

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

**Wiltshire Council (A303-AFP022)
Response to Deadline 6 Submissions**

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1. Introduction

- 1.1 Wiltshire Council has reviewed the Deadline 6 submissions. The Council's response to selected submissions is contained herein.
- 1.2 These comments are submitted without prejudice to any further representations the Council may wish to make during the Examination.

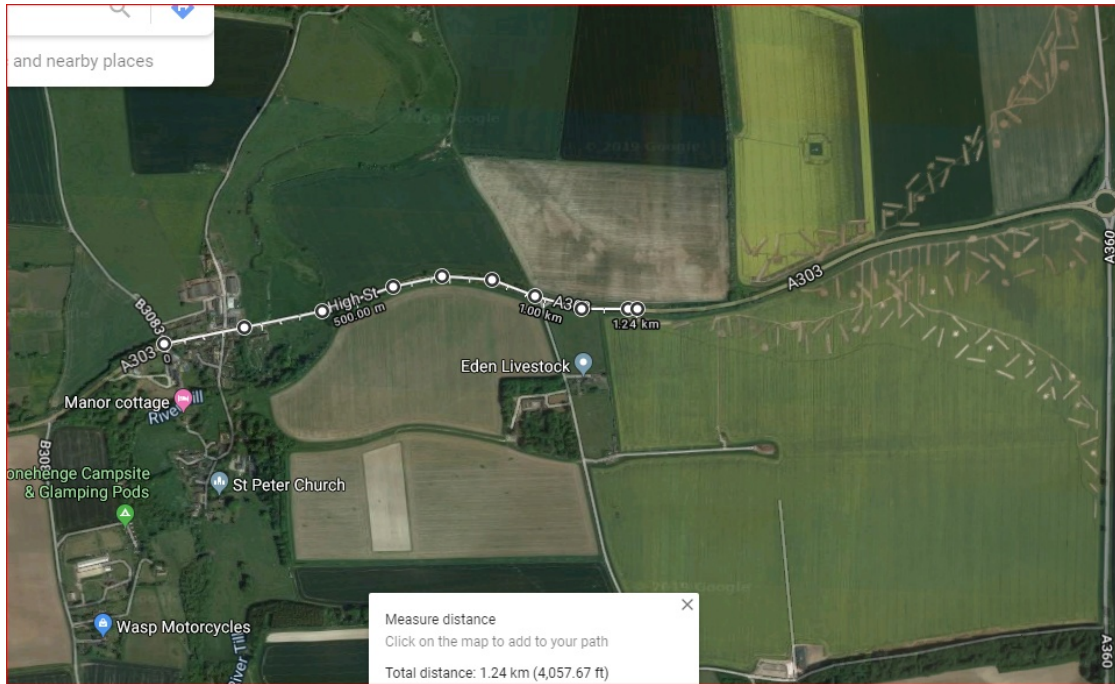
2. Comments on M&R Hosier Response to Further Information Received to Deadline 3 (REP5-033)

- 2.1 The Council has reviewed M&R Hosier's response to Document 8.31, Comments on any Further Information Requested by the ExA and Received to Deadline 3 (REP5-033), and wishes to make the following comments.
- 2.2 With regard to comments made in relation to paragraph 9.3.4, whilst the Council is withdrawing its proposed amendment to the DCO to prohibit motorised traffic on byways AMES 11 and 12, the Council will continue to work with enforcement agencies to limit problems associated with anti-social behaviour. The Council will monitor the situation and take steps, potentially through future TROs, if necessary.

3. Comments on (Rev 4) Draft Development Consent Order (REP6-006)

- 3.1 The Council has reviewed the (Rev 4) Draft Development Consent Order (REP6-006) and HE's Comments on any further information requested by the ExA and received to Deadline 4 and 5 regarding the dDCO (REP6-035) and wishes to make the following comments.
- 3.2 The Council suggests that page numbers for each section are added to the Contents, as per the Sparkford to Ilchester dDCO. Navigating the document is quite cumbersome without them.
- 3.3 With regard to paragraph (6) of Article 13, the Council considers that the following amendment is required: ***"Nothing in this article overrides the requirement for an environmental permit under regulation 12...2016 or the need for any application pursuant to Wiltshire Council's protective provisions in Schedule 11 Part 3 of this DCO."*** The making of this change would enable the DCO to point to all the permissions needed for the discharge of water, in a manner consistent with the way it already points to environmental permitting.
- 3.4 The Council notes that point (f) of Work No. 4 within Schedule 1 will have to be reviewed in the context of the proposed changes set out at NMC06 in the July consultation by HE, which seeks to replace the restricted byway with a cycle track contiguous with A360 and C506, except in the vicinity of the dew pond. Further comments are made in respect of this change in the Council's consultation response.
- 3.5 It is noted that a revised definition for the OEMP is included within Schedule 2. The Council considers this amended definition confusing as the authorised development would be carried out in accordance with the CEMP, and not the OEMP. Similarly, the HEMP would be based on the CEMP and not the OEMP. Furthermore, the Council maintains its position that HE should not be the approving body for the CEMP.

