

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

**Wiltshire Council (A303-AFP022)  
Written Summaries of Oral Submissions  
put at the Issue Specific Hearings held  
between 4 and 14 June 2019**

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## **I. Issue Specific Hearing 1 – Draft DCO – 4<sup>th</sup> June 2019**

### **1.1 Document Structure and Approval Process**

- 1.1.1 Wiltshire Council confirmed that it was supportive of the overall structure of the documentation. It accepted that the fine details will need to be resolved further down the line and that there are areas of the Scheme still to be worked through. The Council stated that as these aspects will require resolution, probably outside of the Examination process, there will be a need for approval later in the process.
- 1.1.2 The Council's understanding of the DCO process has matured and the Council agreed that the higher-level strategies should be signed off by the Secretary of State in consultation with Wiltshire Council and other statutory consultees. Below this, for other tiers of documentation, the Council recognised that it is neither necessary nor appropriate for the Secretary of State to approve them, however the Council does not believe that it is appropriate for Highways England (HE) to sign off on its own documentation. The Council considers this a question of propriety. The Council feels that due process should be seen to be done and is therefore uncomfortable with the proposed approach.
- 1.1.3 For the second-tier documents, the Council believes that approval responsibility should reside with the Local Planning Authority (LPA), in the same way as reserved matters in normal planning application are handled by the LPA. The Council would consult with others when deciding whether to approve requirements contained within the DCO or not.
- 1.1.4 The Council confirmed that it was open to discussion as to where Secretary of State approval was required. It is the Council's opinion that the Construction Environmental Management Plan (CEMP) should be approved by the Secretary of State, whereas the Detailed Archaeological Management Strategy (DAMS) could be approved by the LPA. Discussions are ongoing as to where to draw that line with the approval processes.

### **1.2 Article 2 – Interpretation**

- 1.2.1 The Council expressed concern that some of the things excluded from the definitions may have potential impacts. For example, remedial work on contaminated land conditions could result in extensive impact and site clearance activities could impact on ecology, and depending on what this entails, there could also be an impact on the landscape. The Council indicated that clarity was required, although it did not wish to tie conditions unnecessarily in this regard.
- 1.2.2 With respect to the definition of "maintain", the Council indicated that if the intention is for it not to go beyond the DCO, it may be sensible for the word "record" to be inserted so that it evidences where the starting point is.
- 1.2.3 The Council confirmed that it was pleased to hear that the intention for "ancillary works" would be that they would fall entirely within the order limits. The Council suggested that some fine tuning of the language would be helpful to address the confusion, specifically with regard to Article 7. It was suggested that this could be incorporated into the specific definition of "ancillary works".
- 1.2.4 The Council raised its requirement for the good health of hedgerow plants to be included within the definitions. It was pleased that HE agreed to consider this and to further discuss.

### **1.3 Article 3 – Disapplication of Legislative Provisions**

- 1.3.1 The Council expressed concern with the disapplication of the Land Drainage Act (b, c and d in draft order). The Council is particularly concerned with dewatering during tunnelling works. The current approach does not preclude dewatering activities; therefore, the Council must proceed on a precautionary basis.
- 1.3.2 HE have not specified a closed face tunnel boring machine (TBM), therefore there may be a requirement for extensive dewatering during tunnelling. Wiltshire Council is concerned with the disapplication of the Land Drainage consenting process, as the water will need to be discharged somewhere and this could create wider issues with flooding. The Council has detailed knowledge and understanding of how issues arise and therefore want to retain control for consent.
- 1.3.3 The Council welcomes HE's commitment made during the Issue Specific Hearings that a closed face TBM would be specified. Whilst this would remove the need for large-scale dewatering, further discussions are required to fully understand the dewatering implications associated with the Scheme.
- 1.3.4 The Council works closely with the Environment Agency (EA). As the EA have agreed protective provisions to be put in place to preserve the EA's powers, the Council also requires protective provisions to be extended to Wiltshire Council.

### **1.4 Article 7 – Limits of Deviation**

- 1.4.1 The Council expressed concern with the impact the horizontal variation could have on the position of the portals. The need for this to be included in heritage discussions was stated. Further clarity is required on the proposed scope and once resolved, will need to be incorporated into the wording of the draft DCO.
- 1.4.2 With regard to the vertical limits of deviation, Wiltshire Council indicated that if the tunnel was to be positioned deeper (lower), then there was the potential for it to impact on the water table.

### **1.5 Article 12 – Access to Works**

- 1.5.1 The Council confirmed that it had not expressed concern about this. However, the Council's position would be clarified once it had had a chance to review the updated Outline Environmental Management Plan (OEMP).

### **1.6 Article 13 – Discharge of Water**

- 1.6.1 The Council considered this linked to the disapplication of provisions. As previously stated, the Council believes that land drainage consent should remain with the Council. Wiltshire Council is the Lead Local Flood Authority (LLFA) and consultation should be undertaken with the Council, and for it to be engaged in all processes, detailed under Article 13.
- 1.6.2 The Council stated that this should be linked to the OEMP, especially regarding the need for monitoring of water quality and any concerns regarding water courses.

1.6.3 HE's response at the hearing was noted but not accepted and the Council will continue discussions on this matter.

**1.7 Article 16 – Removal of Human Remains**

1.7.1 The Council indicated that reference within paragraph 11(b) should be to the "burial authority" and not the "planning authority". HE's agreement to accommodate this was welcomed.

**1.8 Article 22 – Compulsory Acquisition of Rights**

1.8.1 The Council confirmed that it shared the concerns expressed by the National Trust about any prohibition and / or restriction on archaeological excavations on the line above the tunnel. It was indicated that parameters should be developed through the discussions between the stakeholders which are ongoing.

