterbourne Stoke Group, as well as a view from the Diamond Group Long Barrows looking north to the Winterbourne Stoke Group.

The aim of this is to enable the Council to better understand the impact of the cutting on people traversing the landscape between these barrow groups or viewing one from another.

I trust that the information above and in the attached fulfils the requirements of Deadline 4, with the exception of the Issue Specific Hearing written summaries which will follow next week. However, if you require any further information at this stage, please do not hesitate to contact me.

Yours sincerely,



Parvis Khansari  
Director  
Highways and Environment

Direct line: 01225 713340

Email: 

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

**Wiltshire Council Legal Submission on  
Byways AMES 11 and 12**

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## Introduction

1. This is Wiltshire Council's response to the ExA's request for legal submissions on the Council's request that the DCO be amended by the inclusion of a prohibition on the use of motorised vehicles (other than motor cycles and invalid carriages) on part of Durrington byway 10, and Amesbury byway 11 (hereafter referred to as AMES11 ) and part of Wilford cum Lake byway 1, Wilford cum Lake byway 2, Berwick St James byway 11, Woodford byway 16 and part of Amesbury byway 12 ((hereafter referred to as AMES12) .
2. In particular, the ExA has requested submissions on the extent to which it is possible to amend the DCO in the way Wiltshire has requested, and the procedural steps which would be necessary if such an amendment is to be considered.
3. This response focuses on these issues. It does not address the underlying merits of the Council's proposed amendment: those submissions will follow if the ExA concludes that it is appropriate for the proposed amendment to be considered. Accordingly, this response is structured as follows:
  - a. Background: the problem, and Wiltshire Council's attempts to highlight it throughout the DCO process thus far.
  - b. Wiltshire Council's solution: the proposed amendment.
  - c. Whether, as a matter of principle, the solution is one which could lawfully be included in a DCO.
  - d. If the answer to c above is "yes", whether it is now possible to amend the DCO to incorporate Wiltshire's proposed solution.
  - e. Reasons why the problem should be solved through this DCO, rather than through Wiltshire Council's own powers.
  - f. Whether there is any other "knock-out" blow to the Council's proposal: Article 9 and Article 14 ECHR.
  - g. The procedural steps which are necessary to enable the ExA to consider the amendment.

**Background: The problem, and Wiltshire Council's attempts to highlight it throughout the DCO process**

4. Throughout the evolution of this DCO, Wiltshire Council has been concerned about the potential impact on the use of Byways AMES 11 and 12. In particular, the Council considers that the proposed downgrading of the old A303, and the consequent loss of the “free view of the stones” from passing vehicles, will result in a significant increase in the use of AMES11 and 12.
5. In brief, the Council considers this would be detrimental because:
  - a. It will increase the risk of conflict between vehicles and pedestrians, equestrians and cyclists and disabled people using those PROWs.
  - b. It is likely to increase the slight adverse harm identified by HE in their ES by vehicles remaining on these byways.
  - c. That increased use will significantly increase the wear and tear on the byways, causing the surface to become unsuitable for pedestrians, equestrians, cyclists and disabled users.
  - d. It is likely to be accompanied by increased illegal parking and camping on the verges of the byways, which will affect the condition of the byways and have an adverse impact on the visual amenity of the WHS in the vicinity of the stones as well as increasing the risk of conflict between vehicles and pedestrians, equestrians, cyclists and disabled users of those PROWs.
  - e. In the case of AMES 11, these problems are exacerbated by the fact that, in the absence of a link to AMES12, it will become a cul-de sac, with the results that:
    - i. there will be a need for an engineered turning circle at the northern end of the Byway;
    - ii. every vehicle using AMES11 will have to turn around, thus doubling the wear and tear and increasing the scope for conflict between users;
    - iii. there will be increased parking at the end of the Byway (possibly in the turning circle) as people stop to get out and view the stones.
6. The Council has no independent power to require the DCO to be amended to reflect these issues. However, these concerns have been raised consistently throughout the DCO process: see Appendix A attached.



7. Wiltshire Council set out its concerns in this way in the hope that Highways England would engage with them, and the expectation that, if agreement could not be reached with Highways England, then the issue would be addressed by the ExA.
8. It is now clear that Highways England does not wish to amend the DCO to address Wiltshire Council's concerns. Having complied with the statutory procedures, and flagged the issue from an early stage, Wiltshire Council therefore has no other recourse than to ask the ExA to recommend the changes which it believes are needed. In this regard, the Council is in precisely the same position as any other party with an unresolved objection or representation. In the Council's submission, it would be extraordinary if (as Highways England appear to suggest should happen) it was prevented from arguing that point, simply because the solution requires an amendment to the DCO which Highways England is not willing to make.

### **Wiltshire Council's Proposed Solution**

9. Wiltshire Council considers that the optimal<sup>1</sup> solution is to prohibit the use of AMES11 and 12 by motorised vehicles other than motor cycles and invalid carriages. This would:
  - a. reduce wear and tear by the vehicles which do most damage to the byways;
  - b. in so doing, enable the Council to maintain the byway in a condition which was suitable for other users;
  - c. eliminate the scope for conflicts between 4-wheeled vehicles and other users;
  - d. remove the problem of parking and camping on the byways and vehicle movements close to the stones, and so enhance the setting of the WHS.
10. The Council does not consider it is necessary for this prohibition to extend to motor cycles, for the following reasons:
  - a. it does not consider that motorcycles are a significant cause of the damage to the byways which it has experienced to date;

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<sup>1</sup> The ExA will note the consideration of other potential solutions in the Council's April 2018 response to Statutory Consultation.

- b. it does not consider that motorcycles give rise to the same problems in terms of conflict with other users;
  - c. it does not consider motorcycle riders pose the same problems for the World Heritage Site, either in terms of numbers or problems associated with parking and camping;
  - d. the Council wishes to retain the use of the Byways by horse-drawn carriage. It is not possible to provide a gating system which would allow this, while at the same time physically preventing motorcycles from accessing the Byways. Any prohibition of motorcycles would therefore be harder to enforce.
11. The Council notes the submission of the Trail Riders' Fellowship that the use of the A303 between Byway 11 and 12 should remain open to motorcycles. The Council would not oppose this, if the ExA considered it appropriate. However, whilst the Council recognises the sense of not turning AMES11 into a cul-de-sac for motorcyclists, it does not consider this amendment is necessary in order to address the concerns outline in para 5 above. Consequently, the Council does not itself propose any changes to the DCO in relation to the classes of vehicle that can use the A303 between AMES11 and 12. It suggests that the latter issue should be addressed as part of the ExA's consideration of the Trail Riders' representation.
12. The Council considers that its proposal is a holistic solution which balances the interests of all parties. It allows access to the stones via the byways and will make the access safer and more usable by pedestrians, equestrians, cyclists and disabled users. It does not prevent the right to worship at the stones and will enhance the peace and tranquillity of the area which the Druids and others value. It will enhance the setting of the WHS for all. As well as resolving a problem, it would be a fitting legacy benefit for the scheme.
13. The precise changes to the DCO that would be needed are an amendment to Article 10 and the addition of a new Part 5 to Schedule 3 as set out in Appendix B attached:

**Is this solution one which is, in principle, capable of being included in a DCO?**

14. In previous discussions with HE, one of the reasons which HE has advanced for not including Wiltshire Council's proposal in the DCO was that, because the restriction was not "associated development", there was no power to do so.
15. In Wiltshire Council's submission, the reference to "associated development" (which flows from section 115 of the 2008 Act) is a red herring. The suggested prohibition

does not need to be “associated development” before it can be included in a DCO, because section 120 of the 2008 Act expressly confers the power for a DCO to provide for a wide range of other matters which are not “development”, and therefore cannot be “associated development”, but may nevertheless be included in a DCO. Those other matters include orders restricting the class of user on a public highway: see Schedule 5.

16. It is therefore clear that, although not described in Schedule 5 as a “Traffic Regulation Order” a DCO can include provisions which have essentially the same effect as a TRO. Indeed, Highways England is proposing similar restrictions on other parts of the highway network.
17. Under section 120(3), the only restriction on the power to include such a provision is that it must be “relating” or “ancillary” to the development for which consent is granted.

On this issue, Wiltshire Council is aware that the HE does not consider there is the necessary connection between their DCO, and the restriction of user rights on AMES11 and 12.

Wiltshire Council’s position on that matter is summarised in its Written Representation. As will be clear from that, this is a matter of evidence, rather than law. It is something which the Council recognises would need to be tested in any hearing session on Wiltshire’s proposals, but it is not a reason for concluding, at this stage, that the amendment cannot be made, or still less that Wiltshire should be denied the opportunity to explain why it should be made.

18. In conclusion, a restriction on the use of Ames11 and 12 by motorised vehicles is clearly a matter which could, in principle, be included in the DCO.

#### **Whether it is now possible to amend the DCO to incorporate Wiltshire’s proposed solution**

19. As noted above, Wiltshire’s concerns about the impact of the scheme on AMES11 and 12 are a matter which the Council has flagged up with Highway England from an early stage in the process, in the hope that Highways England could be persuaded to make the necessary changes to the DCO. Indeed, up to this point, this has been the only avenue open to the Council to seek to bring about the change. However, it is now clear that Highways England is unlikely to consent. Accordingly, it is necessary to address the extent of the Secretary of State’s powers to make changes to the DCO, notwithstanding Highways England’s position.
20. In this regard, there are three separate issues which need to be addressed, namely:

- a. whether there is any substantive limit on the Secretary of State's jurisdiction which prevents him from taking this course;
- b. whether it matters that the suggested changes are not proposed or supported by Highways England;
- c. assuming there is no substantive reason why the Secretary of State cannot amend the DCO, whether making such a change gives rise to procedural issues – and if so, whether these can be resolved.

### ***Substantive Limits***

21. Under section 114(1) of the 2008 Act, the Secretary of State is authorised to “make an order granting development consent”, or to refuse development consent.
22. It will be noted that the word used in section 114(1) is “an” order: it does not have to be the order requested by the applicant. Indeed, section 114(2) authorises the Secretary of State to make regulations regulating the procedure to be followed if (s)he proposes to make an order granting development consent on terms which are materially different from those proposed in the application. It is thus clear that the statutory power includes the power to make a DCO even though it is materially different.
23. These conclusions are supported by the letter, dated 28 November 2011, from Mr Bob Neill MP (“the 2011 Letter”) which refers to the Government's view that (emphasis added):

“section 114(1) clearly places the responsibility for making a development consent order on the decision-maker and does not limit the terms in which it can be made. It follows from this that the decision-maker has the power under section 114(1) to make a development order which is different from that originally applied for, and that no regulations are needed under section 114(2) to do so.”
24. In this regard, the 2011 Letter indicates that the only substantive limit on the scope of changes which may be considered is that:

“where the Examining Authority determines that proposed changes to an application post submission are such that they effectively constitute a new application, they should not be accepted. Any decision on materiality, including the point at which the materiality of proposed changes reaches this threshold, is for the Examining Authority to make.”

25. In the present case, whatever conclusion the ExA comes to on the question of the materiality of Wiltshire Council's suggested amendments (as to which, see below). Wiltshire Council submits that they could not possibly be regarded as so far-reaching that they "effectively constitute a new application".
26. Outside those cases where the change reaches this threshold, the 2011 Letter indicates that:
- "if the Examining Authority decides to consider material changes to an application as part of the examination, the Examining Authority will need to act reasonably and in accordance with the principles of natural justice. In particular the principles from the **Wheatcroft** case must be fully addressed, which essentially require that anyone affected by amended proposals must have a fair opportunity to have their views heard and properly taken into account regarding them."
27. It is clear from this that (as Mr Taylor QC, on behalf of Highways England, agreed at the Issue Specific hearing on 13 June) whilst the materiality of a change may have a bearing on the procedures that need to be adopted before it can be considered, materiality itself is not a reason for refusing to consider a proposed change.
28. Wiltshire Council recognises that, apart from very close to the existing A303, the proposed amendments would affect lengths of the AMES 11 and 12 which fall outside the red line for the scheme as presented by HE. However, unlike the land which is proposed to be the subject of compulsory purchase, there is no statutory prohibition on an amendment of the red line to include land which was not previously included. Further, no "development" would be needed on the byways in consequence of the amendment. Subject to satisfying the **Wheatcroft** principles, the Council submits that the Secretary of State does have the power to make such an amendment.

***Does it matter that the change is not proposed or supported by Highways England?***

29. Wiltshire Council notes the advice in CLG's 2015 Guidance for the Examination of Applications for Development Consent ("the 2015 Guidance") that:
- "It is important for all parties to remember that it is for the applicant to decide whether or not to propose a change to a proposal during the examination. Other parties can highlight those areas where they think a proposal should be changed during their discussion with the applicant in the pre-application period and also in their written representations."

30. As a simple statement of fact, it is obviously correct that third parties cannot unilaterally impose changes on DCO. However, the 2015 Guidance cannot sensibly mean that the ExA cannot consider or recommend changes which have not been agreed by the applicant:
- a. Such a conclusion would fly in the face of the fact that (as the 2011 Letter recognises) section 114 entitles the Secretary of State to make a DCO which is materially different to the order applied for. The guidance cannot override the clear words of the legislation.
  - b. The contrary conclusion would effectively give an applicant the power to veto any change, simply by refusing to incorporate it. Of course, in so doing, that applicant would run the risk that the ExA might recommend refusal. However, where the ExA considers that it would be in the public interest for a DCO to be amended in ways which do not fundamentally alter or threaten the applicant's overall objectives, it would be absurd if the 2015 Guidance was applied in such a way as to require an "all or nothing" outcome under which, because the applicant was unwilling to agree changes (however modest), the ExA was forced to choose between recommending a less than perfect DCO, and recommending refusal. Such an outcome would patently not be in the public interest.
  - c. In any event, the decision whether to amend the Order is one which ultimately lies with the Secretary of State. The ExA cannot prejudge that decision: its task is simply to make recommendations. It can only make meaningful recommendations, which leave all relevant options open to the Secretary of State's decision, if it has first heard the substantive arguments relating to the proposed amendment.
31. Wiltshire Council also notes that the amendment which it is promoting is not one which would make any material change to the built elements of the scheme or make the DCO any more onerous for Highways England. There is no alteration to the land, there is no additional cost to the applicant, and the Highway Authority which holds the land for highway purposes is in agreement with the proposal.
32. In the circumstances, there is no substantive legal reason why, if (s)he were to agree with Wiltshire Council, the Secretary of State could not decide to amend the DCO in the manner which the Council suggests.

***Procedural Limits***

33. Concerns about the procedural limits on the Secretary of State’s powers only arise if the proposed change is “material”. However, this is an area where it is sensible to err on the side of caution, and (given the strength of feeling which has been expressed) for present purposes, Wiltshire Council accepts that the changes it seeks may be considered by the ExA to be “material”.
34. It follows from this, and from the 2011 Letter, that the principal question which the ExA needs to consider is whether a decision by the Secretary of State to amend the DCO would accord with the ***Wheatcroft*** principles, and in particular the need to ensure that anyone affected by the amendment has a fair opportunity to have their views heard and properly taken into account.
35. In that regard, Wiltshire Council draws attention to the fact that both the 2011 Letter and the 2015 Guidance specifically refer to the powers available to the ExA (including the power to make changes to the examination timetable “to allow for representations to be made regarding such amendments”) in order to ensure that the ***Wheatcroft*** principles are not offended.
36. In the present case, Wiltshire Council’s concerns about the DCO have been a matter of record for some time, as has its suggestion that the DCO should be amended. It is clear from the representations made at the Issue Specific Hearing on 12 June that interested parties are fully aware of what is proposed, and that they have already begun to set out their reasons for opposing the proposed amendment. Had the Issue Specific Hearing on 13 June not run out of time, there is no doubt that they would have added to those reasons.
37. Against that backdrop, Wiltshire Council’s position (if this were necessary) would be that (subject to completing the “unfinished business” of 13 June) the amendment is already before the Examination in a form which enables the public participation required by ***Wheatcroft*** and the principles of natural justice.
38. However, in circumstances where discussion on 13 June was cut short and where – if it is to be resumed – this is now unlikely to be before the “overflow” sessions scheduled for the end of August (and could, if necessary, be still later without jeopardising the ExA’s overall ability to complete the examination by October 2019), it is not necessary to go that far.
39. Subject to what is said below about the precise steps which need to be taken, there is sufficient time to ensure that the proposed amendments are publicised and consulted upon, with discussion of those consultation responses at a further hearing

session, so as to place beyond doubt the question whether interested parties have had a fair opportunity to have their views heard and properly taken into account.

40. Not only would this ensure fairness to others, but it would also be fair to Wiltshire Council. As was observed by Paul Brown QC on behalf of Wiltshire at the Issue Specific hearing on 13 June, the Council's concerns about AMES11 and 12 were due to be heard on that day, but – due to the shortage of time available - were not. Consequently, Wiltshire has yet to be heard on this issue, which is its single largest remaining concern about the DCO. It would be fundamentally unfair if the Council were now to be deprived of that opportunity because, for reasons entirely beyond its control, the hearing session on 13 June overran.
41. In summary, the need to ensure that the *Wheatcroft* principles are satisfied is a matter which can be addressed within the Examination procedure and timetable. The 2011 letter specifically identifies powers which are available to the ExA to facilitate this. The Council has done everything within its power to raise the issue through the normal statutory procedures. It would be fundamentally unfair if it was now deprived of any opportunity to put its case in this regard, especially when it is possible to arrange this in a manner which safeguards the procedural rights of others.

**Reasons why the problem should be solved through this DCO, rather than through Wiltshire Council's own powers**

42. Wiltshire Council is aware that one of the arguments that has been raised against its representations that the DCO should restrict the use of AMES11 and 12 is that the Council has its own powers to promote a Traffic Regulation Order (TRO) which – it is said – should be used instead.
43. The Council's primary response to this is that, if the ExA is satisfied that the downgrading of the old A303 which forms part of this DCO is likely to have an adverse effect on AMES11 and 12, it is entirely appropriate to look to the DCO to mitigate those consequences, in precisely the same way that the DCO is expected to mitigate any other impact.
44. The Council, as a unitary authority, when considering HE's application had to balance a number of competing interests in coming to its conclusions including maintenance of the integrity of the planning regime applicable in the area, maintenance, as far as possible, of landowners rights to be free from unnecessary interference of their land, preservation of cultural heritage, and the rights of competing members of the public



to pass and repass over highways in safety and the rights of the public and specific groups to enjoy the tranquil setting of the site .

45. The Council recognises that for control of existing issues on the byway its highway powers are the appropriate vehicle for resolution. However, in this case the concerns that the Council has identified relate to the increase in vehicular movements that are likely to be generated by the public's wish to obtain a free view of the stones due to the removal of the A303 and therefore is ancillary to the scheme itself.
46. The Council supports the overall scheme and believes that it will bring significant benefits but also believes that with minor modification to the scheme (as proposed by HE) there will be lasting legacy benefits for both residents of Wiltshire and the wider population (both national and international) by a reduction in potential conflict by the diverse users who wish to enjoy the special environment of this world heritage site.
47. Further, in the Council's submission it is far more appropriate that this issue is addressed in the course of this DCO, not least because the DCO incorporates a range of measures relating to the wider PROW network, including the creation of new rights of way and because one of the objectives of the DCO is to enhance the setting of the WHS. In deciding whether the restriction of rights on AMES11 and 12 is justified, the ExA can take into account all the wider benefits of the scheme, including the benefit to the WHS. That is not an analysis or balancing exercise which would be open to the Council on a subsequent TRO, not least because all the benefits of the DCO would already have been secured.
48. Finally, if matters are not dealt with in this way, it is likely to be some years before Wiltshire is able to address the problem: it will be almost impossible to do anything until the scheme has been completed, and even then, the Council will need to monitor the situation for a period of time before there would be an adequate evidence base.
49. Consequently, if the ExA is satisfied that the DCO is likely to have an adverse impact on AMES11 and 12, the Council submits that this is the forum in which that should be resolved.

**Is there any other “knock-out” blow to the Council’s proposal? Article 9 and Article 14 ECHR.**

50. The Council recognises that there would be little point in the ExA considering its proposed amendment to the draft DCO if there was some other, “knock out” reason

why, as a matter of law, that amendment could not be included. In that regard, the Council notes Mr Pendragon's argument that restricting vehicular traffic on AMES11 and 12 would be a breach of his (and others') rights under Articles 9 and 14 ECHR.

51. In the Council's submission, these arguments are better addressed as part of the substantive arguments for and against the restriction of rights over AMES11 and 12. However, in the Council's submission, there is no merit in Mr Pendragon's objection.

52. Article 9 ECHR states that:

"Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."

53. Mr Pendragon has referred to the case which he took to the European Court of Human Rights in 1995. That concerned a ban which prevented "all trespassory assemblies" from coming within a four-mile radius of Stonehenge. Although the Court acknowledged the religious nature of Mr Pendragon's intentions, it stated that "the Commission has held on a number of occasions, public order concerns may justify a prohibition in a given case" and cited previous disorder at Stonehenge during summer solstice. As for violation of Article 14 prohibiting discrimination, the court found that the order "cannot be said to have had a disproportionate effect on Druids as opposed to other groups who wanted to observe the summer solstice due to different beliefs or purely secular reasons." Accordingly, Mr Pendragon's complaint failed.

