

A303 Amesbury to Berwick Down

TR010025

Deadline 6
8.37.5 - Responses to the ExA's Written Questions
- Design (De.2)

APFP Regulation 5(2)(q)

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

July 2019



Infrastructure Planning

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Development Consent Order 20[**]

Responses to the ExA's Written Questions

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5 Design (De.2)

Question De.2.1

OEMP, Chapter 4: Detailed Design [REP4-020]

Chapter 4 of the OEMP is headed 'Development of detailed design in the WHS'. However, para 4.4.4 deals with matters outside of the WHS, quite rightly in the ExA's view, since the detailed design aspects should be matters of concern and consistency throughout the whole Scheme.

Therefore, should the title of the chapter be amended, and its scope widened?

Highways England response

1. Highways England acknowledges this comment and agrees that the existing Chapter 4 'Development of detailed design in the WHS' should be expanded to cover design aspects outside of the WHS. The title of Chapter 4 has been amended within the OEMP submitted at Deadline 6 to 'Development of detailed design'. The scope of Chapter 4 has also been amended to include a 'Design Vision' section, which outlines the Schemes design vision and objectives, and the Principles (Table 4.1) have been updated with consideration of the entire Scheme.

Question De.2.2

OEMP, Chapter 4: Detailed Design - Design Vision [REP4-020]

Section 4.3, Design Principles – intended guidance indicated in para 4.3.2 (a), (b), and (c); and in Table 4.1, in particular P-G01, and P-LE01 to 03: The ExA endorses the aim set out in the DAS of minimising the visibility of new structures within the WHS (para 4.4.3), and responding to two sensitive landscapes; the heritage landscape and the wider setting (para 4.4.9), without competing with them or providing an alternative focus. Overall, an understated approach of restrained visual impact and elegance is appropriate.

Despite the proposed guidance intended to achieve this, an imaginative input through an overall design vision is necessary. This is absent from the Scheme at present and, in a Scheme of international importance such as this, it is not appropriate to leave the design to the contractor.

Do the parties agree?

Highways England response

1. Highways England acknowledges this comment and agrees that to ensure the Scheme achieves its intended minimal visual impact it is beneficial to provide further guidance on design within the OEMP, pursuant to the vision and design aims set out in the DAS.
2. Further to this, the title of Chapter 4 has been amended within the OEMP submitted at Deadline 6 from 'Development of detailed design within the WHS' to 'Development of detailed design'. The scope of Chapter 4 has also been increased to include a 'Vision' section which outlines the Scheme's overall design vision and objectives and to explain how this has informed the design principles in the OEMP and that it will continue to underpin the detailed design review and consultation process moving forward. The Vision emphasises the aims referred to in the ExA's question, as well as the others already referred to in the DAS.
3. Additionally, Table 4.1 has been expanded to include Principles applicable to the entire scheme, such as those which have previously been stated within the Design and Access Statement [APP-295].
4. Highways England agrees that in a Scheme of international importance such as this, subject to the need to retain appropriate flexibility of design covered throughout its submissions to date, it is not appropriate to "leave the design to the contractor", indeed as Highways England has made clear in its previous submissions, this has never been the case. The parameters of the Scheme have been developed in consultation with key heritage stakeholders from the outset and set out across the Works Plans, Engineering Sections, Limits of Deviation, numerous Design Commitments in the OEMP, Requirements and the other provisions of the OEMP. The detailed design

has been made subject to design principles and obligations to consult key stakeholder on its key aspects. Moreover Highways England, as the strategic highways company, authorised under licence, the conditions of which it must carefully observe, and ultimately responsible to Government, will clearly not simply “leave the design to the contractor”. It will carefully select that contractor on its ability to deliver all of the above commitments and more, and thereafter diligently monitor its delivery of the detailed design and ultimately the Scheme, to ensure that the commitments are kept and Highways England’s statutory responsibilities are fulfilled. The Information Memorandum available to interested parties who respond to the recently published OJEU notice describes the very stringent Contractor selection process and only Tenderers who have satisfied The Authority through competitive dialog that they can meet all the commitments will be invited to submit a final Tender. For example, the procurement approach will differentiate bidding contractors based on the ‘innovative’ solutions they present to Highways England under ‘Targeted Quality’. One of the Targeted Quality areas is the WHS, which encourages bidders to achieve the following outcomes:

- Reducing the impact of the Scheme on the Outstanding Universal Value of the WHS during construction;
 - Enhancing the benefits of the Scheme on the Outstanding Universal Value of the WHS post construction; and
 - Enhancing the visitor experience to the WHS during and post construction.
5. The latest inclusions in the OEMP buttress that position further, requiring via Requirement 4 and the OEMP that the aims contained in the Design Vision must be pursued by the contractor, thereby producing an imaginative design which achieves the Scheme's design objectives.

Question De.2.3

OEMP, Chapter 4: Detailed Design [REP4-020]

Para 4.4.3: Should consultation also take place on the fencing, or other safety measures, preventing access to the cutting?