**1.9 Requirement 3 – Preparation of Detailed Design**

1.9.1 The consultation processes are still under discussion between HE and the key stakeholders. As the Council is an authority with a wide remit (number of "hats"), clarity and resolution is required.

**1.10 Requirement 4 – Outline Environmental Management Plan**

1.10.1 The Council echoed concerns about the approval of the CEMP by HE and the apparent ability for them to authorise variations from the outline plans. The CEMP must be agreed prior to the start of work with the extent of variation permitted defined. The Council considers that ideally this should be as a requirement within the DCO.

1.10.2 The Council noted HE's position that the CEMP is the contractor's document, but the Council's objection still stands as the contractor will be a contractor for HE works. Therefore whilst HE is required to consult with stakeholders, the Council does not believe that it is appropriate for them to approve their own documents.

1.10.3 In respect of specific elements for approval, i.e. surfacing and fencing, for the Council it is not simply a question of appropriateness in terms of visual and heritage implications, but also for ongoing maintenance considerations if they were to become the responsibility of the Council. The Council requires approval of these specific aspects.

1.10.4 With respect to other additional requirements outlined within the Council's Local Impact Report (LIR), it was stated that discussions were ongoing with HE regarding them, and that the Council accepted that some may be able to be moved into the OEMP. Further detail is captured in Section 1.14 below.

**1.11 Requirement 5 – Archaeology**

1.11.1 The Council acknowledged that discussions on the DAMS were ongoing. However, as things stand, there is currently no timetable aligned with the public engagement strategy contained within Appendix F of the DAMS. Detail is also lacking on when it is submitted or who approves it, and what it is carried out in accordance with. This should be incorporated into the requirement or something along these lines included within the DAMS.

### **1.12 Requirement 8 – Implementation and Maintenance of Landscaping**

1.12.1 The Council echoed the ExA's thoughts that a timetable was required to be included within this requirement. This could either be through the landscaping scheme itself or for the requirement to state explicitly that a programme was required.

1.12.2 The Council confirmed that the point above and its previously stated requirement for advanced planting or larger nursery stock to be accommodated would be captured if the proposed condition from the A14 DCO was used instead.

### **1.13 Requirement 10 – Drainage**

1.13.1 Wiltshire Council indicated that it was satisfied with approval residing with the Secretary of State and for it to be consulted, but queried whether the reference should be the "planning authority" or in its capacity as drainage authority and lead local flood authority. It was suggested that it could more simply be "Wiltshire Council".

1.13.2 Furthermore, normal procedure would be for a timetable for provision to be added into subsection 2, i.e. for the drainage system to be constructed prior to the Scheme being brought into use. This is what the Council requires.

1.13.3 The Council indicated that discussions were ongoing with HE regarding preliminary works. The Council needs to be confident that no adverse effects would occur, for example site clearance in isolation is very broad. The two organisation's technical teams are in contact with each other to resolve these concerns.

### **1.14 Additional Requirements**

1.14.1 Wiltshire Council set out a number of additional requirements that it felt were required within its LIR submitted at Deadline 1. Since then, the Council's understanding has matured and discussions have moved on, to the extent that it should be possible to include a number of the matters within the OEMP instead of stand-alone requirements within the DCO.

1.14.2 The Council believes that a more detailed archaeological requirement is necessary, and the DAMS will need to be revised to ensure that it covers all of the Council's needs. This would include the public engagement strategy previously mentioned at this hearing and it would also be essential to have a strategy for each of the individual sites. The DAMS should be amended to cover these and other comments made in previous written submissions to the Examination.

1.14.3 There is a need for an additional requirement to address traffic monitoring and mitigation, which is particularly required to address the potential impact on Amesbury and its town centre. The Council will consider the amendments to the OEMP with respect to highway lighting, but at present there is no requirement within the OEMP for the Council to be consulted (D-CH8 and D-CH12). Furthermore, whilst it is recognised that a limited lighting scheme is proposed, it could affect amenity and dark skies so the Council would need to be satisfied with the proposals from all perspectives.

- 1.14.4 In terms of the proposed additional requirements for Public Rights of Way (PROW), these are being progressed through other avenues, such as the side agreement with HE and changes sought to the OEMP.
- 1.14.5 The Council's requested changes to the landscaping requirement have already been mentioned at this hearing. The Council agreed that the ecological receptors were sufficiently covered within the OEMP. However, better consistency is required in the OEMP with regard to consultation with the Council on the LEMP, the need for the contractor to undertake this is referenced in some parts but not, for example on page 54 of the OEMP.
- 1.14.6 With respect to built heritage and lighting, the Council's suggestion for how this should be dealt with is covered in section 1.14.5 above.
- 1.14.7 The majority of the requirements for public health and protection functions i.e. noise and vibration, can be incorporated within the OEMP. Some drafting amendments will be required, but the OEMP seems like the most appropriate place to deal with these aspects.
- 1.14.8 In terms of drainage, a number of the requirements sought could be incorporated into the OEMP or secured through other documents.
- 1.14.9 As indicated earlier, further discussion is required on who should be responsible for approvals. It was noted that the more detail that is available on the proposals at this stage, the less concern the Council would have regarding the approvals process. However, due to the lack of certainty which is likely to remain at the conclusion of the Examination process, it may be necessary for further daughter documents or approvals to be required.
- 1.14.10 The Council committed to providing further detail on which additional requirements were sought and where changes were required to the OEMP to accommodate its previously sought requirements within the LIR. These documents were submitted into Examination at Deadline 4.

### **1.15 Planning Obligations and Any Other Agreements**

- 1.15.1 The Council confirmed that it was in discussions with HE to consider whether these matters can be dealt with through other legal agreements rather than a S106 planning obligation.