- 3.6 Reference U within Schedule 3, Part 1, will need to be reviewed as the HE consultation on non-material changes proposes a replacement of restricted byway with a cycle track. The Council considers that HE should revisit Wiltshire Council's previous comments in relation to use of the words "cycleway and "cycle path" instead of the correct term "cycle track". If "cycle track" is used here to replace "restricted byway" then it should, as previously indicated, also be included alongside "byway open to all traffic", "restricted byway", "bridleway", "footway" and "footpath", "carriageway" etc. in DCO Part 1 – Preliminary and 2-Interpretation.
- 3.7 As HE's consultation on non-material changes proposes a replacement of restricted byway with a cycle track, Reference UA within Schedule 3, Part 1, should be reviewed.
- 3.8 The Council requests that HE explain why they consider the Allington Track Diversion is not a substitute road and why this item in Schedule 3, Part 2, is not included within Part 1 above.
- 3.9 The Council notes that Part 3 of Schedule 3 will also need to be reviewed in the context of HE's July consultation on non-material changes. For example, Allington Track and Byway 1 accesses to Earls Down land in ownership of Lincoln College.
- 3.10 Wiltshire Council queries the use of the word "improved" at Reference 38 within Schedule 3, Part 3. The Council questions whether it should refer to "existing junction" as there will be no junction with the improved A303.
- 3.11 The Council believes that the measures within the South-western link to new Longbarrow junction in Schedule 9, Part 3 should be checked, as they appear to be incorrect. It states 610m length of new road, but it merges at a point 705m west of the new southern roundabout.
- 3.12 With respect to Schedule 9, Part 7, paragraph 20, it states "*...(new number to be confirmed)*". The Council has provided this previously and it has been included in Part 3 – 9 above and should be included here. Furthermore, the Council has previously highlighted an error in relation to this paragraph, which has been dismissed by HE. The Google Maps image below shows that a 1.24km length of road from B3086 junction does NOT end at the junction with new roundabout.



- 3.13 In paragraph 21 of Part 8 of Schedule 9, “drive” should be capitalised as it refers to “Equinox Drive”.
- 3.14 The Council suggests that the measures in paragraph 22 of Part 8 of Schedule 9 should be checked as they do not appear to be correct. Furthermore, the dDCO must include a reference here to the Countess Junction circulatory carriageway and part of verge, if NMC02 is approved. Both of the aforementioned references should refer to the appropriate drawing(s).
- 3.15 As a general note, the Council would strongly urge HE to undertake a check of the measurements included within the dDCO as each time it is reviewed, officers seem to find extra discrepancies in measurements.
- 3.16 The Council notes that Part 3 of Schedule 11 will require updating once the amended protective provisions have been agreed with HE.
- 3.17 For the avoidance of doubt and for clarity of HE, all interested parties and the ExA, Wiltshire Council has responded to HE’s comments on its previous representations relating to the dDCO and drafting changes sought (REP6-035) in the table below. The Council has indicated where the response has been accepted and therefore the changes are no longer sought, or where the Council maintains its position requiring these changes to be made to the dDCO.

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
	Article 2 (Interpretation)		
14	<p>[REP4-039], Comments on DCO, section 2.2 in respect of the absence of a definition for Lead Local Flood Authority and definition of planning authority</p> <p>The Council notes that the planning authority, highway authority, street authority and traffic authority are defined terms, but lead local flood authority is not, and it considers it should be for completeness.</p> <p>The Council also considers that the definition of planning authority should acknowledge that Wiltshire Council is a unitary authority.</p>	Please see the Applicant’s response to question DCO.2.7, which addresses this point.	The Council notes HE’s response. Following discussions with HE, it has been agreed that Wiltshire Council will be referred to as “planning authority” which is defined as Wiltshire Council. HE have agreed to amend the dDCO and OEMP to ensure that this is consistently adopted across the whole suite of documents. This will also include ensuring that all references are to the Council as a corporate body, rather than its numerous functions or service areas. Where references to function are applied, the Council considers that the wording in MW-G7 is the most appropriate as it states, “in respect of matters relevant to their function”.
15	<p>ISH 1 Article 2, para 1.2.1</p> <p>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.</p>	Please see the Applicant’s response to question DCO.2.32.	<p>The Council notes HE’s response and in respect of all activities apart from “receipt and erection of construction plant and equipment”, the Council accepts HE’s explanations as to how these activities would be controlled and regulated and do not need to be further regulated.</p> <p>In respect of the activity “receipt and erection of construction plant and equipment” the Council notes that HE’s explanation only relates to receipt (construction equipment arriving on the site) and notwithstanding HE’s explanation may constitute development by way of storage of the equipment on the land pending construction starting.</p>