Highways England response

1. Safety measures which prevent access to the cuttings are acknowledged by Highways England as being an area of concern and discussions have been ongoing with the key stakeholders on the preferred style and appearance of such measures.
2. Further consultation will take place during the detailed design phase. As stated within section 4.5.3 of the OEMP submitted at Deadline 6, members of the Stakeholder Design Consultation Group will be consulted on:
'b) Portals structures (Work Nos. 1E(ii) and 1G(iii)), retaining walls (part of Work Nos. 1D(ii) and 1H(ii) and 1H(iii) and Green Bridge Four (Work No.1d(i)).'
3. This will inherently include the safety measures incorporated into the design to prevent access to adjacent cuttings. Fencing will be provided throughout the Scheme to secure the boundaries and marshal pedestrians to safe crossing points.
4. There are numerous provisions controlling fencing within the REAC tables of the OEMP, including Item D-CH14, which requires the provision of fencing and surfacing within the WHS to be developed in consultation with the National Trust, Historic England, English Heritage Trust and Wiltshire Council. Other items include MW-CH3, CH24 and CH25, all of which impose requirements in respect of how fencing is brought forward.
5. It should be noted that Road Safety Audits are mandatory under HD 19/03 of Volume 5 of the Design Manual for Roads and Bridges to ensure that the road safety implications of all highway improvement schemes are fully considered by a team independent of the design team. The safety measures at the cutting will therefore be subject to independent audit as part of this exercise.

Question De.2.4

OEMP, Chapter 4: Detailed Design [REP4-020]

Para 4.4.4: Should consultation also take place on:

- i. River Till viaduct?
- ii. Countess flyover?
- iii. Green Bridges?

Highways England response

1. The OEMP [REP4-020] already requires consultation to take place with the Stakeholder Consultation Group on Green Bridge Four (para. 4.5.3 (b)¹) and with Wiltshire Council on the River Till Viaduct (item D-LAN4).
2. The western facing slip roads of Countess Junction (and therefore some of the retaining walls) are within the World Heritage Site. Section 4.5.3 (b) of the OEMP submitted at Deadline 6 has been extended to include the relevant work number (1H(iii)) to ensure consultation with the renamed Stakeholder Design Consultation Group (SDGC) is undertaken on this element.
3. Section 4.5.4 (b) of the OEMP submitted at Deadline 6 has been updated to include the flyover at Countess junction. This provides for consultation with the SDCG on this element.
4. In addition to these points, Highways England can confirm that item D-LAN4 has been amended within the OEMP submitted at Deadline 6 to require consultation with Wiltshire Council on the general external appearance and finishes of Green Bridges 1 to 3 and the B3083 underbridge. Green Bridge Four has a number of controls imposed on it through items D-CH4, D-CH10 and D-CH23 of the OEMP, such that further consultation on finishes is not needed.

¹ The OEMP has been updated between Deadline 4 and 6. For ease of reference, the OEMP references within this response refer to the OEMP submitted at deadline 6.

Question De.2.5

OEMP, Chapter 4: Detailed Design [REP4-020]

Para 4.4.14: Notes that it is appropriate that the final decision on detailed design remains the Applicant's preserve, using its expertise and knowledge as to what would be appropriate and operationally feasible in the context of the Scheme.

However, matters such as operational geometry and other matters of highway functionality would be defined in the OEMP and elsewhere, and would have been confirmed during the development of the design process well before the final decisions are made on detailed design. Wiltshire Council is the statutory body regarding planning matters, including design approvals, and has expertise and knowledge as to what would be appropriate.

In the exceptional event of it not being possible for the SCG and The Authority to reach agreement after escalation of the matter, should not the final decision on detailed design rest with Wiltshire Council?

Highways England response

1. As a Government owned company, Highways England acts under Licence from the Secretary of State which establishes that Highways England, in exercising its functions, must have due regard to relevant principles and guidance on good design, to ensure that the development of the network takes account of geographical, environmental and socio-economic context.
2. It also operates, maintains and improves England's 4,300 miles of motorways and major A roads which carry a third of all traffic in the UK by mileage. Highways England is also the custodian of the Design Manual for Road and Bridges (DMRB) and the Network Management Manual (NMM) with in house subject matter experts. Furthermore, Highways England has an internal assurance structure set up to ensure that there is sufficient oversight of the work that project teams, and appointed contractors, are undertaking. The Safety, Engineering and Standards ("SES") team sits separately from project teams, and ensures Highways England's standards are applied to its projects. SES would independently advise on any submissions for approval.
3. Highways England therefore has the resources, expertise and knowledge to determine as to what is appropriate in the design of a scheme of this nature, where the Scheme is predominantly making changes to Highways England's strategic road network. Wiltshire Council is not set up to resource the many and varied approvals required of major infrastructure project designs and it does not have the same expertise in the demanding standards required of the trunk road network or the knowledge of delivering trunk roads projects efficiently and effectively. Highways England has the statutory responsibility to operate, maintain and improve the strategic roads network, therefore it

must retain ultimate control of the design of that network. That the local authority is not the appropriate body to approve such matters can be seen throughout highways development consent orders, where they routinely do not hold power of approval of discharge of requirements. For further detail on these matters, please also see the response to questions DCO 2.44 and 2.47.