### **1.16 Any Other Matters**

- 1.16.1 The Council welcomed the correction of some identified errors in Schedule 9 Part 1 of the draft DCO. It further welcomed the confirmation from HE that the same approach would be adopted with respect to the additional errors identified by the Council in its submission to Deadline 3.
- 1.16.2 Whilst it was recognised that the substance of the debate would be left to the Traffic and Transportation Issue Specific Hearing, the Council highlighted its proposed amendment to the DCO regarding the status of byways AMES11 and AMES12, if agreed. The Council indicated that it was happy to discuss the exact wording so that an accepted draft was able to be put forward, if agreed by the ExA.

## **II. Issue Specific Hearing 2 – Cultural Heritage – 5<sup>th</sup> and 6<sup>th</sup> June 2019**

### **2.1 Policy and Guidance**

- 2.1.1 As expressed by HE in their comments, the Council have undertaken a balancing exercise in its assessment of the Scheme against the various policies within the Council's LIR. Whilst the Scheme complies with a number of them, there is a degree of non-compliance with others, but overall the position balance is in favour of the Scheme. It is further acknowledged that whilst benefits cannot be used to cancel out harm, i.e. doing good in one part of the WHS, would not change the harm caused to another, but provided the overall effect was that positive benefit would be achieved on the whole, it would be on the right side of the equation.
- 2.1.2 Furthermore, the Council is of the position that one cannot simply consider the benefits / harm in terms of Outstanding Universal Value (OUV), other benefits i.e. social, economic, transport etc. should be considered. However, from the Council's analysis even if only the WHS was considered, with its impacts on OUV, whilst the margin would be narrower, there are still more benefits than harm. This is notwithstanding the fact that there are parts of the Management Plan that the Scheme does not fully comply. The Council recognises that there are not substantial benefits on heritage terms, but as the Local Planning Authority (LPA), the Council has to consider other benefits, and it is the Council's view that when doing so the benefits become significantly great, which justifies the Scheme.
- 2.1.3 The Council confirmed that undertaking a boundary review of the Stonehenge part of the WHS is an objective in the WHS Management Plan (2015). A setting study needs to be undertaken in the first instance. A brief for the study has been agreed, although funding for the study is still being sought. It is thought that the study will be completed within the next 2-3 years.

### **2.2 Stonehenge and Avebury World Heritage Site (WHS) in Context**

- 2.2.1 The Council agreed that the Mesolithic remains within the Scheme area are highly significant, even though they do not currently exhibit attributes of OUV. There have been exceptionally exciting discoveries at Blick Mead.
- 2.2.2 In response to the ExA's query about potential remains to the north, the Council indicated that this had been specifically considered when the evaluation strategy was designed. Little Mesolithic remains were found in the evaluation undertaken last year, even though it was specifically looking for them north of the A303 adjacent to Blick Mead. The conclusion is that in the techniques used to build the road, anything underneath would have gone at that point. Whilst when the road was constructed, they weren't specifically looking for Mesolithic remains, during the evaluation last year, no remains were found north of the A303 as evident at Blick Mead.

### **2.3 ES Chapter 6: Cultural Heritage and Appendix 6.1: Heritage Impact Assessment (HIA)**

- 2.3.1 One of the Council's main concerns is the potential impact of the western cutting on the visual setting and OUV of the Winterbourne Stoke, Normanton and Diamond Group of barrows. The Council has requested and are awaiting further visual assessments from HE.

## **2.4 Effect of Elements of the Proposed Development on Cultural Heritage Assets and Their Settings**

- 2.4.1 The Late Bronze Age archaeological remains identified just to the west of the WHS boundary on Oatlands Hill are significant but do not exhibit attributes of OUV. The Council is currently considering mitigation and is in discussions about how this whole area will be archaeologically mitigated.

## **2.5 Detailed Archaeological Mitigation Strategy (DAMS) and Associated Documents**

- 2.5.1 The Council confirmed that sampling levels of features and topsoil archaeology within the DAMS is still under discussions with HE, HMAG and the Scientific Committee. It is highly unusual in a commercial archaeology scheme or a research excavation for 100% sampling to be undertaken. In the evaluation within the WHS a 10% trenching sampling strategy was applied and 5-10% outside the WHS. This was all agreed in the evaluation strategy (72-page document), which was approved by HMAG and the Scientific Committee.
- 2.5.2 Regarding archaeological mitigation, the Council confirmed that it was content with the direction of development of the draft DAMS. However, further detail on some areas is still required and further assessment of some elements of the mitigation proposals is needed, especially details in Appendices D and E and specific aspects of the proposed mitigation strategy such as the mitigation approach to Parsonage Down East, and the mitigation approach to the road line outside the WHS. Currently, the Council is not content with the extent of archaeological mitigation proposed outside of the WHS. Once the further information requested has been submitted, the Council will need to assess and discuss these issues with HMAG and members of the Scientific Committee. The Council is still some way from being able to provide its full advice on and approval of the draft DAMS.
- 2.5.3 Wiltshire Council considers it imperative that the Council, as local planning authority, can approve and sign-off on all documentation relating to archaeological mitigation and fieldwork. It would not be appropriate for HE to be the approving body in relation to this aspect of the Scheme. A Site Specific Written Scheme of Investigation (SSWSI) should be completed before fieldwork starts. The Council would expect the LPA to approve the document before work starts, sign off following site visits, agree that fieldwork had been completed to standard and at each phase of the Scheme.

## **2.6 Blick Mead**

- 2.6.1 The Council confirmed that it their understanding that Blick Mead will not be adversely impacted on, either directly or indirectly, by the Scheme.
- 2.6.2 The Council indicated that it had nothing further to add on either the model or the tiered assessment at this stage.
- 2.6.3 Whilst the Council does not require monitoring of water levels at the site from an archaeological perspective, the Council considers that monitoring post-construction is required to address, monitor and mitigate flooding concerns. It is not specifically relevant to the Blick Mead site, instead the Council wishes for this post-construction monitoring to be applied for the whole Scheme. However, by undertaking this monitoring, it would serve to address and alleviate those concerns raised by others in relation to the potential impact on the Blick Mead site and its archaeological remains.