54. This outcome was not dissimilar to that in the earlier case of *Chappell v. United Kingdom*, which concerned a ban, announced in 1985, on all members of the public from gaining access to Stonehenge. However, even here, although the ECHR commission recognized Druidism as a religion, and agreed that closing Stonehenge infringed upon the rights embodied in Article 9 of the Convention, the court found that English Heritage's duty to protect and maintain order at the site justified the violation, citing Article 9's second clause that freedom of religion may be limited in the name of safety, order, and the rights of others. The complaint was therefore declared inadmissible.

55. Consequently, even if Wiltshire Council's proposals would prevent access to the stones, it is clear that this would not necessarily be fatal to the proposed amendment, since the ExA would need to consider whether that restriction was prescribed by law and necessary. However, in so far as Wiltshire's proposals would only restrict vehicular traffic on AMES11 and 12, they are materially different to

either of the Strasbourg cases to which Mr Pendragon refers. The short answer to Mr Pendragon's argument is that prohibiting vehicular traffic on AMES11 and 12 does not in any way prevent him from visiting the stones or from exercising his right to manifest his religion or beliefs.

56. In this regard, Wiltshire refers to the Report of the Inspector who considered the 2011 Prohibition of Driving Order on the A344 from Airmans Corner to AMES12 and on AMES11 and 12. Although he recommended that the order be made so as to apply to the A344 only, the Inspector squarely rejected the argument that there was any infringement of Article 9 in the following terms:

"7.51 The Council of British Druid Orders ... claim that making the TRO would thus violate rights under articles 9, 10, 11 and 14 of the Human Rights Act 1998... These and other objectors suggest that the TRO would prevent Druids and Pagans from assembling on the Byways and attending and participating in ceremonies at Stonehenge, particularly at solstices and equinoxes.

7.52 I fully appreciate the importance of those rights in themselves, and in particular for those for whom Stonehenge has religious or spiritual significance. But I have seen nothing to suggest that the proposed TRO ... would infringe the rights. The Order would not in any way curtail the freedom of thought, conscience or religion or the freedom to manifest it in community in public at Stonehenge (Art 9). It would not limit freedom of expression and to receive and impart ideas and information (Art 10). There would remain freedom to assemble peacefully and associate with others on the Byways (Art. 11).

7.53 The only restriction that the TRO itself would place on those attending ceremonies at Stonehenge is that it would preclude the current practice of driving to and parking on the Byways close to Stonehenge. I fully recognise that it is convenient for some participants, particularly those playing leading roles in the ceremonies, to park close by. However, I have seen nothing to indicate that it is an intrinsic and essential part of the ancient beliefs and practices of those participating in the ceremonies.

7.54 Nor, while this is a point of law, does it seem to me that participants have established a right to park on the present BOAT12 ... In any event, I have seen nothing to demonstrate that it would be impossible to exercise the rights afforded by Articles 9, 10 and 11 without parking nearby. Nor can I find anything in the Act to indicate that provision of convenient parking is embodied in the rights in question. Moreover, in the absence of an existing right to park on the BOATs, this could be prevented, irrespective of whether the TRO was made.

7.55 ... I have seen nothing to lead me to the view that the making of the TRO would be discriminatory on grounds such as religion or other opinion. It would apply to all, irrespective of such factors, and would not remove any rights particular to those holding religious beliefs or opinions. Accordingly, there would be no violation of the rights under Article 14 of the Act.”

57. In the Council’s submission, those observations remain true today, and are a complete answer to this issue. At the very least, they indicate that Mr Pendragon’s argument is not a “knock-out blow” which should preclude consideration of the Council’s proposed amendments.

**The procedural steps which would be necessary to enable the ExA to consider the amendment**

58. As noted above, Wiltshire Council invites the ExA to approach this matter on the basis that its proposals may amount to a material change, and that, in order to ensure that the *Wheatcroft* principles are satisfied, it would be safest if the proposed amendments were formally advertised, with sufficient time allowed for interested parties to consider the proposals and respond in writing to the ExA, before any further hearing session.
59. In considering what would be an appropriate timescale for consultation, Wiltshire notes as follows:
- a. if the Council were to promote the amendment as a TRO under its own statutory powers, the statutory public consultation period under paragraph 8(1) of the Local Authorities’ Traffic Orders (Procedure)(England and Wales) Regulations 1996 would be 21 days.
  - b. The supplementary consultation Highways England undertook in relation to changes made to its proposals took place between 17 July 2018 and 14 August 2018 (28 days).
  - c. even in circumstances where the ExA or the Secretary of State considers that the environmental information submitted with a DCO is inadequate, the consultation period required (following advertisement) is 28 days.
60. In the circumstances, Wiltshire submits that a consultation period of 21 days from the date of advertisement is sufficient, but that on any analysis consultation need not exceed 28 days.

61. Highways England has suggested that it might be necessary to amend the Environmental Statement. In the Council's submission, it would not.
- a. The making of a TRO to restrict a byway would not include a formal environmental statement.
  - b. When the TROs associated with the new Visitor Centre (which included not only the restriction of vehicular traffic on AMES11 and 12, but also the old A344 from Airman's Corner to AMES 12) were proposed in 2010/11, those proposals were not the subject of EIA, and at no stage in the process did anyone suggest they should have been.
  - c. The removal of vehicular traffic from AMES 11 and 12 will have no adverse effect on the byways themselves, and can only benefit the landscape in the vicinity of the WHS.
  - d. The current proposal to close the existing A303 without a link connecting the byways has generated submissions from affected landowners and users of the byways whereby the Panel is already seized of the environmental issues and the Council's proposal has been submitted from the outset in anticipation of these conflicting interests.
  - e. HE, in its environmental statement, has already identified the core issues as set out in Appendix C attached.
  - f. Traffic counts carried out in June 2018 (the results of which are reported in Appendix C3 to the Council's Written Representations) indicate that:
    - i. At traffic count location Site 22 (WFOR16 at Druid's Lodge/A360) daily vehicular movements (cars and motorcycles) ranged between 1 to 19. This is consistent with occasional or recreational use to be expected for a byway in a rural location, such as use by off road vehicles (members of Trail Riders or the Green Lanes Association).
    - ii. Daily traffic movements counts for AMES 11 at traffic count location Site 10 range between 4 and 60 vehicles. Recreational traffic using AMES11 would be expected to travel the entire route (to Druids Lodge or to Wilsford cum Lake). Given the comparison with the count at Site 22, the numbers recorded at Site 10 are considered to include a significant proportion of vehicles travelling west along the A303 and pulling into AMES 11 to park and view the Stones.

- iii. The highest daily traffic movement is on AMES 12 at traffic count location sites 9 and 11 at the closest location to the Stones where daily traffic numbers range between 117 and 264, which is considered to be use similar to a rural unclassified road. This use is considered to be a combination of recreational traffic, some local (including MOD) traffic, visitors both local and over-seas (including those intending to park and camp and perhaps avoid the queues or paying for tickets to see the Stones) and the comings and goings of the group who may (incorrectly) consider themselves permanent residents of AMES 12.
- iv. These figures do show increased use of Ames 11 & 12 because of their location close to the Stonehenge monument, which the Council is concerned will only increase with the closure of the existing A303. However, the numbers shown to be using the byways are not significant in respect of existing use which would justify the need for an Environmental statement.
- g. As the Council's proposed modification still provides public access to the World Heritage Site and is only proposing restricting 4 wheel motorised vehicular access it is respectfully submitted that there is negligible negative environmental impact resulting from the proposal. Although we consider there would be a positive impact, we do not consider this would materially change the conclusion that has been identified in HE's existing Environment Statement.
- h. To the extent that existing movements on AMES11 and AMES12 are attributable to drivers wishing to drive to or stop at a place with a view of the stones, the principal way in which there could be a likely significant environmental effect would be if the result of prohibiting vehicular traffic on the byways the displacement of those vehicles to some other route which afforded a similar view. However, there is no other BOAT or highway within the area from which such a view is possible. Consequently, there is no other single route or collection of routes in the area to which these vehicles would be displaced. Dispersed on the wider highway network, their impact will be negligible.
- i. The current parking on the byways observed by HE and recorded in their Environmental statement is illegal parking. Having regard to the current existing use by motorised 4 wheel vehicles and the parking provision already provided in the area in times of high demand (solstices and equinoxes) any issues of parking by members of the public who wish to park and access the

byways to view the stones should be monitored and if a parking issue starts to occur could and appropriately should be dealt with under the Council's existing Highway Powers as opposed to as part of this scheme.

62. However, if (contrary to the above) the ExA considers that it would be necessary to update the environmental information, it is requested to indicate this.
63. As to the parties who would need to be notified, the Council suggests that the statutory requirements for making a TRO the Road Traffic Regulation Act 1984 ('the 1984 Act') and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ('the 1996 Regulations') forms a sensible starting point.
64. If the amendment were being promoted by the Council as a TRO under its own powers, it would consult with the Freight Transport Association, The Road Haulage Association and such other organisations (if any) representing persons likely to be affected by any provision in the order as the order making authority thinks it is appropriate to consult (regulation 6 of the 1996 Regulations) and the chief officer of the Police for the Police area in which the road is situated (Paragraph 20 of Schedule 9 of the 1984 Act) and must undertake a statutory public consultation for a period of 21 days (paragraph 8 (1) of the 1996 Regulations).
65. In addition the Council would be required to publish a notice of its intention to make the order in the local Newspaper and if considered necessary to display the notice in roads or other places affected by the order (paragraph 7 (1) and Schedule 2 of the 1996 Regulations) and send a copy of the notice to those that it was required to pre-consult with (paragraph 7 (2) of the 1996 Regulations) and deposit the relevant documents for 6 weeks at an office of the Council during working hours (paragraph 7 (3) and schedule 2 of the 1996 Regulations).
66. Any person may object to the making of the order by the date specified in the notice of proposals or, if later, the end of the period of 21 days beginning with the date on which compliance with paragraph 7(1) to 7 (3) have been complied with (paragraph 8 of the 1996 Regulations).
67. The Council considers that similar consultation should be undertaken in this case. In addition, it suggests that it should also consult existing known participants in this DCO who have expressed views on AMES 11 and/or 12. Having heard representations from other parties, the ExA may wish to add to this list.
68. It is proposed that the consultation documentation would include a covering document which sets out the background to the proposal by the Council to seek an

order amending the draft DCO including an explanation in plain English as to what is proposed, the proposed amendments set out in Appendix B with amended plans which show the areas proposed to be restricted, a Notice conforming to the requirements of paragraph 7 and Schedules 1 & 2 of the Regulations. Drafts of these documents are annexed as Appendix D.

### **Conclusions**

69. For all these reasons, the Council believes it is both possible and desirable that the DCO is amended in the way it has indicated. The ExA is therefore requested to make the procedural orders which it considers necessary to enable the proposal to be considered at a further hearing session.



# Appendices

## Appendix A

### Chronology of Wiltshire Council's raising of concerns throughout the DCO process

- a. Non-statutory Consultation response paragraph 49 page 7, paragraph 51 page 8 and paragraphs 77. 4 and 77. 5 on page 13.
- b. April 2018 Response to Statutory Consultation, paras 89-101 and p. 24
- c. August 2018 Response to Supplementary Consultation paras 5-9
- d. Wiltshire Council Written Representation paras 171-194
- e. 11 January 2019 Wiltshire Council Relevant Representation paragraph 29 page 5, paragraph 123 page 19, and paragraph 135 page 21
- f. 18 April 2019 Wiltshire Council Local Impact Report (Deadline 1) pages 42, 47, 52, 53, 54, 112. At page 52 the Council stated: *"The creation of the new restricted byways throughout the WHS will enable the least restrictive access for the widest range of non-motorised users. This accords with the requirements of the Equality Act 2010 and the council's overriding duty to assert and protect the use and enjoyment of the public rights of way by the public"*
- g. 03 May 2019 Wiltshire Council Written Representation (Deadline 2) paragraph 31, page 6 para 171, 172, 173, 174 page 38, 39, 40, 41, 42
- h. 03 May 2019 Wiltshire Council response to first round of ExA Written Questions (Deadline 2) pages 5, 20, 35, 38, 39, 40, 149, 151, 156, 174, 176, 177
- i. 31 May 2019 Wiltshire Council response to Written Representations (Deadline 3) pages 3, 4, 6, 9, 10, 11, 12, 13
- j. 31 May 2019 Wiltshire Council Comments on ExA Question Responses (Deadline 3) pages 4, 6, 9
- k. 31 May 2019 Wiltshire Council Comments on Updated DCO (Deadline 3) pages 4-5

## Appendix B

### Proposed amendments by Wiltshire Council to Draft DCO

#### Amendment of Article 10 (1) as follows

*Subject to the provisions of this article, the undertaker may, in connection with the construction of the authorised development, stop up each of the streets, the public vehicular rights and private means of access shown on the rights of way and access plans and specified in columns (1) and (2) of Parts 1, 2, 3, 4 and 5 of Schedule 3 (permanent stopping up of highways and public vehicular rights and private means of access and provision of new highways and private means of access) to the extent specified and described in column (3) of those Parts of that Schedule.*

#### Add new subparagraphs within Article 10 as follows

*Where a motor vehicular means of access shown on the rights of way and access plans and specified in columns (1) and (2) of Part 5 of Schedule 3 has been stopped up under this article;*

*(a) All public motor vehicular rights of way over or along the right of way so stopped up are extinguished*

*(b) Nothing in this paragraph applies to;*

*(i) motorcycles*

*(ii) agricultural vehicles being used in connection the maintenance of land or associated agricultural purposes*

*(iii) motor vehicles being used by landowners or tenants or their visitors*

*(iv) motor vehicles being used for the maintenance, improvement or reconstruction of the road including the verge*

*(iv) motor vehicles being used for laying erection, alteration or repair on or in land adjacent to the road or the verge of 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;*

v) a motor vehicle in the service of a local authority, a strategic highways company or a statutory undertaker in pursuance of statutory powers or duties;

(viii) motor vehicles being utilised for fire brigade, ambulance or police purposes.

(ix) Invalid Carriages

And

Any person who uses a motor vehicle or causes or permits a vehicle to be used in contravention of paragraph (???) shall be guilty of any offence.

Add clause to be inserted at the top of schedule 3 as follows: -

Public vehicular rights to be stopped up, as described in column 2 of Part 5 of this schedule are shown by **black hatching** (as shown in the key on the rights of way and access plans) over the extent of stopping up described in column 3 of Part 5 and are given a reference label (a number in a circle).

Add new Part 5 to Schedule 3

### Part 5

#### PERMANENT STOPPING UP OF PUBLIC VEHICULAR RIGHTS FOR PUBLIC RIGHTS OF WAY

(1) Area	(2) Vehicular Rights to be Stopped Up	(3) Extent of Stopping Up Restriction
Parish of Durrington	Byway open to all traffic DURR 10 (part)	For a length of 553 metres from its junction with Fargo Road to its junction with AMES12 and C506
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
Parish of Amesbury (cont'd)	Byway open to all traffic AMES 12 (part)	As shown on sheet 7 of the rights of way and access plans
		For a length of 907 metres from its junction with DURR 10 crossing the C506 over to its junction with A303
		As shown on sheet 6 of the rights of way

(1) Area	(2) Vehicular Rights to be Stopped Up	(3) Extent of Stopping Up Restriction
		and access plans
	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  As shown on sheet 6 of the rights of way and access plans
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 BSJA 11  As shown on sheet 6 of the rights of way and access plans
	Byway open to all traffic WCLA 2	For its entire length of 3,080 metres from its junction with AMES 11 to its junction with Footpath WLCA 3 at Springbottom Farm, Wilsford cum Lake and continuing to its junction with Public Footpath WCLA7 as shown on sheet 6 and 7 of the rights of way and access plans
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  As shown on sheet 15 of the rights of way and access plans
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  As shown on sheet 15 of the rights of way and access plans

## Appendix C

### **Areas where Wiltshire Council considers that Highways England has already identified the core issues relating to Byways Ames 11 and 12 within its Environment Statement**

#### **Chapter 6 Cultural Heritage**

Paragraph 6.6.99 Byways - AMES 11 and 12, both byways open to all traffic (BOAT), pass through the Normanton Down barrow cemetery; vehicular use of the byways has an adverse impact on the setting of the monuments within the cemetery and in some cases directly impacts the fabric of the monuments.

Paragraph 6.6.101 Byway AMES 12 passes within 250m of the Stonehenge monument to the west and the presence of vehicles parking on the BOAT adversely affects the setting of the monument. Extract from table 6.9: Design changes to the Scheme in response to cultural heritage concerns, page 6-54.

Issue identified - Adverse impact of vehicles on the new link between Byways AMES11 and AMES12 on the adjacent Normanton Down Barrow Group and on the tranquillity of the WHS at this location.

Response to issue identified - Removal of the previously proposed link between Byways 11 and 12 in the Stonehenge WHS. This contributes to the Scheme objective to remove the sight and sound of traffic from much of the WHS landscape, a key aspiration of the WHS Management Plan

#### **Chapter 7 Landscape and visual**

Paragraph 7.6.61 The WHS is crossed by byway AMES12, which extends between Durrington and Normanton Down, but it is severed by the existing A303. From Normanton Down the byway continues to the A360 via byways WCLA1, BSJA11 and WFOR16.

Paragraph 7.6.62 Byway AMES11, which is in part parallel to byway AMES12, extends southwards from the existing A303 and opposite the Stones, to Normanton Down, where the route becomes byway WCLA2. During the field work it was observed that vehicles were parked on byway AMES12.

Paragraph 7.6.64 There is also permissive open access land to the south of the existing A303, between the existing road and byway AMES11. The existing A303 therefore severs the existing permissive open access land within the WHS.

Paragraph 7.6.82 From within the WHS, the tranquillity also varies, increasing further from the Stonehenge Visitor Centre and existing A303, the latter of which is evidently highly visible and audible from close range locations including the Stones, King Barrow Ridge and Byways AMES 11 and

AMES 12. From within the central part of the WHS the Stones are visible from permissive open access land and Byways AMES 11 and AMES 12 (RV 18, RV 19, RV 20, Figure 7.31, Figure 7.32 and Figure 7.33). The Stones are seen in the context of vehicles on the existing A303 on AMES 12 which substantially detract from the scenic quality of the view and the perception of the Stones within an open landscape.

Paragraph 7.8.6 In the WHS the design principles were:

- a) Maximising landscape enhancement opportunities resulting from the removal of vehicles on the existing A303;
- b) Maximising non-motorised users (NMU) opportunities within the WHS via 'green bridges', re-use of the existing A303 and connectivity to existing byways

## Chapter 8 Biodiversity

Paragraph 8.9.186 **Disturbance:** The provision of the tunnel as part of the Scheme would facilitate future access by visitors and local residents into areas south of the existing A303 in the vicinity of the Normanton Down RSPB reserve and the surrounding areas which are known to support breeding stone curlew. The Scheme would provide easier access to byways 11 and 12 south of the A303. If there is an increase in use of the existing byways 11 and 12, this may result in greater disturbance of breeding stone curlew and an indirect adverse permanent effect on nesting success locally.

## Chapter 13 People and communities

Paragraph 13.8.5 The Scheme provides the opportunity to enhance the amenity and enjoyment of NMUs, providing additional benefits, as well as addressing adverse effects via mitigation. The Scheme includes:

- a) new restricted byways on the north and the south side of the new alignment both tying in with PRoW SLAN3, and a new segregated cycleway east from Winterbourne Stoke to the new Longbarrow Junction;
- b) the provision of '*green bridges*' one of which facilitates the realignment of the existing WSTO6B PRoW and two of which each provide a new NMU route; and
- c) the tunnelling of the A303 and downgrading the current road in that section to a route open to NMUs only and extending to the Stonehenge Visitor Centre to the north and AMES12 to the south.

## Appendix 15.2 Assessment Matrix

Page 5, Prior to implementation of the ETRO, vehicles have regularly been observed parking on the byways, in particular on AMES 12 in the vicinity of Stonehenge. This illegal activity adversely affects the setting of Stonehenge and other monuments within the WHS along with the amenity of visitors to the WHS and other users of the byways. The Scheme will remove the connection between byways AMES 11 and 12 for motorised vehicles. This has been assessed and reported in the People and Communities chapter as a slight adverse and not significant effect for motorised users of the byways, on the basis of the ETRO not being in place in the baseline scenario and hence the byways being open to motorised vehicles. It is noted that the removal of the connection for motorised vehicles could potentially lead to a reduction in vehicles accessing AMES 12 and parking in the vicinity of Stonehenge, but could also lead to increased parking of vehicles at the northern end of AMES 11. Parking on the byways is illegal and, with the increased focus on such activity, as

illustrated by the current ETRO, it can reasonably be expected that it will not be allowed to continue. As such, the impacts of such illegal activity are not assessed in the ES. Wiltshire Council may decide that byways AMES 11 and 12 will be permanently restricted to prohibit the use by motorised vehicles. In this event, the impact of this change in combination with the Scheme would be the removal of the identified slight adverse effect, as there would be no relevant users to be impacted by the Scheme not providing a connection for motorised vehicles between the byways. If the restriction is lifted before the Scheme is operational, however, the slight adverse effect would remain.

NO mitigation is proposed due to the resulting cumulative effect being positive.

