

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

**Wiltshire Council (A303-AFP022)  
Response to Highways England’s (HE)  
Comments on Deadline 3 Submissions  
(001126)**

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## 1. Introduction

- 1.1 Wiltshire Council has reviewed Highways England's (HE's) Comments on the Deadline 3 Submissions (001126), which was submitted at Deadline 4. The Council's response to selected comments is contained herein.
- 1.2 These comments are submitted without prejudice to any further representations the Council may wish to make during the Examination, and specifically on those documents which will be subject to future iterations.

## 2. Comments on Draft Development Consent Order (dDCO)

- 2.1 The Council notes HE's comments on its submission at Deadline 3 on the dDCO and wishes to make the following points.
- 2.2 With regard to the response in 6.3.2, the regulation of the discharge of water into watercourses is within Wiltshire Council's remit as Land Drainage Authority and Lead Local Flood Authority. Wiltshire Council issues land drainage consent for work affecting ordinary watercourses, and the Environment Agency (EA) issues environmental permits for work affecting main rivers. However, as Wiltshire Council has the lead responsibility for surface water management, the discharge rate for environmental permits must also be agreed with Wiltshire Council.
- 2.3 In light of HE's commitment to use a closed face tunnel boring machine for the tunnel construction, Wiltshire Council can confirm that it agrees to the disapplication of the legislative provisions relating to land drainage consenting subject to agreeing adequate protective provisions.
- 2.4 With regard to the response in 6.3.6, Wiltshire Council note HE's acknowledgement as to the normal understanding in relation to 'stopping up' of highways relates to a 'permanent extinguishment of a highway'. It would appear that the term 'temporary stopping up' might be a hangover from the Town and Country Planning Act 1947 (s49), and other, principally, 'defence' related statutes. It would appear that the term has inadvertently crept into use under matters associated with the Planning Act 2008. The comments made by HE, "*However, the development consent order if made, would be made under the Planning Act 2008 and the bespoke concept of temporary stopping up, separate from stopping up under the Highways Act, is well established under that regime. This is because it offers a more proportionate approach than permanent stopping up*", do not appear to be particularly rational when measured against the terms used in e.g. Highways Act 1980 s116, or Town and Country Planning Act 1990 s247, which are clearly permanent positions, and terms used in e.g. The Traffic Regulation Act s14 which refers to 'Temporary prohibition or restriction on roads'. The latter provisions relate to a 'proportionate approach' to dealing with unwanted traffic during a temporary period. The Council nevertheless accepts that the phrase 'temporary stopping up' appears, inadvertently, to have crept into use in contemporary legal documents, and does not consider that the apparently incorrect terminology will lead to any material harm in relation to the proposals for the Stonehenge Scheme, as currently understood.
- 2.5 In relation to the response in 6.3.8, reference should also be added to section 3 of the Land Drainage Byelaws 2014 which deals with the "control of introduction of water and the increase in flow or volume of water". Wiltshire Council as Land Drainage Authority regulates discharges into watercourses, along with the EA. HE is reminded that this not a function solely within the EA's remit.