### **III. Issue Specific Hearing 3 – Landscape and Visual Effects and Design – 7<sup>th</sup> June 2019**

#### **3.1 Policy and Guidance**

- 3.1.1 The Council welcomed the clarification provided by HE at the hearing that “pre-commencement” as referenced in the OLEMP, OEMP and Requirement 8, would be conducted on a part-by-part basis.

#### **3.2 Effects on Landscape Character**

- 3.2.1 The Council echoed the points made by English Heritage regarding the improvement to tranquillity in the central part of the WHS where the Stonehenge monument is, by removing the sight and sound of the existing A303. The Scheme would also improve accessibility to the northern part of the site through safer connectivity.
- 3.2.2 As a statutory body and in its role as part of HMAG, the Council has been consulted and will continue to discuss the design details to ensure that it is satisfied with the final version once amended and agreed.

#### **3.3 Arboriculture**

- 3.3.1 The Council agreed with Dr Shell that there was a limited understanding of the amount of tree cover in the WHS during prehistory. The Council indicated that one of the aims of the mitigation phase is to get a better understanding as to how tree cover evolved during prehistory through a carefully designed environmental archaeological sampling programme. A benefit of this would be to gain a better understanding of environmental factors.
- 3.3.2 The Council confirmed that it was involved in the development of the Woodland Strategy, and indeed principles from that have been incorporated into the WHS Management Plan to which the Council has signed up to.

#### **3.4 Design**

- 3.4.1 The Council confirmed that as it had been attending the issue specific hearings since the design principles had been published, it was still considering them. Discussions between the key stakeholders and HE are ongoing in order to develop and refine them as necessary.
- 3.4.2 It was noted how the principles had grown as a result of the discussions that had been taking place. The Council indicated that it was broadly happy with the direction of travel, however further detail was required before agreement would be able to be reached. The Council noted that the contractor will have their own interests, which will not be completely resolved when the Secretary of States grants approval. Therefore, clear guidance is required as to how unresolved matters should be agreed. This links to previous submissions made about who ultimately decides whether what the contractor puts forward is acceptable.

#### **IV. Issue Specific Hearing 4 – Flood Risk, Groundwater Protection, Geology, Land Contamination, Waste and Materials Management – 11<sup>th</sup> June 2019**

##### **4.1 Geology, Ground Conditions and Groundwater Flows**

###### Methodology and Modelling: Adequacy of Groundwater Testing, Monitoring and Modelling

4.1.1 The Council indicated that the adequacy of the modelling is assessed in its peer review, which is also discussed in paragraphs 4.2.8 to 4.2.11 below.

###### Construction: Settlement and Compaction of Rock

4.1.2 Whilst this was not directly addressed by the Council at the issue specific hearing, Wiltshire Council notes that the risk of the permanent compaction of the underlying chalk from construction traffic has been raised in other representations and the Council has commented on those, asking HE to provide evidence of how this risk will be dealt with. The risk that permanent compaction poses is to change the drainage characteristics of the land, causing more runoff that could lead to flooding. HE has indicated that the mitigation measures will be outlined in the Soils Management Strategy to be developed by the appointed contractor. The Council believes that this could be more clearly stated in the OEMP.

4.1.3 MW-WAT3 in the OEMP commits to “water flows from sites will be limited during construction to existing runoff rates, unless otherwise agreed with the Environment Agency in accordance with relevant legislation”. This should include consultation with Wiltshire Council, as the Council is the statutory authority leading on surface water, groundwater and ordinary watercourse flood risk management.

###### Long-Term Effects: Implications for Groundwater Resources and Abstraction

4.1.4 The Council is grateful for HE’s clarification that a closed face tunnel boring machine would be utilised. This goes a long way to alleviating the Council’s concerns regarding the disapplication of the Land Drainage Act, which requires the Council’s consent. The Council’s focus will now be on ensuring adequate protective provisions are in place, which will be along the lines of those agreed with the Environment Agency (EA).

###### Long-Term Effects: Monitoring and Remediation

4.1.5 The Council linked the monitoring requirements raised by the EA to the question posed to it at an earlier hearing regarding its requirement for ongoing monitoring post construction, and whether this had been directed at Blick Mead. The Council confirmed that the monitoring had been requested as part of the groundwater risk assessment, in its role as the Lead Local Flood Authority responsible for flood water and ordinary water courses. Groundwater monitoring is required to be undertaken during a baseline period, construction and a minimum 5-year period post construction as per paragraph 7.2.7 in Appendix 11.4 Groundwater Risk Assessment. The ongoing monitoring will provide invaluable information to confirm that the design is functioning as intended and any required mitigation works. It will also provide confidence in the groundwater modelling outputs and inform the detailed design and Groundwater Management Plan for construction.

- 4.1.6 Wiltshire Council considers that the period of 5-years post construction for monitoring (as suggested by HE in the groundwater risk assessment) is appropriate, given that this length of time is not a long period to monitor when looking at records spanning decades. This length of time would provide a reasonable indication as to whether the modelling outputs have been predicted accurately.
- 4.1.7 The Council further confirmed that the monitoring requested does not specifically relate to Blick Mead; the Council requires it for the whole Scheme. Furthermore, the Council's County Archaeologist is not concerned in relation to Blick Mead. The Blick Mead deposits are not permanently water-logged, as water levels currently fluctuate there naturally. The Council would be concerned if the modelling indicated that the site would be drained for long periods, but the current modelling does not indicate this. However, the long-term monitoring would serve to address those concerns raised by others in relation to the Blick Mead site.
- 4.1.8 Discussions are ongoing with the EA and HE to agree the ongoing monitoring proposals. The principle has been agreed but not the specifics as yet.
- 4.1.9 The Council confirmed that consent from the land owners would be required.