#### **Appendix 6.9 Setting Assessment section 4 Page 46**

The quality of setting is diminished by the monument's lack of surface expression, by the present A303 (see below) and by:

the visually intrusive qualities of Byway B12; visitors' vehicles are often parked along the byway causing further visually intrusive effects, intervening in views towards Stonehenge and the barrows sited on King Barrow Ridge;



## Appendix D

### **Notification documents to consult on Wiltshire Council's application to the Secretary of State to include public vehicular restrictions on Byways Ames 11 and Ames 12 as ancillary Orders**

#### Explanatory Note

##### **A303 Stonehenge: Amesbury to Berwick Down**

**Notice publicising a proposed amendment to the Draft Development Consent Order applied for by Highway's England to include class of vehicle restrictions on various byways namely part of Durrington 10, and Ames 11 (hereafter referred to as Byway AMES11) and part of WCLA 1, WCLA2, BSJA 11, WFOR 16 and part of Ames 12 ((hereafter referred to as Byway AMES12).**

Highways England have made application under section 37 of the Planning Act 2008 to the Secretary of State for a Development Consent Order for a Highway scheme to upgrade the A303 past Stonehenge between Amesbury and Berwick Down to a dual two-lane carriageway. The scheme is approximately 8 miles (nearly 13km) long.

Highways England undertook statutory consultation on the scheme between 8 February 2018 and 23 April 2018 and supplementary consultation on three amendments to the originally proposed scheme between 17 July and 14 August 2018.

Highways England lodged their application with the Planning Inspectorate on 19 October 2018 and it was accepted for examination on 16 November 2018. The Planning Inspectorate has been appointed by the Secretary of State to carry out an examination of Highway England's application.

Up to date information about the project and examination can be found at <https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a303-stonehenge/>

Wiltshire Council of County Hall, Bythesea Road, Trowbridge (statutory Consultee) proposes to apply to the Secretary of State to include within the Development Consent Order orders restricting the classes of Traffic authorised to use Byways Ames11 and Ames12

The order sought will seek to stop up public vehicular rights excluding agricultural vehicles being used in connection with the maintenance of land or associated agricultural purposes, motor vehicles used by landowners or tenants or their visitors, motor vehicles being used for the maintenance, improvement or reconstruction of the road including the verge, motor vehicles being used for laying erection, alteration or repair on or in land adjacent to the road or the verge of 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, motor vehicles in the service of a local authority, a strategic highways company or a statutory undertaker in pursuance of statutory powers or duties, motor vehicles being utilised for fire brigade, ambulance or police purposes and/or Invalid Carriages

Public notification of the intention of Wiltshire Council to apply to the Secretary of State to include this amendment has been placed in the local Newspaper, on the Council's website and is being sent to the statutory consultees (the Freight Transport Association, The Road Haulage Association and the Chief Officer for Wiltshire Constabulary) and also existing known participants in this DCO who have expressed views on AMES 11 and/or 12.

Anybody wishing to make representations or lodge objections to this proposal shall forward such representations or objections in writing with reasons to Wiltshire Council by \_\_\_\_\_day the \_\_\_\_\_ day of August 2019 and they will be provided to the Planning Inspectorate for inclusion in the Inspectorate's consideration on behalf of the Secretary of State.

**Draft Notice****Wiltshire Council****Section 120 (3) & (4) and Part 1 of Schedule 5 of the Planning Act 2008****Various Public Vehicular rights restrictions**

Notice is hereby given that the Wiltshire Council intends to request that the Secretary of State when exercising their powers under section 114 (1) of the Planning Act 2008 to exercise his powers under section 120 (3) & (4) and paragraph 17 and 20 of Part 1 of Schedule 5 of the Planning Act 2008 in respect of restricting the classes of Traffic authorised use the Byways described in column 2 of this schedule over the extent of stopping up restriction described in column 3 of this schedule.

(1) Area	(2) Vehicular Rights to be Stopped Up	(3) Extent of Stopping Up Restriction
Parish of Durrington	Byway open to all traffic DURR 10 (part)	For a length of 553 metres from its junction with Fargo Road to its junction with AMES12 and C506
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
	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
	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
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 BSJA 11
	Byway open to all traffic WCLA 2	For its entire length of 3,080 metres from its junction with AMES 11 to its junction with Footpath WLCA 3 at Springbottom Farm, Wilsford cum Lake and continuing to

(1) Area	(2) Vehicular Rights to be Stopped Up	(3) Extent of Stopping Up Restriction
		its junction with Public Footpath WCLA7.
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
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

**The seeking of this order by Wiltshire Council is to mitigate the ancillary effects of potential conflict that are likely to arise between diverse groups who may wish to use the byways after the A303 Amesbury to Berwick scheme is implemented and to preserve and enhance the amenity of the world heritage site and its recognised Outstanding universal value.**

Anybody wishing to object or make representations to the making of such an order shall make such representations in writing specifying the grounds on which they are made and shall be received by the Council by 11.59pm on \_\_\_\_\_ day the \_\_\_\_\_ day of August 2019.

For further information please contact: [Named officer]at Wiltshire Council

[Named officer]@wiltshire.gov.uk

**Sustainable Transport Group, County Hall, Bythesea Road, Trowbridge BA14 8JN**

#### **Proposed amendments by Wiltshire Council to Draft DCO**

##### Amendment of Article 10 (1) as follows

*Subject to the provisions of this article, the undertaker may, in connection with the construction of the authorised development, stop up each of the streets, the public vehicular rights and private means of access shown on the rights of way and access plans and specified in columns (1) and (2) of Parts 1, 2, 3 4 and 5 of Schedule 3 (permanent stopping up of highways and public vehicular rights and private means of access and*

*provision of new highways and private means of access) to the extent specified and described in column (3) of those Parts of that Schedule.*

Add new subparagraphs within Article 10 as follows

*Where a motor vehicular means of access shown on the rights of way and access plans and specified in columns (1) and (2) of Part 5 of Schedule 3 has been stopped up under this article;*

*(a) All public motor vehicular rights of way over or along the right of way so stopped up are extinguished*

*(b) Nothing in this paragraph applies to;*

*(i) motorcycles*

*(ii) agricultural vehicles being used in connection the maintenance of land or associated agricultural purposes*

*(iii) motor vehicles being used by landowners or tenants or their visitors*

*(iv) motor vehicles being used for the maintenance, improvement or reconstruction of the road including the verge*

*(iv) motor vehicles being used for laying erection, alteration or repair on or in land adjacent to the road or the verge of 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;*

*v) a motor vehicle in the service of a local authority, a strategic highways company or a statutory undertaker in pursuance of statutory powers or duties;*

*(viii) motor vehicles being utilised for fire brigade, ambulance or police purposes.*

*(ix) Invalid Carriages*

And

*Any person who uses a motor vehicle or causes or permits a vehicle to be used in contravention of paragraph (???) shall be guilty of any offence.*

Add clause to be inserted at the top of schedule 3 as follows: -

Public vehicular rights to be stopped up, as described in column 2 of Part 5 of this schedule are shown by **black hatching** (as shown in the key on the rights of way and access plans) over the extent of stopping up described in column 3 of Part 5 and are given a reference label (a number in a circle).

Add new Part 5 to Schedule 3

**Part 5**

**PERMANENT STOPPING UP OF PUBLIC VEHICULAR RIGHTS FOR PUBLIC RIGHTS OF WAY**

(1) Area	(2) Vehicular Rights to be Stopped Up	(3) Extent of Stopping Up Restriction
Parish of Durrington	Byway open to all traffic DURR 10 (part)	For a length of 553 metres from its junction with Fargo Road to its junction with AMES12 and C506
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  As shown on sheet 7 of the rights of way and access plans
Parish of Amesbury (cont'd)	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  As shown on sheet 6 of the rights of way and access plans
	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  As shown on sheet 6 of the rights of way and access plans
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 BSJA 11  As shown on sheet 6 of the rights of way and access plans

(1) Area	(2) Vehicular Rights to be Stopped Up	(3) Extent of Stopping Up Restriction
	Byway open to all traffic WCLA 2	For its entire length of 3,080 metres from its junction with AMES 11 to its junction with Footpath WLCA 3 at Springbottom Farm, Wilsford cum Lake and continuing to its junction with Public Footpath WCLA7 as shown on sheet 6 and 7 of the rights of way and access plans
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  As shown on sheet 15 of the rights of way and access plans
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  As shown on sheet 15 of the rights of way and access plans

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

**Wiltshire Council (A303-AFP022)  
Review of 3.1 Draft Development  
Consent Order (Rev 2) (000973)  
Submitted at Deadline 3**

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## 1. Introduction

- 1.1 Wiltshire Council has reviewed the draft Development Consent Order (Rev 2) submitted at Deadline 3. 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 6.
- 1.2 This response should be read in conjunction with the Council's earlier submission on the draft DCO (Rev 1) submitted at Deadline 3, as earlier points made have not been replicated in this response.
- 1.3 These comments are submitted without prejudice to any further representations the Council may wish to make on the draft DCO, and its future iterations.

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

### Contents

- 2.1 Part 2: Works Provisions: 11. Temporary stopping up and restriction of use of streets
- 2.1.1 Notwithstanding use of the phrase "temporary stopping up" in other made DCO's, or indeed in the DCO Advice Note, highways cannot be temporarily stopped up. The act of stopping up is a permanent act, whereby the land which was stopped up highway reverts to having no such status, and the surface rights reverting to the rightful owners (the sub-soil owners). With no registered owner, this would normally be the frontage owners.

### Part 1 Preliminary

- 2.2 Interpretation (Article 2)
- 2.2.1 The Council notes that the planning authority, highway authority, street authority and traffic authority are defined within this Article, but the Lead Local Flood Authority is not. For completeness, the Council believes that such a definition should be included here.
- 2.2.2 Furthermore, it's noted that for the Requirements (Schedule 2), the planning authority is referenced as the overarching body with the various relevant functions. For clarity, and as Wiltshire is a Unitary authority, the Council believes that the definition for planning authority should be amended to reflect this.

### Schedule 1 Authorised Development

- 2.3 Ancillary Works
- 2.3.1 In this section, the word "cycleway" is used three times ((a)(i) and (b)(iii)). There is no legal definition of "cycleway". Section 329 of the Highways Act 1980 defines "cycle track" as meaning a way constituting or comprised in a highway, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles [F3 (other than pedal cycles which are motor vehicles within the meaning of [F4 the Road Traffic Act 1988])] with or without a right of way on foot.

## Schedule 2 Requirements

- 2.4 Please see comments included in Section 3 Requirements of this report below.
- 2.5 Drainage (Requirement 10)
- 2.5.1 Part (1) of this requirement, currently states that consultation with the planning authority would be on matters related to its land drainage functions, but no such caveat is included for the Environment Agency. The Council would prefer for the wording: “*on matters related to its land drainage functions*” to be removed, or if not agreeable, for the wording to be replaced with the following: “*on matters related to its land drainage **and flood risk functions.***”

## Schedule 9 Classification of Roads Etc.

- 2.6 Part 1 The New and Improved A303 Trunk Road
- 2.6.1 The change to a 11.6 kilometre length of new road is noted. As the sum of the changes is a) to i) of this section sum 11.592km, this is acceptable to Wiltshire Council.

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

- 3.1 As indicated at the draft DCO Issue Specific Hearing, the Council has reviewed the additional controls contained within the Local Impact Report (submitted at Deadline 1) that the Council believed were required to exercise its statutory functions as local planning authority, local highway authority, and lead local flood authority.
- 3.2 Upon reflection, the Council believes that a number of these could be incorporated into the OEMP (subject to the necessary drafting amendments being agreed), the separate legal agreement which is being negotiated between Wiltshire Council and HE at present or the Planning Performance Agreement (PPA) which is also being negotiated currently. However, there are a couple which the Council still maintain are required to be captured within the DCO as Requirements and therefore should be incorporated within Schedule 2 of the draft DCO.
- 3.3 The Requirements which the Council require to be included within the DCO are as follows:
- 3.3.1 Construction Environmental Management Plan (CEMP)
- 3.3.1.1 The proposed wording is as follows:

### ***“Construction Environmental Management Plan (CEMP)***

- (1) No part of the authorised development is to commence until a CEMP has been prepared in consultation with the relevant planning authority, the local highway authority and the lead local flood authority and submitted to and approved in writing by the Secretary of State.***
- (2) The CEMP must be substantially in accordance with the Outline Environmental Management Plan.***
- (3) The authorised development must be constructed in accordance with the approved CEMP.***

***(4) Upon completion of construction of the authorised development the CEMP must be converted into the HEMP and the authorised development must be operated and maintained in accordance with the HEMP.”***

3.3.1.2 The proposed wording of this requirement reflects that the Council does not think that it is appropriate for HE to approve the CEMP. It is suggested that the approving person should be the Secretary of State, however if the ExA determine it appropriate, the Council would be willing to undertake this function in its role as the Local Planning Authority and would do so in consultation with other key stakeholders.

3.3.1.3 Whilst it is accepted that MW-G5 of the OEMP requires the main works contractor to prepare a CEMP, in accordance with the OEMP, as this is such a critical obligation, the Council sees no harm in duplicating it within the DCO.

3.3.1.4 The Council believes that it is appropriate to state that the authorised development must be constructed in accordance with the approved CEMP, as opposed to the approved OEMP, as detail are likely to change between the OEMP and the CEMP and therefore it is better for it to be based on the detailed design.

3.3.1.5 Furthermore, there is no mention of the HEMP in the current drafting by HE. The Council believes that this is incomplete, as the lifecycle of the OEMP is OEMP to CEMP to HEMP, so the drafting at point (4) above just closes this loop.

### 3.3.2 Archaeology (Requirement 5)

3.3.2.1 Whilst not a completely new requirement, the Council would require substantial amendments be made to the existing drafting so that it reads as follows:

*“Archaeology*

***(1) The authorised development must be carried out in accordance with the approved Detailed Archaeological Mitigation Strategy (DAMS) and Overarching Written Scheme of Investigation (OWSI).***

***(2) No development shall commence (including preliminary works) on each scheme area until:***

- a. A site specific written scheme of investigation (SSWSI) has been submitted to and approved by the Local Planning Authority;***
- b. The approved programme of on-site archaeological work has been carried out in accordance with the approved details;***
- c. the approved programmes of off-site work such as the analysis, publishing of the results and delivery of outreach programme have commenced within the timescales set out in the DAMS; and***
- d. suitable resources for the provisions for long term storage of the archaeological archive has been agreed with the Local Planning Authority.***

~~***(2) Nothing in this Schedule prohibits the carrying out of any activity required to be carried out by the undertaker in accordance with the detailed archaeological mitigation strategy.”***~~

### 3.3.3 Implementation and Maintenance of Landscaping (Requirement 8)

3.3.3.1 The Council would require elements of this requirement to be amended to state:

*“Implementation and Maintenance of Landscaping*

- (1) *No part of the authorised development is to commence until a landscaping scheme applicable to that part has been submitted to and approved in writing by the Secretary of State, following consultation with the planning authority.*
- (2) *The landscaping scheme must be **in accordance with** ~~based on~~ the mitigation measures included in the environmental statement and set out details of all proposed hard and soft landscaping works, including –*
- a. Location, number, species, size and planting density of any proposed aquatic or terrestrial planting;*
  - b. Landscaping works associated with any noise fences and walls (as appropriate);*
  - c. Cultivation, importing of materials and other operations to ensure plant establishment;*
  - d. Proposed finished ground levels;*
  - e. Hard surfacing materials;*
  - f. Details of existing trees to be retained, with measures for their protection during the construction period;*
  - g. **A requirement that any tree or shrub planted as part of the landscaping scheme that within a period of 5 years after planting, is removed, dies or becomes, in the opinion of the local planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same size and species as that originally planted;** ~~measures for the replacement, in the first available planting season, of any tree or shrub planted as part of the landscaping scheme that, within a period of 5 years after planting, dies or becomes seriously diseased; and~~*
  - h. **A requirement that all shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock;***
  - i. Retained historic landscape features and proposals for restoration, where relevant;*
  - j. **An Implementation programme or programmes for all landscaping works; and***
  - k. **A Programme for the maintenance of the scheme.***
- (3) *All landscaping works must be carried out in accordance with the approved landscaping scheme and **in accordance with the programme or programmes for implementation. It must be** carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.*
- (4) ***No part of the authorised development is to commence until a Landscape and Ecological Management Plan (LEMP) for the Scheme has been submitted to and approved in writing by the Secretary of State, following consultation with the local planning authority. The LEMP shall be implemented in accordance with its approved details.”***

### 3.3.4 Traffic Management (Requirement 9)

- 3.3.4.1 The Council requires a few amendments to be made to sub-paragraph (1) of this requirement so that it states:

*“Traffic Management*

- (1) *No part of the authorised development is to commence until a traffic management plan applicable to the construction of that part, **which makes clear provision for traffic management proposals required to facilitate the construction of that phase of the development,** has been submitted to and approved in writing by the Secretary of State, following consultation with the local highway authority.*

- (2) *The authorised development must be constructed in accordance with the approved plan referred to in sub-paragraph (1)."*

### 3.3.5 Traffic Monitoring and Mitigation

3.3.5.1 The Council requires an additional requirement to be added in the interests of highway safety. It has precedence for inclusion in a made DCO, as it was contained within the A14 DCO.

3.3.5.2 The proposed wording for this additional requirement is as follows:

***"Traffic Monitoring and Mitigation***

- (1) No part of the authorised development is to commence until written details of a traffic impact monitoring and mitigation scheme has been submitted to and approved in writing by the highway authority.***
- (2) The traffic impact monitoring and mitigation scheme must include –***
- a. A before and after survey to assess the changes in traffic;***
  - b. The locations to be monitored and the methodology to be used to collect the required data;***
  - c. The periods over which traffic is to be monitored;***
  - d. The method of assessment of traffic data;***
  - e. Control sites to monitor background growth;***
  - f. The implementation of monitoring no later than 3 months following the opening of the twin tunnels for public use;***
  - g. Agreement of baseline traffic levels;***
  - h. The submission of survey data and interpretative report to the highway authority; and***
  - i. A mechanism for the future agreement of mitigation measures.***
- (3) The traffic impact and monitoring scheme shall be implemented [by the undertaker] as approved prior to commencement of development or in accordance with a programme to be agreed as part of the scheme, and the mitigation measures included within the scheme shall be maintained and / or implemented [by the undertaker], again, in accordance with a programme to be agreed as part of the scheme."***

### 3.3.6 Highway Lighting Scheme

3.3.6.1 Again, in the interests of highway safety, the Council requires the following additional requirement is included within the DCO:

***"Highway Lighting Scheme***

- (1) No part of the authorised development is to commence until a written scheme of the proposed highway lighting and traffic signals controls to be provided for that part of the authorised development and a programme for its implementation has been submitted to and approved in writing by the Secretary of State, following consultation with the local planning authority and, (in the case of proposed lighting or traffic signals for any highway for which the undertaker is not the highway authority), the local highway authority.***
- (2) The standard of the highway lighting to be provided by the Scheme referred to in sub-paragraph (1) must either reflect the standard of the highway lighting included in the environmental statement or, where the standard of the highway lighting proposed materially differs from the standard of the highway lighting identified in the environmental statement, the undertaker must provide evidence with the written scheme submitted for approval that the standard of the highway lighting proposed***

*would not give rise to any materially new or materially worse adverse environmental effects in comparison to those reported in the environmental statement taking into account the lighting identified in it. The scheme must specify the specification, level of provision, light spillage, intensity, brightness and uniformity of the highway lighting.*

- (3) The authorised development must be carried out in accordance with the scheme approved under sub-paragraph (1) including the programme for its implementation.*
- (4) Nothing in this requirement restricts lighting of the authorised development during its construction or where temporarily required for maintenance.”*

### 3.3.7 Traffic Management during Tunnel Closures

3.3.7.1 The Council acknowledges that this has been incorporated into the revised OEMP, but feels that it is best placed to be a requirement within the DCO (see further comment in our OEMP submission).

3.3.7.2 The Council has refined the wording from that proposed within the OEMP so that this additional requirement should read as follows:

***“Traffic Management during Tunnel Closures***

***(1) The Undertaker shall prepare and submit to, and obtain the approval from, the Secretary of State, prior to first use of either of the tunnels by traffic (other than construction traffic), a Tunnel Closure Management Plan (TCMP) prepared in consultation with the local highway and planning authority. The Plan shall cover the following:***

- a. Procedures to be followed for the planned closure of a single bore, including use of temporary or part-time signing, and advance information proposals.***
- b. Procedures to be followed for unplanned closures of a single or both tunnel bores, either during or outside a planned closure, with particular reference to:***
  - i. Method of control of access to the eastbound or westbound or both merge slips at Longbarrow and Countess junction respectively.***
  - ii. Signage to be employed at the start of, and on, the approved diversion route.***
  - iii. Measures to be taken at a local / regional / sub-national level to promptly alert drivers of A303 tunnel closure.***

***(2) On first use of the tunnels by traffic (other than construction traffic) and thereafter the Plan shall be implemented as approved as and when necessary.***

***(3) The undertaker shall liaise with Wiltshire Council’s Streetworks Team and the police in relation to any future changes to the approved TCMP, and operate all closures in accordance with the approved TCMP (as amended).”***

### 3.3.8 Flood Risk Assessment

3.3.8.1 The proposed wording for this additional requirement is as follows:

***“Flood Risk Assessment***

***(1) Subject to sub-paragraph (2), the authorised development must be carried out in accordance with the flood risk assessment, including the mitigation measures detailed in it, so that no part of the authorised development is predicted to result in any exceedance of the flood levels to properties and land shown in the flood risk assessment.***

***(2) Sub-paragraph (1) does not apply in any circumstance where the undertaker proposes to carry out a part of the authorised development other than in accordance with the***

***flood risk assessment and either demonstrates to Wiltshire Council's and the Environment Agency's satisfaction that the part of the authorised development concerned would not result in an exceedance of the flood levels shown in the flood risk assessment or demonstrates that all affected landowners accept the predicted exceedance of the flood levels shown in the flood risk assessment."***

3.3.8.2 The Council believes that this additional requirement is necessary as the proposed Drainage requirement (Requirement 10) is insufficient to manage this critical activity.