4. As stated within Section 4.5 of the OEMP submitted at deadline 6, there will be continued proactive engagement and collaborative working between The Authority and the SDCG which will build on the detailed consultations regarding scheme design which have and continue to take place. The escalation process outlined within section 4.5.13 of the OEMP sets out how disputes are to be resolved in the unlikely event that agreements cannot be reached on specific matters of detailed design.
5. However Highways England will have the responsibility for operating the majority of the Scheme after completion of the Main Works, including the Winterbourne Stoke Bypass, the twin bore tunnel and the Countess flyover. Therefore, in the highly unlikely event that agreement cannot be made through the escalation procedure, in order to safeguard those responsibilities it is essential that the final decision on detailed design remains its preserve.

Question De.2.6

Illustrative drawings

How can reliance be placed on drawings which are merely 'illustrative'?

Highways England response

1. The Applicant does not place reliance solely on drawings that are "merely 'illustrative'". The application documentation must be read together. The Applicant has produced a 'signposting' document [AS-009] to assist participants in the Examination with reading the plans and drawings together with the provisions of the DCO, including the detailed descriptions in the Schedules.
2. As the Applicant has maintained throughout, the design of the Scheme has reached a sufficient stage to enable it to carry out an environmental impact assessment and to determine its land requirements. However, the detailed design of the Scheme will follow, if development consent is granted, with the appointment of the contractor. This is the industry standard approach to developing significant highways projects.
3. The Applicant requires a proportionate degree of flexibility, within the limits of deviation which delimit the parameters of the environmental assessment, to develop the detailed design of the Scheme. It is imperative that the consent has sufficient flexibility built in to ensure that the Scheme can be implemented, to deliver value for money while still ensuring the high level of mitigation required.
4. The plans that show the reference design of the Scheme include a note confirming that that the Scheme design is shown illustratively. This reflects the fact that the Scheme has yet to be designed in detail and it would be inappropriate to fix the design by reference to these plans and drawings. However, the information that the plans are required to provide for the purposes of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, for the purposes of the development consent order is not illustrative.
5. For example, the Engineering Section Drawings (Plan and Profiles) [APP-011] are referenced in article 7 (Limits of deviation) to provide the vertical levels from which an upwards or downwards deviation is permitted. The levels are shown on the profile part of the document and are not indicative. The plan, provided on the upper part of each sheet, is provided to give the context of where within the Scheme the profile is located to aid understanding. Chainages are provided for the levels shown. However, the design shown on the plan cannot be "fixed" at this stage for the reasons articulated above and in more detail in previous submissions. The same rationale applies to the Engineering Section Drawings (Cross Sections) [APP-011]. The Works Plans [APP-008] which establish the point of reference for the lateral limits of

deviation do not show the reference design and are therefore not noted as having any element that is "illustrative".

6. In respect of the Rights of Way and Access Plans [APP-009], the Applicant has addressed the nature of these plans in its written summary of the DCO ISH [REP4-029], under agenda item 3.3 (ii). As noted therein the reference to "shown illustratively" in Schedule 1 is necessary to allow those plans to 'work' alongside the Works Plans and Engineering Section Drawings and does not afford an unacceptable degree of flexibility. Those works are controlled by: (i) the detailed descriptions of each item given in Schedule 3 which describes a start point, a length, a direction and an end point all by reference to existing landmarks; (ii) the bounds of the numbered work to which they relate; (iii) the need to have the appropriate land use power in order to deliver them; and (iv) in the case of private means of access, the need to serve the land to which they relate. The descriptions in Schedule 3 are fixed, subject only to those distances being "approximate" per article 2(4). This is the key restriction on flexibility. This degree of flexibility is required because the Rights of Way and Access Plans set out a considerable amount of detail in terms of ways and accesses to be stopped up, replaced and created such that it would be impractical to also show the lateral limits of deviation. Consequently, if the limits of deviation were exercised it could render the rights of way undeliverable unless there was a limited degree of flexibility to enable the corresponding adjustment. The matters shown on the Rights of Way and Access Plans, including the degree of flexibility, have been assessed as set out in chapter 2.3 of the ES.
7. In respect of the Environmental Masterplan, this is addressed in response to question DCO.2.38 and previously in responses to questions DCO.1.3 and DCO.1.84.
8. As the Applicant has explained throughout (and before) Examination, this is not a novel approach. It is well established on highways DCOs and it 'works'. Highways DCO projects are not known across the transport and consenting community for being able to build out something that has significant differences from the scheme applied for.
9. Moreover, as is appropriate in the specific circumstances of the Scheme, the application goes further than many other projects in committing to specific elements of design in key sensitive areas. The Applicant has committed to a detailed list of design commitments, design principles and established a procedure for stakeholder consultation on the detailed design of the Scheme, now all under an overarching design vision of the Scheme in the updated draft OEMP submitted at Deadline 6. These measures have been developed in consultation with the key heritage stakeholders and are set out in the OEMP, compliance with which is secured by Requirement 4.
10. Taking all of these measures into account the Applicant affirms that the framework established by the application is appropriate.

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