## **4.2 Flood Risk and Drainage**

### Updated Flood Risk Assessment and Finalised Hydrogeological Reports

- 4.2.1 The Council confirmed that the consultants who undertook the original peer review, Atkins, were reviewing the latest Flood Risk Assessment and the Council would provide comments at Deadline 4. This would involve reviewing their comments, recommendations and actions from the original reports to see if they had now been addressed.
- 4.2.2 From the Council's initial review of the reports, the revised culvert design has been included, which has been agreed with the Council in previous discussions and meetings.

### Drainage Strategy During Construction

- 4.2.3 Wiltshire Council considers that the OEMP is light on detail in this area because the construction drainage strategy will be developed by the appointed contractor as part of the CEMP in accordance with the OEMP. This underlines why it is important for the Council to be consulted on the CEMP.
- 4.2.4 Site drainage is dealt with in the REAC Table 3.2b (reference MW-WAT3). In the current wording, there is no mention of consultation with Wiltshire Council for agreeing the strategy, only the EA and the sewerage undertaker are mentioned. As the Council is the lead authority for flood risk management and surface water, the Council must be consulted with regard flood risk and site runoff. This action / commitment within the OEMP will need to be amended to include consultation with Wiltshire Council.
- 4.2.5 The Council submitted its comments on the amended OEMP at Deadline 4.
- 4.2.6 With respect to the additional drainage engineer post requested by Wiltshire Council, the Council confirmed that a full-time drainage engineer was required in order to fulfil its flood risk management duties and ensure that it is appropriately consulted on flood risk matters.

This is due to the scale, complexity and duration of the Scheme (6 years) and the flood risk sensitivity of the area.

- 4.2.7 The Council indicated that discussions were ongoing with HE for the potential inclusion of this post in a separate legal agreement between the parties, i.e. the Planning Performance Agreement. The Council confirmed to the ExA, that the current draft PPA, which is expected to run until 2020, does not currently refer to this position.

#### Wiltshire Council's Peer Review of the Approach to Flood Risk

- 4.2.8 Wiltshire Council's consultants have undertaken a peer review of flood risk across 3 interlinked areas being road drainage, surface water and groundwater. This was based on the original submission documents, and another review was undertaken of the additional groundwater reports published on 10<sup>th</sup> April.

- 4.2.9 The peer review recommended the following:

- That Wiltshire Council approves the groundwater assessment and the road drainage strategy subject to certain recommendations being carried out.
- That Wiltshire Council objects to the surface water proposal and FRA, based on errors in the model and the 539m long culvert that is against Council policy.

- 4.2.10 Since the peer review, progress has been made in closing out a number of the peer review recommendations and actions. However, a number of actions remain across all 3 areas that still need to be addressed.

- 4.2.11 Wiltshire Council anticipates that most of the actions should be addressed by the new Flood Risk Assessment (FRA), but the Council has not yet been supplied with the associated modelling outputs. HE has advised that they should be able to provide these within the next week. Without the modelling outputs, the Council is unable to undertake a full review of the updated FRA against the outstanding peer review actions.

#### Climate Change Allowances

- 4.2.12 The Council confirmed that climate change allowances were highlighted as a matter of concern during the peer review. The approaches across the 3 areas of road drainage, surface water and groundwater were found to be inconsistent.

- 4.2.13 The Council is in agreement with the 40% allowance for surface water, as this is in line with EA guidance. Following the publication of the revised FRA, the Council is also now in agreement on the climate change allowances for groundwater, as it confirms that a 40% increase in the recharge rate for groundwater was applied, which is consistent with the allowances for surface water. However, the climate change allowances for road drainage are still a point of contention. The Council requires HE to provide a 40% allowance in the design, in line with the surface water allowances and EA guidance, however HE is following the Design Manual for Roads and Bridges (DMRB) guidance and providing a 30% allowance with a sensitivity check for 40%. In the Council's view, this is not sufficient because the 40% allowance would use up the freeboard at ponds (the depth between the top water level and the top of the pond embankment) which removes the factor of safety that freeboard provides and leaves no allowance for uncertainty.

- 4.2.14 The Council's view is that it is inappropriate to provide the lowest climate change allowance for the most trafficked areas (roads), and increasing the design allowance to 40% would provide a consistent approach across surface water, road drainage and groundwater. This is especially relevant as the climate change allowances are likely to increase in the future, due to UK climate change predictions, which will likely become available in the next 2 years.
- 4.2.15 The Council welcomed HE's commitment to continue discussions with the Council and the EA in this regard.

#### Road Drainage Strategy

- 4.2.16 The operation and maintenance of the Scheme would be outlined in the Handover Environmental Management Plan (HEMP). As Wiltshire Council would be the maintenance authority for certain elements of the Scheme, the Council would want to be consulted in the preparation of the document. The Council notes that within the updated OEMP, which was submitted at Deadline 3, it now includes consultation with Wiltshire Council for the HEMP.
- 4.2.17 The Council confirmed that the adoption arrangements are being agreed alongside the DCO as part of a side agreement with HE, which is currently being negotiated.
- 4.2.18 With respect to the culvert, the original design included a 539m long 5m deep culvert which is contrary to Council policy on culverting, both from a maintenance and biodiversity standpoint. Since the submission of the DCO, an alternative culvert design was agreed with Wiltshire Council, which addresses the issues raised. This is subject to provision of the final culvert design and modelling outputs that proves no detriment. The updated FRA provides the alternative design, but as previously indicated, the Council is awaiting the modelling outputs, which will enable independent checks to be undertaken as part of closing out the remaining peer review actions.
- 4.2.19 On the point of no detriment, i.e. the Scheme does not increase flood risk, the new FRA report states that the proposed development would result in a reduced risk to flooding to the B3083, however there is an increase in peak surface water flow onto the River Till floodplain from Parsonage Down in the proposed scenario. The report concludes that "with design mitigation, the risk to receptors from surface water flooding as a result of the proposed scheme would be low. Modelling results demonstrate that there is no increase in risk to properties." This conclusion will be verified by the Council's consultants when the modelling outputs are provided.
- 4.2.20 With regard to the impounding sump, the tunnel drainage would be conveyed to a low point sump in the tunnel and then pumped to a tank at a high point in the alignment on the eastern approaches. From here, it would either gravitate to the proposed highway network, or be retained for disposal by tanker as contaminated waste. Although the control strategy for the tunnel is not outlined within the submission documents, HE has indicated that the switch between discharge and retention is proposed to be automatically actuated.
- 4.2.21 Wiltshire Council agrees that automated control of the tunnel drainage is required as this would be the most robust form of control and not reliant on human intervention. The Council believes that this should be incorporated into the OEMP to avoid uncertainty in future.