3.3.8.3 The wording above has been used in a previously made DCO for a highways scheme, the A14.

### 3.3.9 Details of Consultation

3.3.9.1 Whilst the Council appreciates the inclusion of this requirement as an amendment to the draft DCO, the Council believes that some important elements from its proposed wording has not been captured sufficiently and therefore would prefer for its suggested wording to be utilised instead.

3.3.9.2 The proposed wording is as follows:

***"Details of Consultation***

- (1) With respect to any requirement which requires details to be submitted to the Secretary of State for approval under this Schedule following consultation with another party, the details submitted must be accompanied by a summary report setting out the consultation undertaken by the undertaker to inform the details submitted and the undertaker's response to that consultation.***
- (2) At the time of submission to the Secretary of State for approval, the undertaker must provide a copy of the summary report referred to under sub-paragraph (1) to the relevant consultees referred to in the requirement in relation to which approval is being sought from the Secretary of State.***
- (3) The undertaker must ensure that any consultation responses are reflected in the details submitted to the Secretary of State for approval under this Schedule, but only where it is appropriate, reasonable and feasible to do so, taking into account considerations including, but not limited to, cost and engineering practicality.***
- (4) Where the consultation response are not reflected in the details submitted to the Secretary of State for approval, the undertaker must state in the summary report referred to under sub-paragraph (1) the reasons why the consultation responses have not been reflected in the submitted details."***

### 3.3.10 Approval and Amendments to Approved Details

3.3.10.1 The proposed wording for this additional requirement is as follows:

***"Approval and Amendments to Approved Details***

- (1) With respect to any requirement which requires the authorised development to be carried out in accordance with details approved under this Schedule, the approved details are taken to include any amendments that may subsequently be approved or agreed in writing by the Secretary of State."***

3.3.10.2 There is precedent for its inclusion as it is within the Sparkford to Ilchester draft DCO.

3.4 The inclusion of the above additional requirements would result in further definitions being required to be included within Interpretation (paragraph 1) of this section. These are suggested to be as follows:

**3.4.1 ““CEMP” means the construction environmental management plan;”**

**3.4.2 ““HEMP” means the handover environmental management plan, being the CEMP to be developed towards the end of the construction of the authorised development, which is to contain –**

**(a) The environmental information needed for the future maintenance and operation of the authorised development;**

**(b) The long-term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the authorised development; and**

**(c) A record of consents, commitment and permissions resulting from liaison with statutory bodies.”**

**3.4.3 ““LEMP” means the landscape and ecological management plan, including a reptile mitigation strategy and mitigation measures for Schedule 1 birds;”**

3.5 The Council has detailed its required changes to the amended OEMP submitted by HE at Deadline 3 in a separate submission, which also forms part of the Council’s response to Deadline 4.

## **4. Conclusion**

4.1 This submission and the Council’s previous comments on the draft DCO submitted at Deadline 3 outlines the Council’s current position with regard to the draft DCO, including the Requirements. This should be read in conjunction with the separate document outlining the Council’s required changes to the updated OEMP, also submitted for this deadline (Deadline 4).

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



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

**Wiltshire Council (A303-AFP022)  
Review of Updated Outline  
Environmental Management Plan  
(OEMP) (001011) Submitted at  
Deadline 3**

**Contents**

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## 1. Introduction

- 1.1 Wiltshire Council has reviewed the updated Outline Environmental Management Plan (OEMP) submitted at Deadline 3. It is recognised that the development of this document will be an iterative process.
- 1.2 These comments are submitted without prejudice to any further representations the Council may wish to make on the OEMP, and its future iterations. Discussions between the Council and HE will continue and these will be reflected in the Statement of Common Ground (SoCG) between the two parties.

## 2. Wiltshire Council's Comments on Updated Outline Environmental Management Plan (OEMP)

### General Comments

- 2.1 Whilst detailed, the formatting, signposting and cross referencing within the document could be refined to make it more navigable.
- 2.2 The vision for the management of the WHS is not as evident in the document as it should be and the Council would like to see the whole document couched in terms of the principles set out in the WHS Management Plan, all of which have been endorsed by WHS stakeholders. The cultural heritage principles should be clearly set out as key to all decision-making.

### Specific Comments

- 2.3 Section 1: Introduction, 1.1 Purpose of the Report – 1.1.10 a)
  - 2.3.1 The Council notes that The Authority is stated to be Highways England and that it is the intention for HE to approve the CEMPs, and other management plans defined within the OEMP, detailed schemes required by the OEMP, and variations to these and other matters as stated within this OEMP.
  - 2.3.2 As previously indicated, the Council is of the position that it is not appropriate for HE to undertake the role of The Authority as stated. The CEMPs should be approved by the Secretary of State or Wiltshire Council. Wiltshire Council, as the local planning authority, should also approve the majority of the management plans, detailed schemes, variations and some of the other matters detailed within the OEMP.
  - 2.3.3 The Council feels that it is best placed to undertake this role and would do so in consultation with other stakeholders.
- 2.4 Section 1: Introduction, 1.1 Purpose of the Report – 1.1.12
  - 2.4.1 The Council suggests a minor drafting amendment to this paragraph so that it reads: *"...in consultation with **Wiltshire Council and other maintenance authorities** as set out in this OEMP..."* rather than *"in consultation with **relevant stakeholders**"*.

2.5 Section 1: Introduction, 1.2 The Project – 1.2.10

2.5.1 The Council notes the contents of this paragraph. However, this has the effect of fragmenting the effects of the Scheme, especially on ecology. The Council believes that HE should consider the likelihood of in-combination effects on the biodiversity and ecology both within the Scheme footprint and with other works which may be taking place nearby, such as residential site construction etc. There is a possibility for faunal species to be displaced and disturbed by the combination of site workings with a zone of impact, depending on the nature of the works. Certainly, vegetation stripping, soil movements, temporary haul roads and construction lighting could all impact.

2.6 Section 2: Project Team Roles and Responsibilities – 2.1.3

2.6.1 The Council suggests a minor drafting amendment to this paragraph so that it would state: *“...a preliminary works contractor shall prepare a revised (reduced) version of the table, scoped in agreement with The Authority, in consultation with the relevant stakeholders as set out in this OEMP, to the extent of their contractual responsibilities.”*

2.7 Section 2, Table 2.1: Roles and Responsibilities During Construction – The Authority

2.7.1 The Council considers that an additional bullet point should be added to this section which states: *“Consulting with relevant stakeholders as set out in this OEMP prior to approval of the documents.”*

2.8 Section 2, Table 2.1: Roles and Responsibilities During Construction – Ecological Clerk of Works (ECoW) (main works contractor)

2.8.1 The Council notes that one of the CEMP responsibilities for this role is to be responsible for ensuring that all ecological elements of the EMP are complied with. The Council believes this role should also ensure that the effects of multiple CEMPs in any spatial and temporal area do not combine to produce adverse effects on ecology / biodiversity.

2.9 Section 2, Table 2.1: Roles and Responsibilities During Construction – Traffic Control Officer (main works contractor)

2.9.1 The Council suggests that the text in the second bullet point under CEMP responsibilities be amended to state: *“...a Site Access Plan, a Construction Traffic Routeing Plan and a Site Travel Plan} and submitting this for approval by The Authority, in consultation with Wiltshire Council.”*

2.9.2 Furthermore, an additional bullet point is required in Overall Responsibilities (suggest new fourth bullet point), which states: *“Ensuring that all elements of the Scheme comply, at all appropriate times, with the requirements of the Traffic Signs Regulations and General Directions 2016 (as amended)”*.

2.9.3 The Council also considers that a minor drafting amendment is required to the current 4<sup>th</sup> bullet point (proposed to become the 5<sup>th</sup> bullet point) to state: *“Management of the layout and signing of site access...”*.

2.10 Section 3, Section 3.1: Introduction – 3.1.2

2.10.1 The Council suggests that a minor drafting amendment is made to this paragraph to state: “...*The Authority, in consultation with relevant stakeholders as set out in this OEMP (see Table 3.2a...)*”.

2.11 Section 3.3, Table 3.2a: REAC Tables for the Preliminary Works – PW-G4

2.11.1 The Council recommends that a minor drafting amendment is required to the third statement to read: “...*an application shall be made to Wiltshire Council...*”.

2.12 Section 3.3, Table 3.2a: REAC Tables for the Preliminary Works – PW-G5

2.12.1 The Council suggests that the third statement in this section is amended to state: “...*The Authority, in consultation with relevant stakeholders as set out in the OEMP, before commencing the works.*”

2.13 Section 3.3, Table 3.2a: REAC Tables for the Preliminary Works – PW-G6

2.13.1 The Council requires that an additional item is added here to cover Site Lighting. It should state:

***“Site Lighting:***

***The works contractor shall define within the CEMP the proposed approach to the site lighting around construction compounds and elsewhere along the route alignment, giving consideration to the WHS context and other environmental constraints. Lighting shall be at the minimum luminosity necessary and use low energy consumption fittings and should avoid light spillage.***

***Lighting shall also be designed, positioned and directed so as not to unnecessarily intrude on adjacent buildings, ecological receptors, structures used by protected species and other land uses to prevent unnecessary disturbance, interference with local residents, or passing motorists on nearby roads. This provision will apply particularly to sites where night working will be required and in particular, the tunnel portal areas.”***

2.13.2 The result of this inclusion will be to ensure the preliminary works are consistent with the main works commitments (MW-G29) in this regard.

2.14 Section 3.3, Table 3.2a: REAC Tables for the Preliminary Works – PW-CH1

2.14.1 The Council requires that approval for this plan should not reside with HE. The Council believes that it is best placed as the Local Planning Authority to fulfil this function, following consultation with stakeholders.

2.15 Section 3.3, Table 3.2a: REAC Tables for the Preliminary Works – PW-CH3

2.15.1 The Council requires that approval for these statements should not reside with HE. The Council believes that it is best placed as the Local Planning Authority to fulfil this function, following consultation with stakeholders.

2.16 Section 3.3, Table 3.2a: REAC Tables for the Preliminary Works – PW-CH4

2.16.1 The Council requires that approval for the method statement / SSWSIs should not reside with HE. The Council believes that it is best placed as the Local Planning Authority to fulfil this function, following consultation with stakeholders.

2.17 Section 3.3, Table 3.2a: REAC Tables for the Preliminary Works – PW-CH5

2.17.1 The Council requires that approval for the SSWSIs should not reside with HE. The Council believes that it is best placed as the Local Planning Authority to fulfil this function, following consultation with stakeholders.

2.18 Section 3.3, Table 3.2a: REAC Tables for the Preliminary Works – PW-LAN1

2.18.1 The Council requires that approval for fencing within the WHS should not reside with HE. The Council believes that it is best placed as the Local Planning Authority to fulfil this function, following consultation with stakeholders.

2.19 Section 3.3, Table 3.2a: REAC Tables for the Preliminary Works – PW-NOI1

2.19.1 Section a) should be amended to state: “...such as the **use of low noise equipment, provision of acoustic enclosures...**”.

2.20 Section 3.3, Table 3.2a: REAC Tables for the Preliminary Works – PW-NOI3

2.20.1 In order to address inconsistencies in the OEMP, the Council suggests that the reporting criteria for this item is amended to state: “...**Vibration Management Plan, in consultation with Wiltshire Council.**”

2.21 Section 3.3, Table 3.2a: REAC Tables for the Preliminary Works – Geology and Soils (PW-GEO1 and PW-GEO2)

2.21.1 The 2009 and 2010 ground investigation reports do not adequately address the high levels of TPH found in TP4 at Countess Roundabout when preliminary work was carried out to install traffic lights on the roundabout. HE consultants have advised that this will be covered by further investigation work that has been proposed and that the Council will be included in discussions relating to this. This was referred to as “phase 7”. The Council has seen no documents relating to this and the Council’s inclusion in such discussions needs to be acknowledged in the preliminary works OEMP or other relevant documentation relating to preliminary ground investigation work of known contamination.

2.22 Section 3.3, Table 3.2a: REAC Tables for the Preliminary Works – PW-WAT1

2.22.1 The Council requires amendments to this section to state:

**“...water levels and quality. The plan shall include measures for the monitoring and protection of private water supplies used for human consumption, such as to ensure drinking water quality is maintained. This will be completed having regard to industry guidance. Wiltshire Council to be consulted on the development of said plan.”**

2.23 Section 3.3, Table 3.2a: REAC Tables for the Preliminary Works – PW-WAT3

2.23.1 The Council requires an additional section to be included for preliminary works to better reflect the commitments provided in MW-WAT3 for site drainage, that states: “water flows from sites will be limited during construction to existing runoff rates, unless otherwise agreed with Wiltshire Council and the EA in accordance with relevant legislation.”

2.24 Section 3.3, Table 3.2a: REAC Tables for the Preliminary Works – PW-TRA1

2.24.1 The Council suggests a minor drafting amendment to the first paragraph to state: “...where these works could impact on **any** public roads and / or non-motorised user...”.

2.24.2 A further minor drafting amendment should be made to the end of the second paragraph as follows: “...Traffic Signs Regulations and Generation Directions **2016 (as amended)**.”

2.24.3 The Council is in discussions with its Streetworks team with regard to the 14 day timeframe and may make further representations on this at a later date.

2.25 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-G5 to MW-G9 inclusive and MW-G11

2.25.1 See Wiltshire Council’s comments in Section 2.3 above regarding the appropriate approving body of these elements.

2.26 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-G7

2.26.1 The Council considers that the Flood Risk Management Plan is a key management plan which should be specifically referenced here.

2.26.2 The current drafting appears to be inconsistent with relation to item h) Noise Insulation and Temporary Rehousing Policy. This policy does not appear to be specifically mentioned in the OEMP commitments at present.

2.26.3 The Council believes that item m) Traffic Management Plan should be expanded to include: “**(including a Construction Workforce Travel Plan, a Site Access Plan, Construction Traffic Routeing Plan and a Site Travel Plan)**.”

2.27 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-G11

2.27.1 The Council suggests that a minor drafting amendment is required to this section so that it reads: “...on matters related to their function and with ~~and~~ The Authority. ...”.

2.28 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-G13

2.28.1 The Council requires an addition to this element so that it states: “...variations to site specific working hours will be included within the CEMP **and agreed in consultation** with Wiltshire Council.”

2.29 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-G16

2.29.1 The Council suggests that a minor drafting amendment is required to this section so that it reads: *“This suspension would not **apply to include** the tunnelling operation, ...”*.

2.30 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-G20

2.30.1 In order to address inconsistencies in the OEMP, the Council suggests that the reporting criteria for this item is amended to state: *“...Emergency Preparedness and Response Plan, **in consultation with Wiltshire Council.**”*

2.31 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-G21

2.31.1 The Council suggests that a minor drafting amendment is required to this section to state: *“...and shall also be suitable for **use by ambulances.**”*

2.32 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-CH1

2.32.1 The Council requires that approval for this plan should not reside with HE. The Council believes that it is best placed as the Local Planning Authority to fulfil this function, following consultation with stakeholders.

2.33 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-CH3

2.33.1 The Council requires that approval for fencing within the WHS should not reside with HE. The Council believes that it is best placed as the Local Planning Authority to fulfil this function, following consultation with stakeholders.

2.34 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-CH5

2.34.1 The Council requires that approval for the method statements should not reside with HE. The Council believes that it is best placed as the Local Planning Authority to fulfil this function, following consultation with stakeholders.

2.34.2 Furthermore, with regard to point c) cycle-ways are not defined in law, and all references to such should be changed to “cycle tracks” which are defined at s329 of the Highways Act 1980.

2.35 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-CH6

2.35.1 The Council requires that approval for SSWSIs should not reside with HE. The Council believes that it is best placed as the Local Planning Authority to fulfil this function, following consultation with stakeholders.

2.36 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-CH7

2.36.1 The Council requires that approval for monitoring arrangements of heritage assets should not reside with HE. The Council believes that it is best placed as the Local Planning Authority to fulfil this function, following consultation with stakeholders.

2.37 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-CH8

2.37.1 The Council requires that approval for this strategy should not reside with HE. The Council believes that it is best placed as the Local Planning Authority to fulfil this function, following consultation with stakeholders.

2.38 Section 3.3, Table 3.2b: REAC Tables for the Main Works – D-CH12

2.38.1 The Council requires approval of lighting to be used.

2.39 Section 3.3, Table 3.2b: REAC Tables for the Main Works – D-CH14

2.39.1 The Council requires approval of fencing and surfacing details within the WHS.

2.40 Section 3.3, Table 3.2b: REAC Tables for the Main Works – D-CH24

2.40.1 The Council requires approval of fencing details within the WHS.

2.40.2 Furthermore, all new gates and barriers where required as limitations on the free passage of the public along footpaths, bridleways, restricted byways and byways open to all traffic shall comply with the current British Standard 5709 to satisfy the requirements of the local highway authority.

2.41 Section 3.3, Table 3.2b: REAC Tables for the Main Works – D-CH25

2.41.1 The Council requires approval of fencing details within the WHS.

2.42 Section 3.3, Table 3.2b: REAC Tables for the Main Works – D-CH26

2.42.1 The Council requires approval of surfacing details within the WHS.

2.42.2 Furthermore, approval by Wiltshire Council as the local highway authority of PROW surfacing generally will be required, together with certification of provision to the satisfaction of the Council prior to the Council accepting responsibility for maintenance.

2.43 Section 3.3, Table 3.2b: REAC Tables for the Main Works – D-CH27

2.43.1 The Council requires approval of signage within the WHS.

2.43.2 Furthermore, approval by Wiltshire Council as the local highway authority for all PROW signage will be required.

2.44 Section 3.3, Table 3.2b: REAC Tables for the Main Works – D-CH30

2.44.1 See comments in Section 2.43 above relating to approval of signage within the WHS.

2.45 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-LAN1

2.45.1 In order to address inconsistencies in the OEMP, the Council suggests that the reporting criteria for this item is amended to state: “...LEMP, **in consultation with Wiltshire Council.**”



- 2.46 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-LAN3
- 2.46.1 In order to address inconsistencies in the OEMP, the Council suggests that the reporting criteria for this item is amended to state: “...AMS, **in consultation with Wiltshire Council.**”
- 2.47 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-NOI1
- 2.47.1 Section a) should be amended to state: “...such as the **use of low noise equipment, provision of acoustic enclosures...**”.
- 2.48 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-NOI3
- 2.48.1 In order to address inconsistencies in the OEMP, the Council suggests that the reporting criteria for this item is amended to state: “...**Vibration Management Plan, in consultation with Wiltshire Council.**”
- 2.49 Section 3.3, Table 3.2b: REAC Tables for the Main Works – D-NOI2
- 2.49.1 The Council requires that this section is expanded to include the following: “...**Junction Flyover which conforms with the current harmonised Specifications Standard BS EN 14388 (2005) and meet the A3 (DLα 8 to 11 dB) and B3 (DLR>24 dB) standards for sound absorption and airborne sound insulation as specified in BS EN 1793 part 1 and 2 (1998), or equivalent future standards.**”
- 2.50 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-GEO3
- 2.50.1 In order to address inconsistencies in the OEMP, the Council suggests that the reporting criteria for this item is amended to state: “...**Soils Management Strategy, in consultation with Wiltshire Council.**”
- 2.51 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-WAT2
- 2.51.1 In order to address inconsistencies in the OEMP, the Council suggests that the reporting criteria for this item is amended to state: “...**Water Management Plan, in consultation with Wiltshire Council.**”
- 2.52 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-WAT3
- 2.52.1 The Council requires that this section is amended to state: “...**Sufficient time will be made for the Environment Agency and Wiltshire Council (for land drainage consent) to issue permits...**”.
- 2.52.2 Furthermore, the Council welcomes the commitment in point c) to maintain existing runoff rates.
- 2.52.3 However, amendment to point c) is also required to state: “...**(unless otherwise agreed with Wiltshire Council and the Environment Agency in accordance with relevant legislation...**”.

2.53 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-WAT7

2.53.1 In order to address inconsistencies in the OEMP, the Council suggests that the reporting criteria for this item is amended to state: “...*Water Management Plan, in consultation with Wiltshire Council.*”

2.54 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-WAT8

2.54.1 Further to confirmation at the Issue Specific Hearing that a closed face TBM will be utilised for the tunnel construction, the need for large scale dewatering should be eliminated.

2.55 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-WAT10

2.55.1 This section should reference flood risk management.

2.55.2 The Council requires the following amendment to the opening paragraph here to state: “...*The Plan shall be prepared in consultation with the Environment Agency and Wiltshire Council and address...*”.