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			<p>The Council notes that HE's explanation does not address the term "erection of equipment". The Council is of the view that erection of plant equipment on the site would constitute development and should be subject to appropriate controls.</p>
16	<p>ISH 1 Article 2, para 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.</p>	<p>The Applicant's intention regarding the definition of "maintain" is as set out in that definition, that is to say the power to maintain the authorised development in article 5 includes the power to "inspect, repair, adjust, alter, remove or reconstruct" the authorised development, subject to the corresponding limits of deviation in article 7. See also the Applicant's detailed responses to the Examining Authority's written questions DCO.1.12 [REP2-030] and DCO.2.5 (to be submitted at deadline 6). The key point is that the authorised development being maintained is as set out in the Order, so it is unnecessary to further record it.</p>	<p>The Council notes HE's comments. However, it is unclear why, if works are to be inspected, then such an inspection would not be recorded for later action / reference.</p>
17	<p>ISH 1 Article 2, para 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".</p>	<p>The intention for the ancillary works to be constrained to the Order limits is confirmed in the Applicant's written summary of its oral submissions at the DCO ISH [REP4-029], under agenda item 3.3(iii). The Applicant included an amendment to article 7(1) (Limits of deviation) in revision 3 of the DCO [REP4-019] to make this clear.</p>	<p>The Council is satisfied that the amendment to article 7 (1) makes clear that ancillary works are constrained to the Order Limits.</p>

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
	Article 3 (Disapplication of legislative provisions)		
19	<p>[REP4-081] section 1.3 in respect of article 3 (Disapplication of legislative provisions)</p> <p>The Council is concerned with the disapplication of the provisions of the Land Drainage Act 1990 proposed in article 3((1)(b), (c) and (d)) particularly in relation to dewatering activities during the tunnelling works, and notes it is proceeding on a precautionary basis.</p> <p>The Council raises concerns that Highways England has not specified a closed face tunnel boring machine and that there remains potential for extensive dewatering during tunnelling and wishes to retain control for consent.</p> <p>The Council works closely with the Environment Agency and notes that protective provisions have been agreed to regulate the effect of the proposed disapplication of legislation and requires similar protective provisions to be extended to Wiltshire Council.</p>	<p>The Applicant, in the update to the OEMP submitted at DL4 has committed through design commitment D-CH32, to the use of closed face tunnelling techniques for the bored section of the tunnel. From discussions with Wiltshire Council at the DCO ISH, the Applicant understands that this should give the necessary comfort to allow the Council to withdraw its comments on these disapplications.</p> <p>As set out in the Applicant’s comments on Wiltshire Council’s response to the Examining Authority’s first written question DCO.1.7 [REP3-016] and the Applicant’s response to item 22.5.22 in its Written Representations Report [REP3-013], there is no prospect of large scale dewatering taking place in respect of the Scheme, although some localised and temporary groundwater control could be required for the construction of the tunnel portal slab to launch the closed face tunnel boring machines, and also potentially for some of the cross passages for mechanical and electrical services at Stonehenge Bottom when groundwater levels are exceptionally high. The OEMP contains measures to mitigate impacts of dewatering (MW-WAT8), which have been agreed with the Environment Agency, confirmed in their comments submitted at deadline 4 (see paragraph 7.1.5 [REP4-049].</p> <p>The Applicant notes that Wiltshire Council, in its Deadline 5 submission [REP5-009] at</p>	<p>The Council considers that its position has been summarised accurately here. The Council would agree to the disapplication, subject to the agreement of adequate protective provisions. Discussions are ongoing with regard to the protective provisions but have not yet been agreed.</p>