Mitigation and Monitoring (Effectiveness of Requirement 10 in the Draft DCO)

4.2.22 The Council submitted its comments on Requirement 10 at Deadline 4.

Disapplication of Legislative Provisions and Protective Provisions

4.2.23 Article 3 of the draft DCO deals with the disapplication of land drainage legislation. Wiltshire Council is in agreement with the disapplication of land drainage consenting for normal construction activities, but the Council does not agree to the disapplication of land drainage consenting for the discharge of abstracted water from dewatering related to the tunnel construction. The impact of large scale dewatering is wide-ranging. It affects flood risk, water quality, ecology, water resources and archaeology.

4.2.24 However, if HE were to commit to using a closed face TBM to construct the tunnel, and not leave the choice of tunnel construction method to the appointed contractor, Wiltshire Council would be willing to accept the disapplication of land drainage legislation, subject to agreeing adequate protective provisions.

4.2.25 Discussions regarding protective provisions are ongoing and the Council will align its approach with the EA's on environmental permitting.

**4.3 Contamination (Including Groundwater Contamination)**

4.3.1 With regard to groundwater and private water supplies, the Council was concerned that the HE hydrologist stated at the hearing that water was not being monitored to ensure compliance with drinking water standards, proactively. The Council therefore subsequently made recommendations for the amendment of the OEMP, which was submitted at Deadline 4.

Containment and Treatment of Contaminants (Including in the Drainage Treatment Areas)

4.3.2 The Council will work closely with the EA on this issue. The Council requires to be consulted on the Soils Management Plan, and notes that at the moment it isn't.

4.3.3 Discussions with HE will continue regarding contamination and relevant to flood risk and drainage, the compaction of soil, which could potentially increase flood risk.

Previously Unidentified Contaminated Land and Groundwater (Requirement 7 in the dDCO and the OEMP)

4.3.4 The Council is in discussions with HE regarding this. Discussions are ongoing for identified contamination which the Council sought reassurance on. HE have indicated that further investigations would be undertaken, so in general the Council is content.

4.3.5 With respect to Requirement 7, the Council requires a minor drafting amendment so that it states, "in the event that contamination of land and / or groundwater is identified at any time..." rather than the current wording which seemed confused.

#### **4.4 Waste and Materials Management**

- 4.4.1 With regards to the implications of depositing tunnel arisings at Parsonage Down, the updated FRA states that the placing of the tunnel arisings in this area will reduce the permeability of the ground and therefore increase the runoff. An engineering solution is proposed to counter this. The FRA concludes that the increase in runoff does not increase flood risk to properties, and in fact decreases flood risk at the B3083.
- 4.4.2 As mentioned previously, the Council will be verifying this conclusion as part of the peer review and provided comments at Deadline 4.

## **V. Issue Specific Hearing 5 – Noise and Vibration, Health and Wellbeing – 12<sup>th</sup> June 2019**

### **5.1 Policy and Guidance**

5.1.1 The Council confirmed that it was content with the approach taken and its compliance with policy.

### **5.2 Environmental Statement Chapter 9**

5.2.1 The Council queried a statement made by Ms Lloyd regarding potential claims submitted to the Council. It stated that as it was not the authority responsible for trunk roads, it was unclear what type of claims were being referred to, for what and against whom.

5.2.2 The Council also indicated that it was unfair to infer that HE's assessments had not been peer reviewed. The Council commissioned this work; the results of which have been submitted in the Examination in its written representation.

### **5.3 Vibration Impacts and Mitigation Measures During the Construction and Operational Periods**

5.3.1 With respect to impacts on Stonehenge Cottages, the Council welcomed the updated measures agreed with HE. As a worst case scenario, if the vibration is worse than anticipated, then the occupants will be re-housed for a temporary period of time. It is hoped that this is an unnecessary safeguard, but the Council is pleased that the commitment is now there if necessary.

5.3.2 In terms of potential vibration impacts on archaeology, ancient monuments and cultural assets, the Council is in discussions with HE and other stakeholders on the monitoring arrangements to be employed. The precise details will need to be determined and agreed, but that is where the discussions are focused at present.

### **5.4 Effects on Wellbeing and Public Sector Equality Duty**

5.4.1 The Council stated that a large number of the points made were not in relation the DCO that HE were asking the ExA to recommend. The Council has put forward an amendment to restrict motorised vehicles on byways AMES 11 and AMES 12, with the exception of motorcycles, but it is anticipated that that will be discussed at the hearing tomorrow. The focus of the Examination is to consider the proposal before them, as made by HE.

5.4.2 However, in relation to comments made regarding the Public Sector Equality Duty (PSED), the Council confirmed that as an authority it takes this duty extremely seriously. The duty requires public sector organisations to have due regard to adverse effects on any groups with protected characteristics, but is not an absolute duty which states that there cannot be adverse effects on these groups. If there are adverse effects, the Council would consider them seriously, as no public authority would ask for something without a very good reason for it.