2.55.3 Point c) should be expanded to also include the following: “...*reporting programme. This should be undertaken during a baseline period, construction and for a minimum of 5 years post construction.*”

2.55.4 Furthermore, in order to address inconsistencies in the OEMP, the Council suggests that the reporting criteria for this item is amended to state: “...*Groundwater Management Plan, in consultation with Wiltshire Council.*”

2.56 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-WAT12

2.56.1 The Council requires the last sentence of this section to be amended to read: “...*following consultation with the Environment Agency and Wiltshire Council.*”

2.56.2 Furthermore, in order to address inconsistencies in the OEMP, the Council suggests that the reporting criteria for this item is amended to state: “...*Flood Risk Management Plan, in consultation with Wiltshire Council.*”

2.57 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-WAT14

2.57.1 The Council requires that this section is amended to state:

“...*surface water drainage (including road drainage) system reflects....with Requirement 10 of the DCO and shall be designed to:*

- a) Maintain pre-development runoff rates (peak flow and volume) for the 1, 30 and 100 year rainfall events;*
- b) Convey the 1 in 30 year rainfall event without causing flooding to any part of the site;*
- c) Manage the 1 in 100 year rainfall event within the site without causing flooding to any building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation);*
- d) Manage flows from rainfall in excess of the 1 in 100 year rainfall event in routes that minimises the risks to people and property;*

- e) **Provide a 40% uplift in peak rainfall intensity to allow for climate change in accordance with Environment Agency guidance;**
- f) **Enable automated control of the tunnel drainage.”**

2.58 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-WAT15

2.58.1 The Council requires that an additional point e) is added into this section which states: **“e) ensure that the potability of private drinking water supplies use for human consumption in accordance with drinking water quality standards. Wiltshire Council shall be notified of any samples that fail to meet drinking water standards as soon as practicable after the failure is detected.”**

2.58.2 With regard to the reference to dewatering associated with the construction of the tunnel, following the commitment to utilise a closed face TBM, the tunnel construction should not involve any large scale dewatering.

2.59 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-MAT1

2.59.1 In order to address inconsistencies in the OEMP, the Council suggests that the reporting criteria for this item is amended to state: **“...SWMP, in consultation with Wiltshire Council.”**

2.60 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-MAT2

2.60.1 In order to address inconsistencies in the OEMP, the Council suggests that the reporting criteria for this item is amended to state: **“...MMP, in consultation with Wiltshire Council.”**

2.61 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-TRA2

2.61.1 The Council requires point b) of what the TMP should include to be amended to state: **“...works on or adjacent to **or affecting** public roads”.**

2.61.2 To distinguish between on-site haulage of materials i.e. within the Order limits, and those affecting, especially local roads, the Council requires point f) to be amended as follows: **“f) a Construction Traffic Routeing Plan, identifying the roads to be used for all known principal sources of construction materials delivered to the site ~~plan of the haul routes to be used;~~”.**

2.61.3 In order to address inconsistencies in the OEMP, the Council suggests that the reporting criteria for this item is amended to state: **“...TMP, in consultation with Wiltshire Council.”**

2.62 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-TRA9

2.62.1 The Council suggests a minor drafting amendment to the last sentence of this section to read: **“...when their use in connection with the **Scheme works** ~~networks~~ has finished.”.**

2.63 Section 3.3, Table 3.2b: REAC Tables for the Main Works – MW-TRA12

2.63.1 Whilst the Council believes that this has been included within the OEMP following discussions between itself and HE, the Council is of the opinion that this should be a Requirement within Schedule 2 of the draft DCO instead. This is because the management of the tunnel during closures is not really a matter for the works contractor, but a matter for HE to determine, and

to change in the light of operational experience and the emergence of new or changed technological opportunities.

2.63.2 The Council has proposed some slightly refined wording within its comments on the draft DCO (Rev 2) submission.

2.64 Section 4, Development of Detailed Design in the WHS

2.64.1 The Council is pleased to see the inclusion of a set of design principles though it would emphasise the need for them to cross reference with the WHS Management Plan vision, aims and objectives and suggest looking at concordance with the Avebury Transport Strategy where possible, which all of the key stakeholders have endorsed.

2.64.2 The exact wording of the principles can be refined further and cross referenced to the commitments within the REAC Tables.

2.65 Section 4, 4.1: Introduction – 4.1.2

2.65.1 The Council suggests a minor drafting amendment to this section so that it reads: “...how The Authority~~s~~ will involve key stakeholders...”.

2.66 Section 4, 4.4: Design Consultation

2.66.1 There is further scope for refinement of the procedures for reaching agreement on the final design details.

2.67 Section 4, 4.4: Design Consultation – 4.4.2

2.67.1 With regard to the reference to point d) Wiltshire Council, it is important to ensure that all interests within Wiltshire Council are represented at an appropriate level of expertise within the SCG.

2.68 Section 4, 4.4: Design Consultation – 4.4.4

2.68.1 With respect to point a) and the reference to lighting at the new Longbarrow junction, whilst it was understood that there will be no lighting at the junction, the Council has asked the ExA to deliberate on the use of traffic signals controls over the use of cut-off street lighting.

2.69 Section 4, 4.4: Design Consultation – 4.4.6

2.69.1 The Council notes the contents of this section, however as indicated within the Landscape and Visual Effect and Design Issue Specific Hearing, it would be helpful if detailed design proposals are made available much earlier than HE are currently proposing.

2.70 Section 4, 4.4: Design Consultation – 4.4.8

2.70.1 See comments relating to the timing of preparation of detailed design proposals in Section 2.69 above.

- 2.71 Section 4, 4.4: Design Consultation – 4.4.9
- 2.71.1 The suggested setting up of a stakeholder consultation group is welcomed, though a schedule of monthly meetings, terms of reference and a programme of formal consultation on the OEMP all need to be put in place as well.
- 2.72 Section 4, 4.4: Design Consultation – 4.4.12
- 2.72.1 The Council suggests that the last word of this paragraph should be “**practicability**” instead of “**practicality**”.
- 2.73 Section 4, 4.4: Design Consultation – 4.4.13
- 2.73.1 As Wiltshire Council does not have a Chief Executive, it is requested that the wording of this paragraph is amended to state: “...parent organisations to Chief Executive, **or equivalent, level, and...**”.
- 2.74 Section 4, 4.4: Design Consultation – 4.4.14
- 2.74.1 Wiltshire Council disagrees with this statement as there will be instances where HE intends to hand over maintenance responsibility to other parties e.g. PROWs to the local highway authority. As such, the local highway authority must have the final say if it is to adopt.
- 2.75 Section 4, Table 4.1: Design Development Principles – P-SL02
- 2.75.1 The Council suggests that the second to last word in this section should be “**practicably**” rather than “**practically**”.
- 2.76 Section 4, Table 4.1: Design Development Principles – P-PRoW4
- 2.76.1 The Council requires a drafting amendment to this section so that it states: “...based on the details in **BS5709:2006, the Manual of Contract Documents for Highway Works...**”.
- 2.76.2 It is also important that this principle does not inadvertently rule out the ability for installation of guard rails, barriers etc. as provided for by S.66(2), S.102, S115B and S.129A.
- 2.77 Annex 2: Outline Archaeological Mitigation Strategy (OAMS)
- 2.77.1 The Council notes that this is dated October 2018 and has not been revised. It has been superseded by the draft Detailed Archaeological Mitigation Strategy (DAMS) published at Deadline 2. The Council therefore does not offer any further comment on this document. All further comment on the archaeological mitigation will be focused on the draft DAMS.
- ### 3. Conclusion
- 3.1 The Council is in discussions with HE and other heritage partners about the development of this document. The Council hopes that the comments included herein will be useful in shaping those discussions to ensure the document develops as required by the Council.
- 3.2 The Council will provide further representations on the development and content of the OEMP as the document progresses.

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

**Wiltshire Council (A303-AFP022)  
Review of Additional Drainage Reports  
Submitted by HE at Deadline 3**

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## 1. Introduction

- 1.1 As explained in previous Wiltshire Council submissions to the Examination, the Council commissioned Atkins to undertake a peer review of Highways England's (HEs) approach to flood risk for the Scheme in respect of surface water (pluvial) including ordinary watercourses, groundwater and the road drainage strategy.
- 1.2 This peer review incorporated the original application documents and those submitted in advance of Deadline 1. The findings of these reviews were contained within the Council's Relevant Representation, Local Impact Report (submitted at Deadline 1), Written Representation (submitted at Deadline 2) and Addendum to its Written Representation (submitted at Deadline 2a).
- 1.3 HE submitted five further reports into Examination at Deadline 3, which comprised:
  - 8.22 – Stonehenge Area Pumping Test 2018 Interpretative Report
  - 8.23 – Implications of 2018 Ground Investigations to the Groundwater Risk Assessment
  - 8.24 – Groundwater Monitoring 2018-19 Conceptual Model Review
  - 8.25 – Supplementary Groundwater Model Runs to Annex 1 Numerical Model Report
  - 6.3 Environmental Statement Appendices – Appendix 11.5 (1) Level 3 Flood Risk Assessment.
- 1.4 Atkins, as Wiltshire Council's framework consultants, reviewed these reports (track change versions where available) to provide an updated review of the pluvial and groundwater related risks for the Scheme. Atkins were also asked to consider whether the issues raised within the original peer review have now been addressed.
- 1.5 The summary findings and status of actions from the peer review are contained in the following sections of this report. The full reports have been attached at Appendices A and B to this document and contain further detailed explanation on the conclusions detailed below.

## 2. Wiltshire Council's Review of Additional Drainage Documents Submitted by HE at Deadline 3

- 2.1 A thorough hydraulics investigation has been undertaken to determine pluvial flood risk for Parsonage Down. The updated investigation addressed the 4 main hydrological shortfalls listed from the previous review.
- 2.2 The report provides information on the change in flood risk (flow) to the River Till system. The Flood Risk Assessment (FRA) is however lacking in similar detail to changes in flood risk within the HE parcel of land. Although change to flood risk within the HE land would appear to be deemed acceptable (assuming HE are happy to increase pluvial flood risk on their land), it would be beneficial to understand changes in flood risk within this envelope in more detail to ensure that risk to the B3083 or the water level adjacent to the B3083 and other areas is reported to ensure that residual risks can be identified and mitigated if required. It is requested that the increase in flood risk from the worst-case scenarios for pre and post scheme are considered and reported upon.

- 2.3 The scheme discharges a greater volume of water from the catchment to the River Till system, at its peak. It is 0.17m<sup>3</sup>/s additional flow. It is not best practice to allow an increase in flow from a development. This may become significant if multiple increases in discharge were allowed for other new developments within the catchment (cumulative effect). The review asks that the flow / volume over a longer duration is calculated relative to the flood hydrograph of the River Till to determine its impact. The findings will need to be discussed with the Environment Agency to determine if this increase is acceptable, however, the current findings are not in line with best practice and guidance.
- 2.4 The additional information adequately addresses the review comments relating to the climate change groundwater analysis.

### 3. Status of Actions from Wiltshire Council's Peer Review

- 3.1 The remaining actions in relation to the road drainage strategy are as follows:
- There is no confirmation to flood risk posed to the proposed drainage treatment areas (DTAs). This should be checked for both impact on the Scheme and impact on surrounding land etc. It is likely that detailed design will impact on existing overland flow routes.
  - It is unclear what happens when the pond base blinds with sediment and infiltration is restricted, or where the design event is exceeded. Confirmation of the exceedance routes is required.
  - Justification of the climate change allowances. Wiltshire Council is awaiting confirmation of the available freeboard at DTAs for the 40% climate change allowance scenario, and the exceedance routes confirming no risk to people and property.
- 3.2 The findings and recommendations from the pluvial review are shown in tables 1 and 2 in Appendix B.
- 3.3 The following table illustrates the current status of the findings and recommendations for groundwater from Wiltshire Council's peer review.
- 3.4 The following colour code key has been adopted for clarity:
- Green depicts those actions that have been addressed
  - Amber illustrates those actions that require justification
  - Red highlights those actions which are yet to be addressed.



Findings / Recommendations	1 <sup>st</sup> Round of Comments in Local Impact Report (November 2018)	2 <sup>nd</sup> Round of Comments at Deadline 2a (10 <sup>th</sup> May 2019)	3 <sup>rd</sup> Round of Comments at Deadline 4 (21 <sup>st</sup> June)
Finding 1	The overall approach to groundwater risk assessment appears reasonable. The risk of the Scheme inducing groundwater flooding, interfering with abstractions or impacting on flows to environmental receptors appears to be low (i.e. risks relating to quantity of groundwater flow and heads).	The point remains valid and the additional work has provided further assurance.	
Finding 2	The conceptual model of the groundwater system is presented clearly in Ref 1. Data collation has covered the usual expected data sources and reasonable interpretation and conclusions have been drawn.	The additional data collection and interpretation has enhanced the conceptual understanding.	
Finding 3	Use of the Wessex basin model for quantitative risk assessment is a sensible approach; this is the best available tool and has stakeholder acceptance. Refinements in the hydraulic conductivity (K) in the model in the study area, in keeping with local pumping test results, appears appropriate. Nevertheless, the groundwater levels and flows presented do not show a clear improvement in model calibration.	Testing of alternative parameter distributions has provided reassurance in the model setup.	
Finding 4	It would be useful to see further interrogation of the model calibration, both original and refined versions, in the study area and checks on the impact of refinements to the model (both the K changes and using short model runs). This would provide additional confidence in the results and a fuller understanding of limitations.	This comparison has been provided for groundwater levels at a selection of monitoring boreholes and provides further confidence in the model. Ideally more long term groundwater level records (e.g. from EA monitoring boreholes) and flows in the rivers would have been included.	Not addressed in the documents provided.
Finding 5	A more comprehensive description of the refinements made should be given e.g. the extent of the changes in K and what starting heads have been used for each run. A table of model runs (stating period, property changes, starting heads etc.) with	For the supplementary runs the model refinements and starting heads have been clearly explained.  In the document, as well as the original modelling report, a table of model runs and use of reference	Not addressed in the documents provided.

Findings / Recommendations	1 <sup>st</sup> Round of Comments in Local Impact Report (November 2018)	2 <sup>nd</sup> Round of Comments at Deadline 2a (10 <sup>th</sup> May 2019)	3 <sup>rd</sup> Round of Comments at Deadline 4 (21 <sup>st</sup> June)
	reference codes would be useful and each figure should state clearly which model run results are from.	code would have been valuable. It is not always clear which run is being shown on a figure.	
Finding 6	The approach to modelling the tunnel structure below the water table by reducing K seems reasonable and assumptions appropriately conservative. Focusing presentation of results on changes in heads is correct: there would be more confidence in the model's ability to simulate changes in heads (and flows) than in modelling absolute levels.	No change has been made to the tunnel representation. New ground investigation results suggest the approach may be more conservative than anticipated.	
Finding 7	Where the assessment relies on modelling of absolute levels (e.g. presentation of flood risks as modelled groundwater levels compared to ground level) additional caution in use of the results should be stated. In the area north of the tunnel where the most significant rises in groundwater levels are predicted any additional information on model calibration in this area would be helpful (point 4 above).	<p>The calibration figure includes two monitoring boreholes north of the tunnel. At these, and most of the other boreholes shown, the model used for the risk assessment appears to slightly overestimate groundwater levels (this is tentative as the monitoring / modelling periods do not overlap), and therefore may be pessimistic in terms of predicted flood risk. Modelled changes in level, rather than absolute level should be used wherever possible.</p> <p>No comments on how the modelled groundwater levels should be used are included in the documents provided.</p>	Not addressed in the documents provided.
Finding 8	Where specific previous groundwater flooding issues have been identified, or any other areas where flooding concerns are acute, it would be useful to clearly state the modelled impact from Scheme on flood levels at these locations (even if zero).	Not addressed in the documents provided.	Not addressed in the documents provided.
Finding 9	It is not evident whether any consideration has been given to what the critical level is for groundwater	Not addressed in the documents provided.	Not addressed in the documents provided.

Findings / Recommendations	1 <sup>st</sup> Round of Comments in Local Impact Report (November 2018)	2 <sup>nd</sup> Round of Comments at Deadline 2a (10 <sup>th</sup> May 2019)	3 <sup>rd</sup> Round of Comments at Deadline 4 (21 <sup>st</sup> June)
	interfering with drainage infrastructure or flood storage. A level of 2m below ground has been used as an indication of risk but no explanation provided for what this is based upon. No information is given in these reports about how peak predicted groundwater levels from the modelling have been used in design of the scheme drainage infrastructure.		
Finding 10	The approach to considering climate change of increasing recharge by 20% (to consider peak groundwater levels) is very simple – no allowance is made for the effect of soil zone processes or changes in starting heads (it is assumed). Clarification of how this corresponds to the approach used in fluvial / pluvial flood risk assessment (where 30% and 40% increases appear to have been used) should be provided. A 20% increase in recharge will represent <20% increase in rainfall.	Not addressed in the documents provided.	The additional information adequately addresses the review comments relating to the climate change groundwater analysis.
Finding 11	The modelling results inevitably contain uncertainty and this should be reflected in presenting / describing results of quantitative risk assessment. Groundwater level monitoring of areas upgradient and downgradient of the tunnel will be important and as new data becomes available the modelling and risk assessment should be reviewed and updated.	Additional groundwater level monitoring data have been obtained but the records remain short.  Monitoring should continue and the modelling and risk assessment be reviewed and updated.	Not addressed in the documents provided.
Finding 12	The qualitative risk assessment concludes that almost all groundwater risks are low or very low (following embedded mitigation). These mostly refer to the use of the Construction Environmental Management Plan (CEMP). Construction and	The additional investigations and modelling do not suggest changes to the risk assessment are required.	

Findings / Recommendations	1 <sup>st</sup> Round of Comments in Local Impact Report (November 2018)	2 <sup>nd</sup> Round of Comments at Deadline 2a (10 <sup>th</sup> May 2019)	3 <sup>rd</sup> Round of Comments at Deadline 4 (21 <sup>st</sup> June)
	operation of a scheme on the unconfined Chalk aquifer, with elements at or below the water table, presents risks particularly to water quality and the underlying vulnerability should be kept in mind in later phases (e.g. detailed design, enforcement of the CEMP).		
Finding 13	It is not clear whether the potential risk that the tunnel surface acts as a preferential groundwater flow path and potential link between fissure zones has been considered.	Not addressed in the documents provided.	Not addressed in the documents provided.
Recommendation 1	Specific recommended edits to the report text and figures are listed in detail in Section 4 and 5. These would improve clarity of communication of the assessment.	Not addressed in the documents provided.	Not addressed in the documents provided.
Recommendation 2	The model would preferably be run for the full 1965-2016 run time for each of the revised baseline runs (the baseline run with revised calibration, the wet climate change run and the dry climate change run) and through comparisons made with the original Wessex Basin model output and with observation / gauge data. The short period runs would be checked against these and output from the full runs used as starting heads for the short runs.	<p>Although not all of these specific runs have been carried out, the supplementary model runs do test the revised model over the full run period and test the sensitivity to starting heads. The results provide confidence that the modelling approach is valid.</p> <p>Some additional comparison of model runs with observation borehole data has been presented but, as noted above, should include more longer term groundwater level monitoring records and flows in the river.</p>	Not addressed in the documents provided.
Recommendation 3	Provide an explicit list of the changes in the revised model compared to the original Wessex Basin model (e.g. as a table listing each model run).	Clearer descriptions of the aquifer property changes and starting heads have been provided.	
Recommendation 4	Provide graphs showing comparisons between: <ul style="list-style-type: none"> <li>- The modelled groundwater heads from the short investigation runs</li> </ul>	As noted above, this has been done for some observation boreholes but not for all locations with longer term records.	Not addressed in the documents provided.

Findings / Recommendations	1 <sup>st</sup> Round of Comments in Local Impact Report (November 2018)	2 <sup>nd</sup> Round of Comments at Deadline 2a (10 <sup>th</sup> May 2019)	3 <sup>rd</sup> Round of Comments at Deadline 4 (21 <sup>st</sup> June)
	<ul style="list-style-type: none"> <li>- The long runs of the original Wessex Basin model (and other long model runs if these are carried out)</li> <li>- Observed data for all Environment Agency monitoring boreholes in the surrounding area and a good selection of site investigation boreholes covering the area of the Scheme and areas to the north and south. This is a valuable check even where the time period of the short model does not overlap with the time period of the monitoring data.</li> </ul>		
Recommendation 5	Check the sensitivity of the model with the tunnel included and the wet climate change model to use of higher starting heads.	This has been done and raised no concerns.	
Recommendation 6	Provide clarification of how the climate change approach is consistent with that used in other flood risk assessments (and ensure they are consistent).	Not addressed in the documents provided.	The additional information adequately addresses the review comments relating to the climate change groundwater analysis.
Recommendation 7	Use monitoring data comparisons to inform caveats to be applied to the use of absolute levels for flood levels or in Scheme design. The model is likely to be more reliable for predicting changes in heads (and flows) rather than absolute levels. Modelling absolute levels in extreme events would particularly hold uncertainty. The predicted position of the water table in terms of depth below ground should be used with a degree of caution.	Not addressed in the documents provided.	Not addressed in the documents provided.

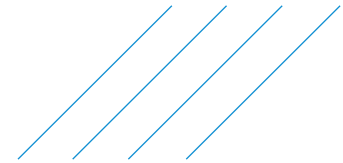
#### **4. Conclusion**

- 4.1 The Council's assessment of the newly provided flood and drainage reports for the Scheme is contained herein. There are a number of issues which still require resolution and / or clarification and discussions with HE will continue in an attempt to resolve them. The progress / outcome of these discussions will be captured in the Council's Statement of Common Ground (SoCG) with HE.
  