- 2.6 With respect to the response in 6.3.16, the Council and HE are currently in discussion as to the wording of a side agreement, but this agreement has not yet been made, therefore Wiltshire Council cannot be certain that its final position will be as currently understood in the draft agreement. The change to the wording of Article 47, sought by the Council, reflects wording which was accepted as a change to the dDCO for the A14 Cambridgeshire Scheme, partly on the basis that the side agreement terms would remain uncertain until such time as the agreement had been completed. A similar approach for the Stonehenge Scheme is rational and justifiable.
- 2.7 In relation to the response in 6.3.19, Wiltshire Council considers that the section of Allington Track to be stopped up will have a substitute road provided, i.e. that Allington Track Diversion route to connect to Equinox Drive and, indirectly, to the A303. That is the reason why it queries the descriptions being placed in Part 2 rather than Part 1. The Council maintains that the part of Allington Track to be stopped up has been over-measured.
- 2.8 With regard to the response in 6.3.25, the point made by Wiltshire Council was that the de-trunked section of road to the west of the south-side A303 / B3083 junction will be declassified, and will not be reclassified as a C road.
- 2.9 The Council notes HE's stated intentions in the response to 6.3.26 to modify drawings to provide for additional areas of de-trunked roads west of Scotland Lodge Farm (layby) and at Countess Junction (where not required to support the flyover).
- 2.10 HE's response to 6.3.27 is noted, and discussions on the side agreement between Wiltshire Council and HE seek to make provision for Article 49 measures to be superseded in relation to speed restriction orders on local roads, including the link between Longbarrow and Winterbourne Stoke. It is therefore anticipated that the inaccuracy of measurements pointed out by the Council will be immaterial in practice.
- 2.11 The Council does not agree with the response in 6.3.31, which states that it "has substantially the same effect as that requested by Wiltshire Council." The Council's proposed wording is within the draft DCO for the A303 Sparkford to Ilchester Scheme and is more comprehensive than that proposed by HE for the A303 Stonehenge Scheme. The current wording does not require HE to provide the Council with a copy of the consultation report. More importantly, it does not require HE to ensure that consultation responses are reflected in their submission. HE only need to state their reasons for not including them.
- 2.12 With respect to the comment in 6.3.32, the Council does not accept that HE is the appropriate body to approve the CEMP(s), following consultation with key stakeholders. The Council has clearly set out its position with regard to document approvals within various documents, including but not limited to, its response to the ExA's first round of questions, comments on the dDCO, comments on the OEMP and in oral submissions made at the Issue Specific Hearings (and subsequent written summaries).
- 2.13 The Council notes that this is the subject of a further question from the ExA in its second round of questions, and the Council's response will set out its position on which documents / plans should be approved and by whom.

- 2.14 Wiltshire Council will submit a further response at Deadline 7, if an updated dDCO is submitted at Deadline 6 in accordance with the revised Examination timetable. This is to allow for the drafting to catch-up with comments made by the Council at Deadlines 3 and 4.

### **3. Comments on Written Questions Responses**

- 3.1 With respect to comments made by HE in response to representations made by the Hosier Family, the Council wishes to make the following points.
- 3.2 With regard to the response in 9.4.2, the Outline Environmental Management Plan (OEMP) contains a number of mitigation measures, which should additionally include proactive monitoring as specified in MW-WAT15 to protect the quality of all drinking water supplies both public and private. The Local Planning Authority should be involved as it is responsible for the legislative controls for private water supplies.
- 3.3 Furthermore, in relation to the response in 9.4.3, in the OEMP, MW-COM6 contains a requirement for the main works contractor to provide an alternative water supply if a private water supply is adversely affected by the Scheme. The Council would support this requirement having a more proactive approach rather than reactive should there be adverse impacts whereby the main works contractor is under an obligation to routinely monitor supplies for bacteriological and chemical contamination.

### **4. Comments on Additional Submissions**

- 4.1 With respect to comments made by HE in response to representations made by the Hosier Family, the Council wishes to make the following points.
- 4.2 With regard to the response in 9.6.1, the Council notes that in addition to MW-WAT11 which is quoted in the HE response, MW-COM6 also contains a requirement for the main works contractor to provide an alternative water supply if a private water supply is adversely affected by the Scheme. The Council would support this requirement having a more proactive approach rather than reactive should there be adverse impacts whereby the main works contractor is under an obligation to routinely monitor supplies for bacteriological and chemical contamination.
- 4.3 Furthermore, in relation to the response in 9.6.3, whilst the HE response is correct in stating that Wiltshire Council is responsible for enforcement of the private water supplies legal regime, including sampling, it is disappointing that HE has not sampled under the full sampling suite as required under the regulations. Sampling has only been undertaken using a limited suite for baseline chemistry.

### **5. Conclusion**

- 5.1 Wiltshire Council's response to selected items within HE's Comments on the Deadline 3 Submissions are outlined above.
- 5.2 These comments are submitted without prejudice to any further representations the Council may wish to make during the Examination, and specifically on those documents which will be subject to future iterations.