5.4.3 In the present case, as proposed by the draft DCO order, the changes to the rights over the existing A303, would impact able bodied and disabled people of all religious beliefs and faiths. The free view of the Stonehenge monument experienced when travelling along the



existing A303 by car would be lost to everybody, therefore it is not directly discriminatory. Indirectly it may make it harder for a particular group to see the Stones, and that should be taken into account. However, when considering the extent that this may be the case, the creation of a restricted byway along the line of the existing A303 will grant rights for pedestrians, cyclists, horse riders, invalid carriages (disabled access), which would be available to all. Paid for car parking would be available at the Visitor's Centre, and whilst acknowledged that not everybody wants to pay, it is not discriminatory as the charges apply to everybody. Alternatively, people could find somewhere nearby to park, i.e. in Larkhill, and walk to monument. The distance from both locations to the Stones is approximately 2km so is an acceptable distance to walk, and one that mobility scooters are fully capable of achieving in much the same time as a person could walk, so there would still be the ability to see the Stones by those with protected characteristics.

- 5.4.4 Whilst it is understood that the details of the Council's proposals will be considered at the Traffic and Transportation Issue Specific Hearing, the objections highlighted today seem to relate to times of celebration. Of the 12 days highlighted, the byways are already closed to the public simply because of the sheer volume of traffic on them. Furthermore, the Council argues that the volume of traffic on the byways is likely to increase as a result of the closure of the existing A303 to vehicular traffic.
- 5.4.5 Also with respect to the PSED, the closure of the byways to motorised traffic could also have a positive outcome. At an Open Floor Hearing, Ms Lloyd indicated that the condition of the byways resulted it in being impossible to drive a mobility scooter down them, the Council asserts that the condition is as a direct result of the volume of motorised traffic using them, and if this increased, the condition could deteriorate further. However, if they were restricted, the surface would be better maintained and also users would not have the potential conflict with motorised vehicles coming up behind them.
- 5.4.6 The Council recognised that this was an important issue, with lots of emotion expressed, and looks forward to making its case at the hearing tomorrow. The application documents contain an Equality Impact Assessment (EIA) which demonstrate no adverse effects as a result of the proposed Scheme, and the Council hopes to make the same submission as part of its proposals tomorrow.
- 5.4.7 In response to a question posed, the Council referenced the 2011 Inquiry report, which stated that the proposals did not restrict the freedom to worship as the right to go to church does not involve the right to drive to church in every occasion.
- 5.4.8 The Council also confirmed that a typical mobility scooter has a range of 10 miles which would be more than sufficient to access the Stones from an alternative parking location, with some of the larger models having a greater range.
- 5.4.9 The Council acknowledged that it hadn't prepared its own EIA on its proposals, although it has considered the impact that they could have on those with protective characteristics. The approach taken has been outlined within the Council legal submission on this issue submitted at Deadline 4.

## **5.5 Mitigation and Monitoring**

- 5.5.1 The Council confirmed that it was content with the measures proposed. There are some drafting issues with regard to the OEMP on which discussions are ongoing with HE. The Council are proposing some drafting amendments, which were submitted at Deadline 4.

## **VI. Issue Specific Hearing 6 – Traffic and Transportation – 13<sup>th</sup> June 2019**

### **6.1 Methodology and Modelling**

6.1.1 The Council confirmed that it was content with the model.

### **6.2 Public Rights of Way (PROW)**

#### Proposed New Restricted Byway with Agricultural Access to Tie In with SLAN3 North of the A303

6.2.1 The Council confirmed that the provision of a crossing and junction improvements were discussed extensively prior to the consultation proposals being put forward. The Council would have liked to have seen a crossing but accepted that it wasn't a realistic prospect. As indicated in the Rights of Way Improvement Plan, this was an opportunity to deliver that which the Council has a duty to consider.

6.2.2 The Council acknowledged that, without a crossing point that users of the byway deem to be safe, demand may have been suppressed to link the extensive rights of way network north and south of the A303.

#### Proposed New Bridleway from Winterbourne Stoke to Longbarrow Junction, North of Existing A303 and Continuation to Connect with Restricted Byway within the World Heritage Site via Green Bridge 4

6.2.3 The Council repeated what was stated within its written representation, specifically that it had been in discussions on proposals to provide this route, which would be partly within the highway boundary and part outside. The external part would be for pedestrians and cyclists, and whilst equestrian rights would not exist, the Council indicated that it would be unlikely that equestrians would be prosecuted for riding along the cycle track.

6.2.4 In terms of the Pegasus crossing, there is no data to forecast the demand of non-motorised users (NMU) to cross the A360. A Pegasus crossing is difficult to justify and the Council is unsure how it will be connected or linked with the traffic signals controls at the junction, nor of its impact on the operation of the junction. The Council is aware that in the British Horse Society's representations, they recommend that the crossing should be sited separately.

#### Siting of Green Bridge 4

6.2.5 The Council is slightly concerned in the deviation of route, but given the nature of the route, it is not a major concern for the Council.

#### Omission of Link for Motorised Users Along Route of Existing A303 Between AMES 11 and AMES 12 from Proposed Development and Legal Implications for Turning AMES 11 into a Cul-de-sac for Motorised Users

6.2.6 As previously expressed, the Council mentioned its proposed amendment to byways AMES 11 and AMES 12 to deal with these issues. However, it was acknowledged that due to the strength of feeling, it would be a lengthy discussion and therefore it may be more appropriate to discuss the Council's proposed amendment at one of the additional sessions scheduled for August. This would allow time for publicity and consultation.