- 4.2 The Council reserves the right to make further comments on the DCO application throughout the Examination process and to modify its position in view of any additional information, which is presented to the Examination. This will be via additional representations, submissions at further Issue Specific Hearings and through the Council's SoCG with HE. This submission has therefore been submitted on a "without prejudice" basis.

## Appendices

## **Appendix A: A303 Groundwater Review**





## Memo

To: Carli VanNiekerk, Danny Everett, Wiltshire Council

<b>From:</b> Lesley McWilliam	<b>Email:</b> lesley.mcwilliam@atkinsglobal.com
<b>Date:</b> 12 June 2019	<b>Phone:</b> 01372 756162
<b>Ref:</b> 5157973-ATK-ABD-ZZ-RP-EN-027	<b>cc:</b>

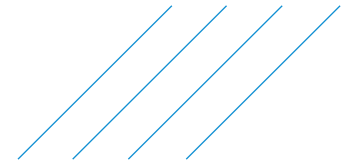
**Subject:** A303 Amesbury to Berwick Down  
June 2019 update of peer review of Groundwater Risk Assessment

## 1. Introduction

This note provides an updated review of the groundwater-related risks for the A303 Amesbury to Berwick Down scheme. A peer review of the initial groundwater reports was issued in November 2018 (ref: 5157973-ATK-ABD-ZZ-RP-EN-022) and an update issued in May 2019 (ref: 5157973-ATK-ABD-ZZ-RP-EN-026). This note considers five recently released documents and whether the issues raised in the previous reviews have now been addressed.

The following documents have been considered:

Document name	Comment	Action
8.22 – Stonehenge Area Pumping Test 2018 Interpretative Report	The text of this document appears to be the same as in the version previously reviewed. The appendices are now available and provide clear supporting information for the report.	No further comments
8.23 – Implications of 2018 Ground Investigations to the Groundwater Risk Assessment (TRACKED CHANGES)	There have been a very limited number of non-technical changes made to this document since the version previously reviewed.	No further comments
8.24 – Groundwater Monitoring 2018-19 Conceptual Model Review	There have been a limited number of changes made to Sections 4 and 5 of this document since the version previously reviewed. They do not affect the conclusions of the work or the previous review.	No further comments
8.25 – Supplementary Groundwater Model Runs to Annex 1 Numerical Model Report (TRACKED CHANGES)	An additional section has been added to the report, discussing the climate change runs. No other notable changes have been made to the document since the version previously reviewed.	Climate change section reviewed below



6.3 Environmental Statement  
Appendices  
Appendix 11.5 (1) Level 3 Flood  
Risk Assessment

With respect to groundwater, the only changes to the text relate to additional information on the climate change runs (primarily 5.3.13 to 5.3.15).

Climate change  
section  
reviewed below

## 2. Climate change

The report on supplementary groundwater model runs has been updated to include a section on climate change (4.3.10 to 4.3.18).

The earlier peer review had noted that a simple 20% increase in recharge had been applied for groundwater assessment, with the basis for this being unclear. Whilst the flood mechanisms and events of interest are different between pluvial, fluvial and groundwater flooding some consistency may be expected in how the scenarios are selected (for example what future time period they represent and whether they are low, mid or upper estimates), and in how this relates to other climate change analysis in the Environmental Statement.

The additional section in the groundwater model report presents the 20% recharge uplift as an equivalent value in mm, and compares this to predicted values (in mm) for increased winter rainfall based on UKCP09 climate change projection data for South West England, referencing Chapter 14 Climate Change [APP-052]<sup>1</sup>. This is a useful comparison and demonstrates that the 20% recharge uplift scenario is precautionary.

A comparison to the quantity in mm of the additional rainfall calculated for the pluvial model climate change scenario is also made, again demonstrating that the selected groundwater scenario is precautionary.

As a further sensitivity test, a version of the groundwater model with the recharge uplifted by 40% is presented. The results of this run do not change the initial findings of the impact assessment.

The additional explanation of the groundwater model climate change run is also presented in Section 5 of the Flood Risk Assessment.

## 3. Conclusion

The additional information adequately addresses the review comments relating to the climate change groundwater analysis.

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<sup>1</sup> Note that Chapter 14 has not been included in this review

## **Appendix B: A303 Pluvial Flood Risk Review**

# Memo

<b>To:</b>	Carli VanNiekerk, Daniel Everett, Wiltshire Council		
<b>From:</b>	Lee Garratt	<b>Email:</b>	lee.garratt@atkinsglobal.com
<b>Phone:</b>	01733 462384	<b>Date:</b>	19 Jun 2019
<b>Ref:</b>	5157973-ATK-ABD-ZZ-RP-EN-029	<b>cc:</b>	L Willis; M Vaughan; Lesley McWilliam
<b>Subject:</b>	TR010025-00991 FRA and Pluvial Hydraulic Flood Risk Comments		

## 1. Introduction

This memo provides comments and questions raised following a review of the Highways England A303 Amesbury to Berwick Down TR010025; 6.3 Environmental Statement Appendices, Appendix 11.5 (1) Level 3 Flood Risk Assessment Report. The report has been reviewed following the findings published in 5157973-ATK-ABD-ZZ-RP-EN-025 Integrated review of A303 A2BD water assessments p01 Report and 5157973-ATK-ABD-ZZ-RP-EN-024 A303 Pluvial Model (Parsonage Down) Review p01. At the time of writing this memo, the hydraulic model has been reviewed focused on the queries raised in 5157973-ATK-ABD-ZZ-RP-EN-028 report, however due to imposed time restrictions a full review of the entire model was not possible.

A summary of the hydrological findings that were required to be addressed from the previous review are listed below, these are discussed in Table 1:

1. Sensibility/verification check of DDF modelling from FEH with local rainfall data
2. Further discussion and sensitivity testing of Cini
3. Greater justification of assuming snow melt is >0.1% AEP
4. Hydrographs of the various durations and profiles should be supplied to give better context to the reader, additional storm durations may be required due to potential storage upstream of the proposed outlet pipe.

A summary of the hydraulics findings that were required to be addressed from the previous review are listed and discussed further in Table 2:

1. The TINS utilised to define the option topography should be better integrated with the underlying LIDAR. There appears to be a 1m difference/step at the interface of the baseline DTM and the proposed scheme
2. There is conflicting information as to the design of the proposed culvert dimension which requires clarification/changes. There is no justification as to the dimension of pipe required and no sensitivity testing of results of difference sizes of culvert.
3. How will the shallow depression/landscaping on the south facing slope upstream of the B3083 drain? Is it assumed water will infiltrate back into the ground? What happens if there is high groundwater or this is already full/partially full of water when an event occurs?
4. The contouring of the TIN generates an extensive flat area, is this what the design intended? Should this be sloping as the invert of the culvert is over 2m below the ground elevation?
5. The option DTM has a 0.5m increase in elevation between the upstream valley and the proposed culvert. Is this part of the design to impound water or is this an error in the DTM?
6. If the design has been correctly modelled, the model is required to be run for longer as water levels are still rising at 10 hours. It may be important to test several other storm durations as well as culvert size and model run duration to optimise the scheme
7. Structure blockage has not been undertaken to establish residual risk upstream of the proposed culvert, this must be undertaken to understand risk more fully
8. Is a >500m long culvert the best option? The study does not consider the risk of blockage of the proposed culvert. Blockage of the culvert would cause a greater extent of flooding compared to that published in the report. Culverting of watercourse is often opposed by councils and the Environment

# Memo

Agency as it is against many of the legal requirements set out in the Water Framework Directive (2003) that the quality of the watercourse should not be reduced. Although there is no permanent watercourse at his site, a watercourse can be defined as including all “rivers, streams, ditches, drains, cuts, dykes, culverts, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages through which water flows. At 539m long and buried to up to 5m deep, the maintenance of such an asset would be extremely difficult and expensive should a repair be required. The proposed option appears to have a number of shortfalls at face value without additional discussion as to its suitability.

9. Is there an overarching reason for the culvert direction used? Have other alignments been considered such as following the former valley route beneath the new A303 and B3083?
10. Is the feature upstream of the B3083 (immediately downstream of the inlet to the pipe) a quick fix in the model to stop flooding or is it included as part of the design? Can it physically be engineered with the space constraints of the site?
11. Who will own the culvert, who will be responsible for maintenance? What are considered as self-cleansing velocities as part of the design?
12. Is the depth of flooding and flood hazard adjacent/across the B3083 acceptable post scheme? Does this need to be mitigated or managed?
13. Following confirmation of the above culvert queries, a check should be performed (and reported) to test that the timing and magnitude of flow from the culvert is the same or less than of the baseline flow reaching the River Till (the baseline results show a lot of attenuation upstream of the B3083 however the scheme may reduce this if the pipe conveys all of this water). There is a risk that the culvert could increase the rate of runoff into the River Till and therefore this would have an implication on the fluvial system which should not be allowed.

Since the findings of the review were published, the proposed scheme has changed therefore some of the previous findings (latter part of point 4 may no longer be valid) may no longer need addressing.

## 2. Comments and questions

The comments and questions arising from the review of the documentation can be found in Table 1. The following colour configuration has been utilised to categorise the findings/questions raised:

- General comment
- Acceptable but query raised
- Queries raised requiring justification
- Issues need to be addressed or require specific justification

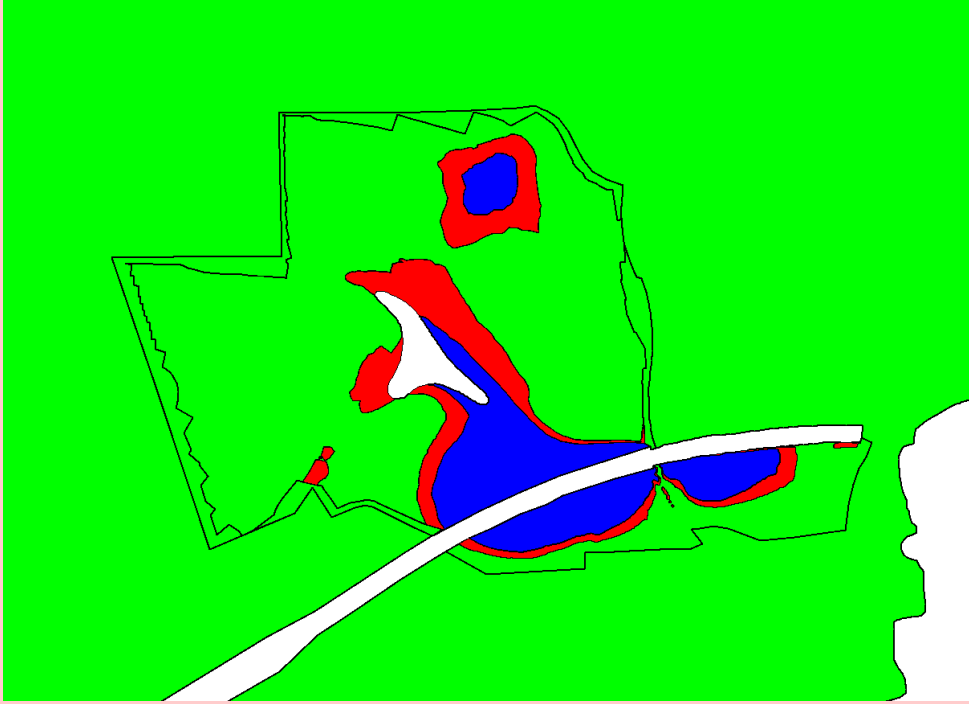
**Table 1. Document findings and queries**

Section	Discussion
1.4.5	The report states that the findings do not increase flood risk to properties during construction or operation however that does not necessarily make the scheme viable in terms of flood risk as there are other considerations other than properties to consider (for example increased runoff downstream into the River Till)
3.4.3	Do any of the attenuation features change the volume of water that will enter the catchment? Do attenuation features convey water from areas previously outside the current catchment? It is assumed that they do not as they are not specifically detailed in the reporting.
Fig 3.2	Annotations on Figure 3.2 state “WC owned culvert under B3083, levels would allow a ford at this location”. There is little or no recognition to this ford in the text or explanation how often or at which return period this would become active. Would water spilling over the B3083 be more regular or at a greater depth/velocity than that already experience on the current route of the road? There is no commentary on the risks to users (be it insignificant or dangerous).
8.3.2	If the runoff design is to the 1% annual probability, why does the hydraulic model not include runoff from the attenuation features and not include any rainfall/runoff from the carriageway

# Memo

Section	Discussion
	for the +40% climate change scenario? The model presumably therefore underestimates the runoff into the system.
8.3.4	Blockage comments raised in the previous review have been addressed in this updated report which is good practice
8.3.7	The report details an increase in flow (0.17m <sup>3</sup> /s) from the catchment into the River Till, this does not conform to best practice where there should be no additional runoff due to a scheme. As this therefore is an increase in risk, have any further solutions to mitigate this been considered such as restricting flow under the A303/B3083 to store water and throttle/attenuate runoff back to the River Till? What volume of additional water would this contribute to the River Till over a longer duration event as this and other developments would cause cumulative effects (increased risk) downstream? This additional volume of water constitutes a risk to others downstream of the site.
8.3.8	Ambiguous if this statement is referring to the mitigation already included or whether additional mitigation is required.
8.3.9	The report discloses that the increased depth of flooding is on land retained by Highways England and therefore shows that others are not affected by the proposals. This therefore shows that the majority of the risks are contained within HE land however an increase in flood risk should be reported and addressed accordingly whoever owns the land.
Fig 8.3	What is the impounding volume upstream of the A303? It is assumed it would be less than 25,000m <sup>3</sup> even if blockage was considered?
10.3.6	What specifically is the design concept of the managed land drainage (it would be useful to have a description in words)? Is it for example to throttle flows (based on what criteria) and/or redirect flow? 5.4.5 of Appendix 1B states the reasoning of the 1.2m diameter A303 culvert, however what is the design concept behind the 450mm pipes under the B3083?
10.4.5	It is assumed that compounds will have site specific FRAs undertaken (therefore not discussed within the document) to ensure runoff is not increased
10.5.4	See 8.3.7 comment – what is the change in volume downstream over the duration of an event as this may be significant. Could this be mitigated through throttling flow through the A303 managed land drainage scheme to ensure risk is not increased? Has the additional flow been included In the River Till modelling study? Would this increase the disparity shown in Fig 5.3 Annex 1A if it was included?
<b>Annex 1B</b>	
Section	Discussion
1B 1.1.5	Changes have been made to the hydrological calculations which addresses many of the findings of the previous review. Why has the boundary with the River Till within the hydraulic model been modified and in what way? The report discusses changes to infiltration rates due to deposition of chalk which is a conservative and more detailed approach than the previous study (this is yet to be confirmed if this is represented in the hydraulic model). It is positive that blockage sensitivity testing has been undertaken as suggested in the previous review
1B 1.3.2	+40% increase in rainfall intensity appears to have been utilised in this and the other studies from a quick review of other documentation supplied which is positive as all approaches are consistent.
1B 2.1.5	Does the modelling of direct rainfall onto the current or proposed road schemes have sufficient detail to accurately depict where runoff is attenuate/released or directed?
1B 2.3	POINT 1 listed on page 1 is addressed through the utilisation of the updated FEH136 data set and the cross check of the monthly rainfall totals against SAAR (SARR shown in Table 3-2 of Annex 2A)
1B 2.3.3	Is the 'critical' storm duration that of peak flow or maximum water levels?

# Memo

Section	Discussion
1B 2.4	Comments regarding antecedent conditions from the previous review (POINT 2 listed on Page 1) are addressed. Upper Cini estimates have been recalculated with a ~45% increase rather than ~1300% increase which appears more reasonable.
1B 2.5.5	Boundary conditions utilised are realistic and fit for purpose.
1B 3.7.10	If groundwater is present during a pluvial event, how has this been addressed in the hydraulic model, there is no additional reference in the report and the model does not contain any additional flow/other? The statement made suggests that the culverts would not be able to perform to their full capacity if groundwater was present. Would this not be a limited amount of blockage to use in the “unblocked” scenario for all culverts?
1B 3.7.13	<p>The document states that where chalk fill is greater than 2m deep, rainfall infiltration/losses will be less than that elsewhere, which would increase the volume of runoff into the system. The model and model log has been checked (NOTE – the calculations on the PD Infiltration Rates tab for 100+40% CC are incorrect as they reference column A when it should be column B for the calcs in columns D and H, once correctly referenced the results do however match the rainfall utilised in the model, these should be changed for completeness) and the different rainfalls have been applied accordingly. There is however no explanation as why there is an area in the centre of the valley that receives no rainfall (approx. 2% of the entire model area therefore a larger % of the area that contributes to the actual catchment) and why the road does not receive rainfall/runoff when the drainage system is only designed to the 1% annual event (where do the +40% go?). This need adding to the model. Additionally, runoff from the scheme’s attenuation features are not present in the model and should be modelled.</p> <p>Below depicts file 2d_rf_STH_C01_P_014</p> <p>Green = areas with existing infiltration rate no change or 0-2m of chalk fill)            Red = 50% infiltration (depth 2-4m of chalk fill)            Blue = no losses (impermeable 0% infiltration &gt;4m depth of chalk fill)            White = no rainfall</p> 
1B Fig 4.5	The baseline worst case flood extent/depth (6 hours) has not been compared to a longer storm duration scheme event (12 hours) to ensure any other risks are recognised. The culverts that are proposed may constrict flow (especially if groundwater also partially fills these) and therefore cause ponding of water. Given the longer storm duration is shown to have a larger volume (Table 4.2) the results shown do not confirm if the scheme has considered the worst-case scenario for both scenarios. To ensure that the performance of

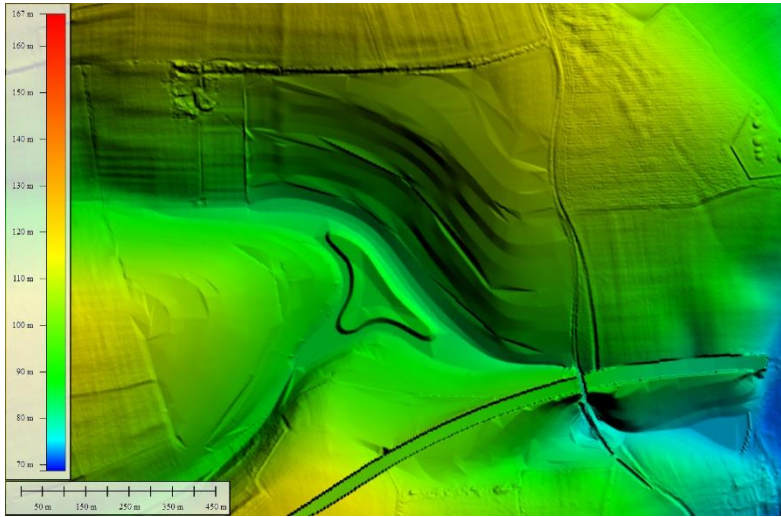
# Memo

Section	Discussion
	the scheme is fully understood, the results of multiple duration scheme models is required to be tested and discussed.
1B 4.4	POINT 4 from the findings of the previous review on the opening page of this document are addressed in part in this section of the report however a comparison of worst case for both scenarios has not been undertaken (which is requested in 1B Fig 4.5 and conclusion).
1B 4.4.3	Would flood depths be greater if the 12 hour duration scheme model results were compared to the worst case 6 hour baseline event given the statement that the proposed scheme has a substantial impact upon flow. The analysis discussed is based on a like for like duration (which is acceptable) however it would be pertinent to determine the difference in maximum risk of both scenarios. It is envisaged that if the results for a longer duration show a greater depth/extent, it would still be within the Highways England land jurisdiction and therefore acceptable, however, it must be ensured that the worst case is presented to ensure all risks are identified.
1B 4.4.8	What additional percentage increase in volume would this add to the River Till in this or lower order events? It is not good practice to allow increased runoff into a watercourse for lower return periods. This should be looked into and reported further.
1B 4.4.10	This statement appears ambiguous. It reads that flow in the longer 12 hr duration event is less than the shorter 6 hr duration for the scheme, this is not supported in figures 4.7 and 4.10, it is the other way around.
1B 4.4.11	Is this statement in relation to just the River Till floodplain or the whole catchment? Can we say the proposed scheme for longer events causes no detriment anywhere in the catchment?
1B 5.4	Given that the B3083 culverts are smaller than that of the A303, are they not more likely to block? Would blockage increase the hazard rating on the B3083 and increase risk to life? Blockage for the scheme 12 hour duration event does not appear to have been undertaken and presented. This is required to ensure all risks are identified.  Does the scheme require raising of land to the west of the realigned B3083 adjacent to the underpass as required in the previous version of the model? Would blockage of the A303 culvert in the 6 or 12 hour duration event cause loading on this embankment (if it exists)? If it does this information (depth of water as a minimum) needs to be disclosed to outline the risk and show that all risks are designed out/managed.
1B 5.4.8	What is the water level increase upstream of the A303 when 50% blockage is applied, a table showing changes in level at differing locations would help the reader to understand the change in risk?
1B 6.1.5	See 1B 3.7.13 – why is here no rainfall applied to part of the model, this under estimates the volume of water that should be assessed?
1B 7.1.3	360 minute duration is critical for the baseline condition, the report does not conclude what the critical duration is for the proposed scheme or present the difference in risk between these two scenarios.
<b>Annex 2A</b>	
Section	Discussion
2.7.4 – 2.7.5	The report discusses the likelihood of snow melt coinciding with a rainfall event and provides evidence that this is considered unlikely which addresses POINT 3 on the opening page of this document