- 6.2.7 The Council concerns regarding the creation of a cul-de-sac on AMES 11 were stated to be practical concerns rather than legal ones. By creating a cul-de-sac for all motorised users, the consequence would be that everything that goes up must turn around to come back down. This would increase wear and tear on the byway, and increase potential for conflict between vehicles, vehicles and other users. Furthermore, by creating an engineered turning circle within sight of the Stones, it will encourage users to use the route to see the Stones. This is entirely understandable and foreseeable, but as people are likely to want to stop, get out and walk along the restricted byway before returning to their car, it will become a car park for both short visits and overnight camping. Whilst not intentional, the turning circle will become a car park and campsite, which is not good for safety nor is it good for the setting of the WHS or the practical implications for motorised users. These issues arise solely as a consequence of AMES 11 becoming a cul-de-sac.
- 6.2.8 The Council believes that consistency is required. There is inconsistency in breaking the existing connection along AMES 11 and AMES 12 along the A303. If vehicles are able to use these two byways, they should continue to be able to link to AMES 12.
- 6.2.9 Rather than open up the existing A303 to all traffic, the Council believes that a better solution would be to restrict AMES 11 and AMES 12 more.
- 6.2.10 The Council does not consider that motorbikes have the same effect in terms of wear and tear on the byways, nor noise and visual instruction, as 4 wheeled vehicles. Motorcycles tend to pass through rather than stop and camp on the byways. Whilst it is acknowledged that others would prefer to see all vehicles removed from the landscape, the Council considers that motorcycles should be able to connect to AMES 12 from AMES 11. The Council has a different view for 4 wheeled vehicles, but that will be addressed during the later agenda item.
- 6.2.11 In conclusion, the Council considers that the current problem of turning AMES 11 into a cul-de-sac needs a more sophisticated solution than that proposed at present.

Whether the DCO Should Include a Prohibition of Driving Order Along the Section of Route Between AMES 11 and AMES 12

- 6.2.12 The Council has made representations that the DCO should be changed. If HE is not prepared to incorporate that change themselves, the Council is asking the ExA or Secretary of State to make this change.
- 6.2.13 The Council is not pursuing any other parallel process, nor it is easy to see how there could be until the outcome of the DCO is known.
- 6.2.14 The Council considers that it is two separate issues; one whether what is proposed is acceptable or not and the other whether or not that change can be made. In the Council's opinion material changes can be made, as it is not so fundamental that it changes the fundamental nature of the DCO. The Scheme would essentially remain the tunnelling and dualling of the A303.
- 6.2.15 The Council accepts that issues of materiality arise, but materiality is not a bar to a change being made. Wheatcroft and subsequent guidance, stipulates that the key issue is whether members of the public / interested parties have had the opportunity to comment on those proposals. If this issue was deferred until one of the reserve days in August, the proposals

could be published to ensure that proper engagement has taken place. This would remove the whole argument in whether due process has been followed.

- 6.2.16 Whilst the timescale for completing this prior to the close of the Examination is tight, the Council believes that it would be unfair to not allow this matter to be properly considered as the Council has been raising this issue from the outset.
- 6.2.17 The Council acknowledged that the responsibility for preparing the consultation documentation and final report of responses would reside with them. However, the Council queried whether an Environmental Impact Assessment was required as that is not normal procedure for a TRO, and at no stage did anybody indicate that this was required for the A344 proposal as an example. The Council committed to give this matter further thought.
- 6.2.18 The Council reiterated its overall support for the Scheme, and what it seeks to achieve. However, the Council believes that there are impacts that the Scheme does not address, and a missed opportunity in terms of legacy to mitigate those impacts. This is why the Council is pushing this point so forcibly. The Council comes from a position of wanting to balance the interests of all parties, i.e. cyclists, druids, heritage etc.
- 6.2.19 This is a serious issue for the Council and it is vitally important that it is heard properly. If the ExA disagree and determine that a change is not warranted on the merits of the Council's case put forward, the Council will recommend that the order should be made without change, but there is the opportunity to make this change within the process and the Council strongly urges the ExA to hear the arguments, both for and against, before coming to any conclusion.
- 6.2.20 The Council committed to submitting its legal submission on this proposal, as requested by the ExA, at Deadline 4 and this was done.

#### Proposed Stopping-Up of AMES 1 and New Footpath Along Its Route

- 6.2.21 The Council does not feel particularly strongly about this issue. The Council agrees that the byway should be stopped up where it meets the A303. It considers it extremely unlikely that equestrians and cyclists would want to go down as it would be a dead-end. However, as it has been proposed that if there is no public access to be retained, there could be an information board, the board itself may result in pedestrians still wishing to use the footpath to look at the Barrow, people working at Solstice Park may also fancy a short vehicular traffic-free walk at lunchtime. Therefore, the Council does not believe there is a necessity to stop up this section for its entire length for pedestrians and does not see the harm in keeping it open for their use. This is a concern rather than an objection.

#### Stopping Up of Stonehenge Road

- 6.2.22 The Council is concerned that if the point of the stopping up of Stonehenge Road is changed from that currently proposed in the DCO, to a point at the junction of the Woodford Valley Road at West Amesbury, then parking could be displaced from a cul-de-sac all-purpose road, with little frontage development, to a live road, near a sharp bend, and where, on Stonehenge Road, there is frontage development to the south side of the road. This could be detrimental on both road safety and amenity grounds.

**6.3 Construction Traffic**

- 6.3.1 The Council confirmed that discussions were ongoing with HE in respect to the issues set out within its written representation.

**VII. Issue Specific Hearing 7 – Biodiversity, Biological Environment and Ecology – 14<sup>th</sup> June 2019**

**7.1 Overall Effects of the Scheme on Biodiversity**

- 7.1.1 Wiltshire Council agreed with the points raised by the National Trust on effective and consistent consultation on the development of the landscaping plan and OEMP, CEMP(s), LEMP(s) and HEMP(s). Effectively this consultation would apply across the entire hierarchy of plans.