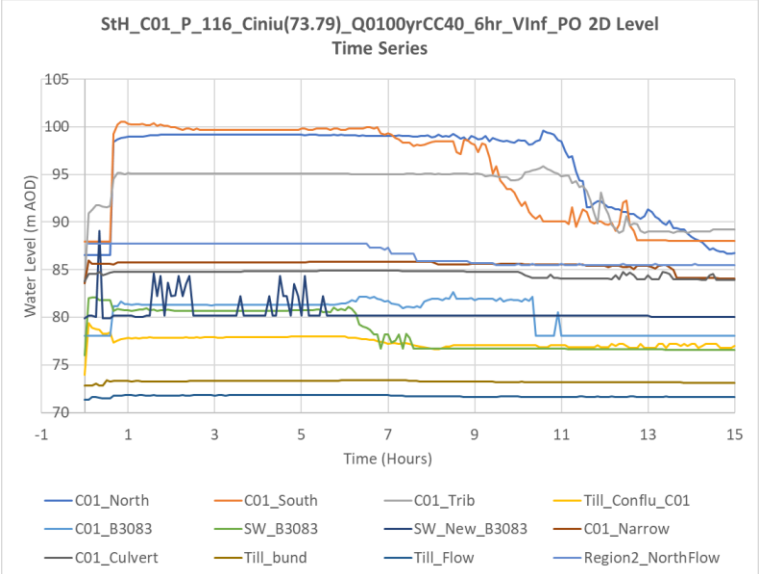


# Memo

**Table 2. Hydraulics review**

Previous Review Recommendation	Comment
<p>The TINS utilised to define the option topography should be better integrated with the underlying LIDAR. There appears to be a 1m difference/step at the interface of the baseline DTM and the proposed scheme</p>	<p>The model topography has been improved with better integration between the two data sets. There are some areas in which there are ridges within the data however these are not thought to be significant.</p>  <p><b>Topography of proposed option</b></p>
<p>There is conflicting information as to the design of the proposed culvert dimension which requires clarification/changes. There is no justification as to the dimension of pipe required and no sensitivity testing of results of difference sizes of culvert.</p>	<p>The design of the culvert has not significantly changed in location and sizing. A culvert under the A303 is 1.2m diameter in line with current best practice guidance (minimum size requirements for culverts beneath highways for access reasons) is proposed along with 3, 0.45m diameter pipes under the B3083 (with another 0.45m diameter pipe draining a ditch from the south west of the B3083). Sensitivity testing including blockage has been undertaken for the A303 culvert.</p> <p>Additional sensitivity testing including initial blockage/reduced performance due to groundwater (as raised in 1B 3.7.10 comment) is recommended and blockage of the three 0.45m diameter culverts also as this will exacerbate upstream levels and will determine the level of risk to the B3083 (for which the unblocked culverts would reduce flood risk)</p>
<p>How will the shallow depression/landscaping on the south facing slope upstream of the B3083 drain? Is it assumed water will infiltrate back into the ground? What happens if there is high groundwater or this is already full/partially full of water when an event occurs?</p>	<p>No longer applicable due to changes in the design</p>
<p>The contouring of the TIN generates an extensive flat area, is this what the design intended? Should this be sloping as the invert of the culvert is over 2m below the ground elevation?</p>	<p>No longer applicable due to changes in the design providing a more reliable representation of the floodplain slope.</p>
<p>The option DTM has a 0.5m increase in elevation between the upstream valley and the proposed culvert. Is this part of the design to impound water or is this an error in the DTM?</p>	<p>This appears to no longer be part of the design given multiple other changes no longer causing large depths of water ponding upstream of the A303</p>
<p>If the design has been correctly modelled, the model is required to be run for longer as water levels are still rising at 10 hours. It may be important to test several other storm durations as well as culvert size and model run duration to optimise the scheme</p>	<p>The hydraulic model has been run for 15 hours to address this comment (25 hours for longer durations). This is sufficient to ensure the peak water levels are captured. The model 2D PO results show this (see below) although they also show some 'noise' within the results; this is considered insignificant. A check of the mass balance file shows that the maximum cumulative</p>

# Memo

Previous Review Recommendation	Comment
	<p>mass error is no more than -0.13% which is well within the required tolerance range (+/-1%) and is therefore reliable.</p>  <p><b>2D Model Results</b></p>
<p>Structure blockage has not been undertaken to establish residual risk upstream of the proposed culvert, this must be undertaken to understand risk more fully</p>	<p>Structure blockage has been undertaken however it is recommended blockage of the three 0.45m diameter culverts is also undertaken as this will exacerbate upstream levels and will determine the level of risk to the B3083 (for which the unblocked culverts would reduce flood risk)</p>
<p>Is a &gt;500m long culvert the best option? The study does not consider the risk of blockage of the proposed culvert. Blockage of the culvert would cause a greater extent of flooding compared to that published in the report. Culverting of watercourse is often opposed by councils and the Environment Agency as it is against many of the legal requirements set out in the Water Framework Directive (2003) that the quality of the watercourse should not be reduced. Although there is no permanent watercourse at his site, a watercourse can be defined as including all “rivers, streams, ditches, drains, cuts, dykes, culverts, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages through which water flows. At 539m long and buried to up to 5m deep, the maintenance of such an asset would be extremely difficult and expensive should a repair be required. The proposed option appears to have a number of shortfalls at face value without additional discussion as to its suitability.</p>	<p>The previous design has been changed so these comments are no longer applicable</p>
<p>Is there an overarching reason for the culvert direction used? Have other alignments been considered such as following the former valley route beneath the new A303 and B3083?</p>	<p>The previous design has been changed so these comments are no longer applicable</p>
<p>Is the feature upstream of the B3083 (immediately downstream of the inlet to the pipe) a quick fix in the model to stop flooding or is it included as part of the design? Can it physically</p>	<p>The previous design has been changed so these comments are no longer applicable</p>

# Memo

Previous Review Recommendation	Comment
be engineered with the space constraints of the site?	
Who will own the culvert, who will be responsible for maintenance? What are considered as self cleansing velocities as part of the design?	The previous design has been changed so these comments are partially no longer applicable. The question of ownership and maintenance is however still relevant.
Is the depth of flooding and flood hazard adjacent/across the B3083 acceptable post scheme? Does this need to be mitigated or managed?	The design of the scheme has changed, however, if there was blockage of the culverts under the B3083 would there be increased risk or high hazard for the B3083?
Following confirmation of the above culvert queries, a check should be performed (and reported) to test that the timing and magnitude of flow from the culvert is the same or less than of the baseline flow reaching the River Till (the baseline results show a lot of attenuation upstream of the B3083 however the scheme may reduce this if the pipe conveys all of this water). There is a risk that the culvert could increase the rate of runoff into the River Till and therefore this would have an implication on the fluvial system which should not be allowed.	The previous design has been changed so these comments are no longer applicable

## 3. Conclusions

A thorough hydraulics investigation has been undertaken to determine pluvial flood risk for Parsonage Down. The updated investigation addressed the 4 main hydrological shortfalls listed from the previous review.

The report provides information on the change in flood risk (flow) to the River Till system. The FRA is however lacking in similar detail to changes in flood risk within the Highways England parcel of land. Although changes to flood risk within the Highways England land would appear to be deemed acceptable (assuming Highways England are happy to increase pluvial flood risk on their land), it would be beneficial to understand changes in flood risk within this envelope in more detail to ensure that risk to the B3083 or the water level adjacent to the B3083 and other areas is reported to ensure that residual risks can be identified and mitigated if required. It is requested that the increase in flood risk from the worst case scenarios for pre and post scheme are considered and reported upon)

The scheme discharges a greater volume of water from the catchment to the River Till system, at its peak. it is 0.17m<sup>3</sup>/s additional flow. It is not best practice to allow an increase in flow from a development. This may become significant if multiple increases in discharge were allowed for other new developments within the catchment (cumulative effect). The review asks that the flow/volume over a longer duration is calculated relative to the flood hydrograph of the River Till to determine its impact. The findings will need to be discussed with the Environment Agency to determine if this increase is acceptable, however, the current findings not in line with best practice and guidance.

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

**Wiltshire Council (A303-AFP022)  
Response to 8.20.1 HE Comments on  
Local Impact Report – Wiltshire  
Council (000978) Submitted at  
Deadline 3**

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## 1. Introduction

- 1.1 The Council has reviewed Highways England's (HE) comments on its Local Impact Report (000978) submitted at Deadline 3. The Council's response to some of those comments is set out in Section 2 of this report below.
- 1.2 Due to the short timeframe the Council has had to review the documents submitted at Deadline 3, it does not mean that the Council has accepted those comments to which it has not made reference. Therefore, this response has been submitted without prejudice to any further representations it may wish to make during the course of the Examination.

## 2. Wiltshire Council's Response to HE Comments on its Local Impact Report

### 2.1 Table 4-7: Archaeology and WHS Considerations: Extant Opportunities

**4.25 – The inclusion of the closure of Byways 11 and 12 to motorised traffic in the Scheme would have helped to deliver Policy 6b of the WHS Management Plan – Manage vehicular access to byways within the WHS to avoid damage to archaeology, improve safety and encourage exploration of the landscape.**

Wiltshire Council considers that HE should acknowledge that an effect of the Scheme as a whole will be likely to increase the volume of motorised vehicle traffic using the byways, as a means of getting closer to the Stones and parts of the WHS without having to walk, cycle or ride a horse. While HE states here that changing the status of the byways is beyond the scope of the Scheme, the Scheme does include changing the status of another BOAT (AMES 1) to a footpath and upgrading bridleway BSJA3 to at BOAT. Wiltshire Council is requesting not that the status of BOATs AMES11 and AMES12 is changed under the Scheme, but that a prohibition of driving of motor vehicles by the public (other than motorcycles) is placed upon them under the Scheme.

### 2.2 Table 5-5: Local Transport: Negative Impacts – Operational

**5.30 – The creation of a cul-de-sac byway open to all traffic (BOAT) (AMES11) is not desirable and does not accord with Wiltshire Council's duties under s.130 Highways Act 1980. AMES11 retains its rural character within existing use but would be vulnerable to damage arising from the potential increase in traffic and the additional manoeuvres and conflicts between vehicular and non-vehicular traffic in wet weather.**

See comments made at para 2.1 above related to 4.25.

### 2.3 Table 5-5: Local Transport: Negative Impacts – Operational

**5.31 – Proposals do not show how traffic which uses AMES11, approaching from the south, would manage to turn around at the northern end of the cul-de-sac.**

See comments made at para 2.1 above related to 4.25. If a prohibition of driving order on byway 11 was made, as Wiltshire Council has requested to be included within the Scheme, a turning area at the northern end of the cul-de-sac would be unnecessary.

2.4 Table 7-5: Public Rights of Way (PROW): Negative Impacts – Operational

**6.08 – Sheets 1, 2 and 3 (of 15) – The lack of a link between SLAN3 and BSJA3 as a byway open to all traffic will result in motorised vehicles still needing to cross the A303 at this point.**

The Council has reviewed HE's response and accepts the explanation.

2.5 Table 7-5: Public Rights of Way (PROW): Negative Impacts – Operational

**6.09 – Sheet 5 (of 15) – Proposal to Widen Green Bridge Near Longbarrow Roundabout – The chosen position of the green bridge requires a non-straight line route to be created. Wear and tear of the surface, including the pooling of surface water, is likely to occur at the corners. It may be possible to overcome these issues through appropriate surfacing and design.**

The Council has reviewed HE's response and accepts the position.

2.6 Table 7-5: Public Rights of Way (PROW): Negative Impacts – Operational

**6.10 – Sheet 7 (of 15) – The creation of a cul-de-sac byway open to all traffic (AMES11) is not desirable. AMES11 retains its rural character within existing use but would be vulnerable to damage arising from the doubling of use and the additional manoeuvres and conflicts between vehicular and non-vehicular traffic in wet weather.**

The Council notes the comments from HE, although does not accept the position stated. The Council's position with regard to the byways is set out within previous submissions and the legal submission submitted at this deadline (Deadline 4).

The Council does also not agree with the comment regarding access from the southern end of AMES11. See comments made above at para 2.1 relating to 4.25. HE's response may be relevant whilst motorised traffic has access to the northern end of byway AMES11 from the A303, that will not be the situation if the Scheme goes ahead. The Scheme will change the way in which byway AMES11 is used from its southern end.

2.7 Table 7-5: Public Rights of Way (PROW): Negative Impacts – Operational

**6.11 – AMES11 and 12 – There is a risk of an increase in motorised traffic, in particular due to the loss of the view of Stonehenge available to motorists using the A303.**

See comments made at para 2.1 above related to 4.25.

2.8 Table 7-5: Public Rights of Way (PROW): Negative Impacts – Operational

**6.12 – Sheet 11 (of 15) PROW AMES2, where it meets A303 north of A303 – Proposal to be stopped up and connection to A303 closed. There is no alternative provision north and no connection south of A303.**

The Council has reviewed HE's response and accepts the rationale. However, it is also noted that the Ramblers in particular are concerned at the considerable additional distance they will need to walk to an alternative crossing point of the A303.

2.9 Table 7-6: Public Rights of Way (PROW): Extant Opportunities

**6.13 – Sheets 5 & 15 (of 15) – To improve connectivity for the maximum possible range of non-motorised users, it would be advantageous to make the proposed link from BSJA9 south to WFOR16 a restricted byway instead of a bridleway as this would give greater access opportunities. Without it, there would be a need to utilise the road network, which for slow, horse drawn vehicles, presents a significant risk. It is, however, recognised that there are physical constraints which may restrict the options otherwise available.**

Wiltshire Council acknowledges the response. However, queries whether HE have considered whether the trees are of sufficient value in their own right and within the landscape to outweigh the safety benefits to users of creating the additional width required for a restricted byway.

2.10 Table 7-6: Public Rights of Way (PROW): Extant Opportunities

**6.14 – Sheet 9 (of 15) – PROW AMES44, where it crosses A303 over bridge is not mentioned. Bridge retained to maintain access.**

The Council accepts HE's response that the existing bridge is unaffected by the Scheme and therefore will be retained. This clarity is welcomed.

2.11 Table 9-4: Public Health and Public Protection: Negative Impacts – Construction Phase

**9.10 – Noise and Vibration – Impact of vibration from tunnelling work at Stonehenge Cottages (including hours of work, vibration (tunnelling operations), positioning of work compounds and plant and vehicle storage).**

The Council welcomes confirmation provided by HE of their:

*“commitment to the offer of temporary rehousing to residents at Stonehenge Cottages if the monitoring of vibration levels at the Cottages on the approach of the TBM indicates that PPV levels exceeding 1mm/s are likely to occur continuously for a period of 48hrs or more during each tunnel bore has been added to the updated Outline Environmental Management Plan (OEMP) submitted at Deadline 3. This commitment is agreed under 3.3.12 of the Statement of Common Ground (SoCG) with Wiltshire Council submitted at Deadline 2. The vibration monitoring requirements are set out in MW-NO16.”*

2.12 Table 9-4: Public Health and Public Protection: Negative Impacts – Construction Phase

**9.13 – Light Nuisance – Impact of artificial lighting (for working and security) during the construction phase.**

The Council welcomes confirmation that CEMP(s) will be prepared in consultation with Wiltshire Council, prior to commencement of that phase. The inclusion of lighting in this commitment is also welcomed.

2.13 Table 9-4: Public Health and Public Protection: Negative Impacts – Construction Phase

**9.15 – Private Water Supplies – Impact of accidental contamination of ground water sources affecting local private water supplies.**

In light of comments made at the hearing on Tuesday 11<sup>th</sup> June in connection with Private Water Supplies, the Council would make the following additional comments:

The Council is concerned that the hydrologist for HE appeared to indicate that water sampling was not based on Drinking Water Standards. There are a number of private water supplies in the locality, most notably the reservoir located north of the main compound and that serving the Stonehenge Visitor Centre. Regard must be had to ensuring that development activities do not compromise the potability of supplies used for human consumption and therefore it is expected that water sampling be undertaken proactively to ensure that the potability of such supplies is not compromised during the construction phase.

2.14 Table 9-5: Public Health and Public Protection: Negative Impacts - Operational

**9.18 – The property Lindisfarne in Ratfyn Road is identified as potentially exceeding the noise insulation regulations assessment.**

The Council notes HE's comment with regard to the Noise Insulation Regulations 1975. The Council would be obliged to receive the results of the survey undertaken.

2.15 Table 9-5: Public Health and Public Protection: Negative Impacts - Operational

**9.21 – Private Water Supplies – Potential impact of accidental contamination of ground water sources affecting local private water supplies from road traffic accidents.**

See comments made at para 2.13 above related to 9.15.



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

**Wiltshire Council (A303-AFP022) Response  
to Comments on Written Representations  
Submitted at Deadline 3**

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## 1. Glossary of Terms

<b>APC</b>	Amesbury Property Company
<b>BHLL</b>	Beacon Hill Land Limited
<b>BOAT</b>	Byway Open to All Traffic
<b>CEMP</b>	Construction Environmental Management Plan
<b>DCO</b>	Development Consent Order
<b>DfT</b>	Department for Transport
<b>EA</b>	Environment Agency
<b>EIA</b>	Environmental Impact Assessment
<b>ExA</b>	Examining Authority
<b>FRA</b>	Flood Risk Assessment
<b>HE</b>	Highways England
<b>HEMP</b>	Handover Environmental Management Plan
<b>HGV</b>	Heavy Goods Vehicle
<b>LEMP</b>	Landscape and Ecological Management Plan
<b>LLFA</b>	Lead Local Flood Authority
<b>NMU</b>	Non-Motorised User
<b>OEMP</b>	Outline Environmental Management Plan
<b>OUV</b>	Outstanding Universal Value
<b>PROW</b>	Public Rights of Way
<b>RB</b>	Restricted Byway (pedestrians, horse-riders, and non-mechanically propelled vehicle, includes horse-drawn vehicles and bicycles)
<b>ROWIP</b>	Countryside Access Improvement Plan (2015-2025)
<b>TBM</b>	Tunnel Boring Machine
<b>TRO</b>	Traffic Regulation Order
<b>WHS</b>	World Heritage Site
<b>WR</b>	Written Representation

## 2. Wiltshire Council's Response to Comments on Written Representations

Written Representation	Wiltshire Council Response
000691	The traffic issues raised by Myra Bennet concerning BOAT AMES 11 in particular are supported by Wiltshire Council and should be resolved by Highways England (HE), not left for the Council to resolve subsequent to the Scheme having been delivered. HE maintains that the DCO does not provide for changing the status of byways 11 and 12, but Wiltshire Council considers that the concerns could be overcome through the use of appropriate prohibition of driving orders and has proposed that an additional Schedule be included in the DCO to provide these.
000701	Wiltshire Council notes the requests regarding suitable surfaces for cyclists, especially for the 4.0m width bound surface on the former A303, new restricted byway.
000711 / 000713	Discussions are ongoing with Classmaxi, APC and HE. It is likely that this matter will be able to be dealt with by agreement.
000730	Wiltshire Council confirms that HE are in discussion with Public Rights Of Way (PROW) officers regarding the use of bridleway AMES9A for private means of access.
000731	Wiltshire Council reiterates that the provision and location of Green Bridge One is vital to the migration of local wildlife, especially bats crossing the road. The width of the green bridge has been made sufficiently large such that it can accommodate adequate full habitat function for wildlife, alongside public use such as walkers, equestrian use and agricultural access.
000735	The traffic issues raised by the Peak District Green Lanes Alliance concerning BOAT AMES 11 in particular are supported by Wiltshire Council and should be resolved by HE, not left for the Council to resolve subsequent to the Scheme having been delivered. HE maintains that the DCO does not provide for changing the status of byways 11 and 12, but Wiltshire Council considers that the concerns could be overcome through the use of appropriate prohibition of driving orders and has proposed that an additional Schedule be included in the DCO to provide these.
000737	<p>The traffic issues raised by English Heritage Trust concerning BOATS AMES 11 and 12 in particular are supported by Wiltshire Council but should be resolved by HE, not left for the Council to resolve subsequent to the Scheme having been delivered. HE maintain that the DCO does not provide for changing the status of byways 11 and 12, but Wiltshire Council considers that the concerns could be overcome through the use of appropriate prohibition of driving orders and has proposed that an additional Schedule be included in the DCO to provide these.</p> <p>In regards to Stonehenge Cottages, the response from HE does not reflect the undertaking on rehousing in case of reaching agreed vibration trigger levels given to the Council's Public Protection Service (as outlined in MW-NO15). Wiltshire Council also notes the comments with regards to the private water supply at the Stonehenge Visitor's Centre. During the Issue Specific Hearing the Council was not reassured by the statement from the HE hydrologist, that appears to indicate that HE were not monitoring water quality to Drinking Water standard. Potability is a significant issue and HE need to take steps to ensure potability of supplies used for human drinking water purposes are maintained in such a condition and not detrimentally affected by their proposed development.</p>

Written Representation	Wiltshire Council Response
000741	<p>In HE's response (paragraph 4.9.20), it states that the existing tree line / hedge which will form the divide between the bridleway and the existing A303 will form part of the local highway and public right of way network owned and maintained by Wiltshire Council moving forward. This has not been discussed with Wiltshire Council PROW service and appears to be a previously unmentioned requirement upon the Council. PROW does not generally take on the maintenance of hedges / fences alongside public rights of way; if it is to do so here, funding provision will be sought from HE to cover the additional costs to the Council moving forward.</p> <p>Wiltshire Council has previously commented that it supports the Turner family's request that HE assess the impact of compaction on the underlying geology. Wiltshire Council would require evidence that the proposed development will not alter the drainage characteristics of the site area so as to cause flooding (ponding) or lead to increased surface water runoff. The Soils Management Strategy, to be developed by the appointed contractor, will identify the types of soil affected and the methods that would be employed for the restoration of agricultural land. Currently, there is inconsistency in the OEMP (Rev 1) with regards to the need for consultation with Wiltshire Council in preparation of the Soils Management Strategy. Wiltshire Council would like to be consulted in the preparation of the Soils Management Strategy to ensure that construction activities do not lead to increased surface water runoff that can lead to flooding.</p>
000753	<p>Wiltshire Council's peer review is ongoing, as a number of recommendations / actions relating to the groundwater modelling are still outstanding. Further comments on the documents submitted at Deadline 3 (Flood Risk Assessment and groundwater reports) will be provided at Deadline 4.</p>
000761	<p>At the Issue Specific Hearing 4, dealing with water matters, HE committed to using a closed face Tunnel Boring Machine for the tunnel construction, which would eliminate the need for large scale dewatering and minimise the need for dewatering in general. This goes a long way towards addressing Wiltshire Council's concerns in relation to flood risk associated with tunnel dewatering discharges to surface waters.</p>
000808	<p>Wiltshire Council have received correspondence from the Hosier's with Appendix 2 attached, and will respond directly to the Hosiers. The Council have asked HE for comment and await their reply. The Council also refers to the general comment on private water supplies as indicated in response to representation 000737 above.</p>
000810	<p>Regarding paragraphs 23.1.1 and 23.1.2 in HE's response, Wiltshire Council supports the Environment Agency's (EA's) proposal that a more specific mention of the Construction Environmental Management Plan (CEMP) and Handover Environmental Management Plan (HEMP) should be included in the DCO. Requirement 4 in the DCO currently states:</p> <p>Outline Environmental Management Plan</p> <p>4. (1) Save for the preliminary works, the authorised development must be carried out in accordance with the OEMP.        (2) The preliminary works must be carried out in accordance with the preliminary works OEMP.        (3) The undertaker must make each construction environmental management plan and each handover environmental management plan produced in accordance with the OEMP available in an electronic form suitable for inspection by members of the public.</p>

Written Representation	Wiltshire Council Response
	<p>Wiltshire Council are considering changes to this requirement and the following amended wording:</p> <p>Construction Environmental Management Plan</p> <p>(1) No part of the authorised development is to commence until a CEMP has been prepared, in consultation with Wiltshire Council and the Environment Agency, and submitted to and approved in writing by the Secretary of State, in consultation with Wiltshire Council and the EA.</p> <p>(2) The CEMP must be in accordance with the Outline Environmental Management Plan.</p> <p>(3) The authorised development must be constructed in accordance with the approved CEMP.</p> <p>(4) Upon completion of construction of the authorised development the CEMP must be converted into the HEMP, in consultation with Wiltshire Council and the EA, and the authorised development must be operated and maintained in accordance with the HEMP.</p> <p>The amended requirement would ensure the following:</p> <ul style="list-style-type: none"> <li>- Approval of the CEMP by the Secretary of State, in consultation with Wiltshire Council and the EA, instead of HE, which will provide a higher level of assurance.</li> <li>- Implementation of the Scheme in accordance with the CEMP, instead of the OEMP, which is more appropriate as the Scheme will be refined as the CEMP is developed.</li> <li>- Clarification of how the OEMP will develop over time into the CEMP and then HEMP, guiding the Scheme from outline design to detail design to construction to operation and maintenance.</li> </ul> <p>Regarding paragraph 23.2.17 of HE’s response, Wiltshire Council supports the EA’s request to be included as a consultee on requirement 10. Regarding paragraphs 23.2.24 and 23.2.25, HE’s commitment to using a closed face Tunnel Boring Machine at the Issue Specific Hearing 4 goes a long way towards addressing Wiltshire Council concerns in relation to flood risk associated with tunnel dewatering discharges to surface waters. Should the disapplication of land drainage legislation and the associated protective provisions be agreed with Wiltshire Council, the Council will consider applications for dewatering discharges to surface waters as part of the Scheme. Regarding paragraph 23.2.26, Wiltshire Council also requests that the Council be consulted during the preparation of the Water Management Plan, as it is the flood risk management authority leading on surface water, groundwater and ordinary watercourses.</p> <p>With regards to paragraphs 1.4.1 and 1.5.1 of the Environment Agency’s Written Representation comments, Wiltshire Council is considering its position with regards who is best placed to approve the CEMP and topic specific management plans (MW-G7 in the OEMP). Self-approval by HE may not provide an adequate level of scrutiny. With regards to paragraph 4.2.1, Wiltshire Council is pleased to note that the Council’s request that HE provide 40% climate change allowances in the road drainage design is supported by the EA.</p>

Written Representation	Wiltshire Council Response
000812	Regarding HE's response (paragraph 25.1.10): In the site drainage action / commitment in the OEMP (MW-WAT3), HE commits to limiting water flows from the site during construction to existing runoff rates, unless otherwise agreed with the EA. This should also be agreed with Wiltshire Council as the statutory authority leading on surface water risk management.
000814	The traffic issues raised by the Green Lanes Environmental Action Movement concerning BOAT AMES 11 in particular are supported by Wiltshire Council but should be resolved by HE, not left for the Council to resolve subsequent to the Scheme having been delivered. HE maintain that the DCO does not provide for changing the status of byways 11 and 12, but the Council considers that the concerns could be overcome through the use of appropriate prohibition of driving orders and has proposed that an additional Schedule be included in the DCO to provide these.
000816	<p>Replacement planting and new planting of areas of scrub is considered by Wiltshire Council to be a vital part of the site mitigation design, in order to help bats permeate the landscape and to be protected from long term impacts as a result of the works. The National Trust comments appear to be requesting that all available areas within the footprint should be used for biodiversity gain, which the Council would agree with. However, the Council would not agree that this should exclusively be the creation of chalk grassland, but should be the creation of a mosaic of related habitats. In addition, the augmentation of the wildflower seedbank is not easily achieved. The Council believes that good chalk grassland is created and maintained through maintenance of the existing seedbank and sward. Additional seeding or plug planting should only be undertaken after monitoring the site post construction completion, and the need for such should be determined in consultation with Wiltshire Council and the relevant local chalk grassland specialists.</p> <p>The traffic management issues raised by the National Trust concerning BOATs AMES 11 and 12 in particular are supported by Wiltshire Council but should be resolved by HE, not left for the Council to resolve subsequent to the Scheme having been delivered. HE maintain that the DCO does not provide for changing the status of byways 11 and 12, but the Council considers that the concerns could be overcome through the use of appropriate prohibition of driving orders and has proposed that an additional Schedule be included in the DCO to provide these.</p>
000817	See comment on traffic management issues in representation 000816 above.
000821	Regarding paragraph 22.1.4 in Highways England response, Wiltshire Council archaeology does not agree with the following reason for dismissing the consideration of longer tunnel options: "because they would not deliver sufficient additional benefits to justify the additional cost." The Council's archaeology service does not think this has been fully justified. Regarding paragraph 22.1.22, Wiltshire Council's archaeology service's view is that an addendum to the EIA is still required as the report and the analysis of the fieldwork results contained in them were published after the EIA chapter on cultural heritage was written. With regards to paragraph 22.1.32, Wiltshire Council archaeology retains its view that further mitigation maybe required to reduce the adverse impact of the cutting on the monuments displaying attributes of OUV at the western end of the scheme. Wiltshire Council archaeology has requested additional visual analysis and plans that have not yet been forthcoming.

Written Representation	Wiltshire Council Response
	<p>The issues of approvals for all archaeological mitigation work is still under discussion and Wiltshire Council strongly disagree with what is set out in paragraph 22.1.57, that the Council will only be consulted where appropriate. Wiltshire Council's view is that HE cannot be the approving body for the archaeological mitigation works.</p> <p>Paragraph 22.4.6 in HE's response appears to underplay the extent of the heads which Wiltshire Council wishes to see in the side agreement (no draft has yet apparently been received, but was promised last week). Importantly, Wiltshire Council wishes to ensure, inter alia, that the agreement makes provision for Traffic Regulation Orders (TROs) to be made by the Council post works, where these are reasonably required as a consequence of traffic activity directly related to the provision of the Scheme. For example, such orders could seek to restrict parking at Stonehenge Road, prohibit HGV traffic on Allington Track, or impose speed restrictions at the Rolleston Crossroads upgrade. With regards to paragraph 22.4.11 in HE's response, in relation to controls on Scheme related HGV traffic using local roads, Wiltshire Council shall also be seeking to restrict local roads on the main diversion routes e.g. through Amesbury, or Bulford, particularly as a result of changed traffic queue ends being shifted eastwards as a result of construction activity impacts on current road layouts.</p> <p>Wiltshire Council does not accept HE's assertion that the lack of provision of a link between BOATs AMES 11 and 12 for motorised users does not create a need for prohibition of driving orders. The Council anticipates increased use of these byways by motor vehicles for reasons already stated in its written representations and which will adversely affect the safety and enjoyment of non-motorised users, damage the surface of the byways and despoil the Outstanding Universal Value (OUV), so working against the benefits to the World Heritage Site (WHS) that the Scheme as a whole will deliver. HE should acknowledge these ancillary issues as an integral adverse effect of the Scheme and should not leave them to be resolved after the event by the local highway authority, but instead take the opportunity to resolve them before they become a problem by the inclusion of solutions within the DCO. Wiltshire Council considers that the concerns could be overcome through the use of appropriate prohibition of driving orders and has proposed that an additional Schedule be included in the DCO to provide for this.</p> <p>Regarding paragraph 22.5.3 of Highways England's response, the amended culvert design was included in Rev 1 of the FRA submitted at Deadline 3, and the supporting hydraulic model was received almost 2 weeks later on 13 June. The model is required to fully assess the new culvert design and verify whether the peer review actions have been addressed. Wiltshire Council will provide comments on the amended culvert design at Deadline 4. In relation to paragraphs 22.5.6, 22.5.11, 22.5.13 and 22.5.20, Wiltshire Council will provide comments on the extent to which the peer review actions have been addressed at Deadline 4.</p> <p>Regarding paragraph 22.5.22, at Issue Specific Hearing 4 dealing with water matters, HE committed to using a closed face Tunnel Boring Machine for the tunnel construction, which would eliminate the need for large scale dewatering and minimise the need for dewatering in</p>

Written Representation	Wiltshire Council Response
	<p>general. This goes a long way towards addressing Wiltshire Council concerns in relation to flood risk associated with tunnel dewatering discharges to surface waters. In relation to paragraph 22.5.27, changes to the OEMP are required and Wiltshire Council will be providing comments on the updated OEMP at Deadline 4. Overall, there are actions / commitments that should include consultation with Wiltshire Council, in addition to the EA. There is inconsistency with regards the need for consultation with Wiltshire Council on documents such as the Flood Risk Management Plan (MW-WAT12), the Groundwater Management Plan (MW-WAT10), the Soils Management Strategy (MW-GEO3) and site drainage (MW-WAT3).</p>
000822	<p>Regarding paragraph 37.2.6 in HE's response, action / commitment MW-GEO3 in the OEMP states that the main works contractor shall produce a Soils Management Strategy. Wiltshire Council requests that it be consulted in the preparation of the strategy as the movement of soils and construction activities could impact the drainage characteristics of an area and increase flood risk.</p>
000840	<p>HE's traffic counts were taken with the A303 as a heavily trafficked trunk road open to all vehicles and with 'no-right turn' orders in place limiting movement between Byways 11 and 12. With the A303 decommissioned, there could be an entirely different demand for the use of these byways and a link between them, from motorcyclists. Wiltshire Council considers that by comparison with other motorised vehicles, motorcyclists on these byways present a low safety risk to non-motorised users and cause little damage to the surface, do not present the same long-term overnight camping issues and have far less visual impact. For these reasons, the Council has concluded that while there is a need to exclude motor vehicles from using the byways (and there being no need to provide a linking route), the exclusion does not need to include motorcycles in order to resolve the major vehicular issues. It is clear that HE do not consider that the DCO can include changes to the status of the byways, but the Council considers that the DCO can make provision for prohibition of driving orders that would resolve many of the adverse effects of what will otherwise be an increase over the existing levels and problems of motor vehicle use. Although HE are unwilling to include solutions within the DCO, preferring to leave them to be addressed by the local highway authority once the Scheme has been delivered, Wiltshire Council has proposed that an additional Schedule could and should be included in the DCO to resolve these issues before, instead of after, they become a problem.</p>
000881	<p>The provision of the Green Bridges is to allow permeation of the landscape by a range of wildlife species, not only bats. The width of the green bridge will ensure sufficient space to accommodate wildlife alongside human use (walkers, equestrian, agricultural access etc.). Research and monitoring of existing schemes has shown that "bat gantries" and "bat wires" as crossing aids are ineffective and do not assist in avoiding bat mortality, since bats tend to follow the hard surface (the road) and will likely fly down the side of the cutting and across the road at a height likely to result in collision and deletion of a large proportion of the local population. Wiltshire Council will insist on the provision of green bridges as opposed to any other form of bat crossing and would reiterate the need to include other wildlife species.</p>



## Appendix A - List of Written Representations Reference Numbers and Names

Written Representation	Written Representation Name
000691	Myra Bennett
000701	Cycling UK
000711	The Amesbury Property Company Ltd.
000713	Classmaxi Ltd.
000730	Mrs P M Sandell
000731	Mr Robin Parsons
000735	Peak District Green Lanes Alliance
000737	English Heritage Trust
000741 / 000895	The Turner Family
000753	Stonehenge Alliance
000761	Barry Garwood
000808	M&R Hosier
000810	Environment Agency
000812	National Farmers Union
000814	Green Lanes Environmental Action Movement
000816 / 000817	National Trust
000821	Wiltshire Council
000822	Morrison & King Limited
000840 / 000888	Trail Riders Fellowship
000881	Mr F W G Whiting

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

**Wiltshire Council (A303-AFP022) Response  
to Comments on First ExA’s Question  
Answers Submitted at Deadline 3**

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## 1. Glossary of Terms

<b>APC</b>	Amesbury Property Company
<b>BHLL</b>	Beacon Hill Land Limited
<b>BOAT</b>	Byway Open to All Traffic
<b>CEMP</b>	Construction Environmental Management Plan
<b>DCO</b>	Development Consent Order
<b>dDCO</b>	draft Development Consent Order
<b>DfT</b>	Department for Transport
<b>DMRB</b>	Design Manual for Roads and Bridges
<b>EA</b>	Environment Agency
<b>ES</b>	Environmental Statement
<b>ExA</b>	Examining Authority
<b>ETRO</b>	Experimental Traffic Regulation Order
<b>FRA</b>	Flood Risk Assessment
<b>HE</b>	Highways England
<b>HEMP</b>	Handover Environmental Management Plan
<b>LEMP</b>	Landscape and Ecological Management Plan
<b>LLFA</b>	Lead Local Flood Authority
<b>NMU</b>	Non-Motorised User
<b>OEMP</b>	Outline Environmental Management Plan
<b>PROW</b>	Public Rights of Way
<b>RB</b>	Restricted Byway (pedestrians, horse-riders, and non-mechanically propelled vehicle, includes horse-drawn vehicles and bicycles)
<b>ROWIP</b>	Rights of Way Improvement Plan
<b>S106</b>	Section 106
<b>SoCG</b>	Statement of Common Ground
<b>SWLEP</b>	Swindon and Wiltshire Local Enterprise Partnership

<b>TBM</b>	Tunnel Boring Machine
<b>TRO</b>	Traffic Regulation Order
<b>WFD</b>	Water Framework Directive
<b>WHS</b>	World Heritage Site
<b>WR</b>	Written Representation

## 2. Wiltshire Council's Response to Comments on First ExA Question Answers

Question	Initial Responder	Wiltshire Council Response
G.1.4	Wiltshire Council	Wiltshire Council and Highways England (HE) have reached agreement on the climate change allowances for the groundwater assessment. HE provided clarification in paragraphs 5.3.12 - 5.3.15 of the ES Appendix 11.5 Flood Risk Assessment (FRA) Rev 1. The latest groundwater model runs used a 40% increase in the recharge, which is consistent with fluvial and pluvial allowances, and therefore acceptable to Wiltshire Council. Agreement has not yet been reached on the road drainage climate change allowances. Discussions with HE are ongoing to address the remaining peer review actions for road drainage, surface water and groundwater. Some of the actions have been addressed by the latest FRA Rev 1 submitted at Deadline 3, but actions remain across all 3 areas. Wiltshire Council will provide comments in relation to this at Deadline 4.
AG.1.28	Carter Jonas LLP on behalf of M&R Hosier	It is Wiltshire Council's view that biosecurity is essential in preventing and limiting spread of any disease, and good fencing and signage are essential to prevent trespass and potential contamination.
AL.1.11	Highways England	The Council of British Archaeology response makes no reference to the potential impact on the built historic environment, only to archaeology and landscape. This omission seriously downplays the potential impact on a full range of heritage assets (both designated and non-designated) and completely undermines the credibility of the response.
CA.1.31	Highways England	Discussions between HE and Wiltshire Council are ongoing to agree adequate protective provisions. Wiltshire Council's protective provisions will be aligned with those agreed with the Environment Agency (EA) to ensure consistency across flood risk management authorities.
DCO.1.7	Wiltshire Council	At Issue Specific Hearing 4 dealing with water matters, HE committed to using a closed face Tunnel Boring Machine for the tunnel construction, which would eliminate the need for large scale dewatering and minimise the need for dewatering in general. This goes a long way towards addressing Wiltshire Council's concerns in relation to flood risk associated with tunnel dewatering discharges to surface waters.
DCO.1.30	Wiltshire Council	As per our previous comment at Deadline 3, with regard the vertical limit of deviation affecting infiltration features, HE must ensure a minimum of 1m clearance between the base of the feature and the maximum groundwater level, taking into account seasonal variations. This is to prevent rising groundwater from reducing the available storage capacity, and to ensure a sufficient depth of unsaturated material for effective operation.
DCO.1.70	Highways England	HE's response states that site clearance is part of the preliminary works, and that the preliminary works will be carried out in accordance with the preliminary works OEMP (REAC table 3.2a of the OEMP). Wiltshire Council requests that table 3.2a includes an action / commitment for site drainage, similar to what has been included in REAC table 3.2b ref MW-WAT3 for the main works, that states "water flows from sites will be limited during construction to existing runoff rates, unless otherwise agreed with Wiltshire Council and the EA in accordance with relevant legislation".

Question	Initial Responder	Wiltshire Council Response
DCO.1.107	Environment Agency	Wiltshire Council will provide detailed comments on Rev 2 of the dDCO submitted at Deadline 3, and that will include comments on Requirement 10.
FG.1.18	Highways England	Discussions with HE are ongoing to address the remaining peer review actions for road drainage, surface water and groundwater. Some of the actions have been addressed by the latest FRA Rev 1 submitted at Deadline 3, but actions remain across all 3 areas. Wiltshire Council has provided comments in relation to this at Deadline 4.
FG.1.22	Wiltshire Council	The amended culvert design was included in Rev 1 of the FRA submitted at Deadline 3, and the supporting hydraulic model was received almost 2 weeks later, on 13 June. The model is required to fully assess the new culvert design and verify whether the peer review actions have been addressed. Wiltshire Council has provided comments on the amended culvert design at Deadline 4 as part of the peer review comments.
FG.1.25	Wiltshire Council	Section 7.2.5 - 7.2.7 in Appendix 11.4 Groundwater Risk Assessment of the ES states that groundwater monitoring (both level and quality information) will be undertaken during a baseline period, construction, and a minimum 5-year period post construction. This information will be invaluable to confirm that the design is functioning as intended and any required mitigation works. The ongoing monitoring will provide confidence in the groundwater modelling outputs and inform the detailed design and Groundwater Management Plan for construction. Wiltshire Council requests that the scope and detail of the monitoring (number, location, ownership, maintenance, etc.) be agreed with ourselves and the EA when developing the Groundwater Management Plan. Wiltshire Council should also be consulted in the preparation of the Groundwater Management Plan (MW-WAT10 in the OEMP), as the Council is the statutory authority leading on groundwater flood risk management.

## Appendix A - List of Questions and Responses Commented On

<b>Question</b>	<b>Initial Question Directed To</b>	<b>Responding to Comment From</b>
G.1.4	Wiltshire Council	Highways England
AG.1.28	Carter Jonas LLP on behalf of M&R Hosier	M&R Hosier
AL.1.11	Highways England	Council for British Archaeology
CA.1.31	Highways England	Highways England
DCO.1.7	Wiltshire Council	Highways England
DCO.1.30	Wiltshire Council	Highways England
DCO.1.70	Highways England	Highways England
DCO.1.107	Environment Agency	Highways England
FG.1.18	Highways England	Highways England
FG.1.22	Wiltshire Council	Highways England
FG.1.25	Wiltshire Council	Highways England