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		<p>paragraph 2.3 states that in light of the Applicant’s commitment to the use of a closed face tunnel boring machine it agrees to the disapplications sought, subject to agreeing adequate protective provisions. The Applicant received Wiltshire Council’s comments on the draft protective provisions shortly before deadline 6 and is actively considering them.</p>	
<p>Article 11 (Temporary stopping up and restriction of use of streets)</p>			
<p>28</p>	<p>[REP4-039] Comments on the DCO, section 2.1 in respect of Article 11 (Temporary stopping up and restriction of use of streets) 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.</p>	<p>The Applicant responded to this point when raised by Wiltshire Council in its response to the Examining Authority’s First Written Question DCO.1.31, see REP4-036 at 6.2.4. For ease of reference that response is reproduced below: <i>“The Applicant acknowledges that, in Highways Act 1980 terms, “stopping up” is understood to be a permanent extinguishment of a highway. However, the development consent order if made, would be made under the Planning Act 2008. The term “temporary stopping up” is used in article 11 of the Infrastructure Planning (Model Provisions) 2009 upon which article 11 of the draft development consent order is based. The terms has been used in the majority of highways development consent orders, such that the Applicant considers its use to be widely accepted and understood in orders under the 2008 Act and sees no reason to depart from the established precedent in this case.”</i> The Applicant notes Wiltshire Council, in its Deadline 5 submission [REP5-009] at paragraph</p>	<p>HE is correct in its reference to the Council’s Deadline 5 submission. Therefore, no further comment is necessary.</p>

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		2.4, indicates that it no longer has objects to the use of the term. This point is also the subject of the Examining Authority's second written question, DCO.2.16.	
	Article 13 (Discharge of water)		
34	<p>[REP4-081] DCO ISH Summary, section 1.6 in respect of article 13 (Discharge of water)</p> <p>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.</p> <p>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.</p>	Please see our response to Wiltshire Council above in relation to the disapplication of legislation. We understand that the commitment to closed face tunnelling should resolve the Council's concerns here. In addition, the updated OEMP submitted at Deadline 6 provides for the Council to be consulted on all water management plans.	Please see response to 19 above. <p>Having reviewed the revised provisions contained within the OEMP, namely MW-WAT15 and MW-COM6, the Council considers that adequate safeguards for the private water supplies from contamination in the area of the Scheme are contained, therefore the previous addition sought in this respect is no longer required.</p>
35	<p>[REP5-009] Response to Highways England's Comments on Deadline 3 Submissions, paragraph 2.5, in respect of article 13 (Discharge of water)</p> <p><i>"...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</i></p>	<p>The Applicant acknowledges Wiltshire Council's land drainage and flood risk functions, but notes that it is seeking Wiltshire Council's agreement to the disapplication of its land drainage bylaws under article 3 of the DCO.</p> <p>The Applicant welcomes Wiltshire Council's confirmation at paragraph 2.3 of [REP5-009] that it is prepared in principle to the proposed disapplications, subject to protective provisions being agreed.</p>	Please see response to 19 above and the Council's proposed amendment to Article 13 at paragraph 3.3 above.

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	<i>reminded that this is not a function solely within the EA's remit."</i>	The Applicant anticipates that the parties will be able to agree appropriate protective provisions enabling Wiltshire Council to consent to the disapplication of its land drainage bylaws. That being the case, the introduction of the requested amendment would lead to article 3 and article 13 being in conflict.	
Article 16 (Removal of human remains)			
42	<p>[REP4-081] DCO ISH Summary, section 1.7 in relation to Article 6 (Removal of human remains)</p> <p>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.</p>	The Applicant amended article 16 so as to refer to the "burial authority" defined in paragraph (1) as "the burial authority for the specified land, being Wiltshire Council", in revision 3 of the DCO [REP4-019].	The Council welcomes this amendment.
Article 47 (Classification of Roads)			
48	<p>[REP5-009] Response to Highways England's Comments to Deadline 3 Submissions, paragraph 2.6</p> <p>Wiltshire Council note that it considers its proposed amendment to article 47 to be reasonable in the circumstances of a side agreement having not yet been finalised.</p>	The Applicant notes the Council's comments but maintains its position at Deadline 3 [REP4-035], paragraph 6.3.16, that the proposed amendment is inappropriate. The Applicant and Wiltshire Council are making progress on the side agreement and the Applicant anticipates that this would be concluded before the close of the examination. Should that appear not to be the case the Applicant reserves its position to make further representations on this point.	<p>The Council notes that these comments were erroneously attributed to Article 31 in HE's response.</p> <p>There is no explanation as to why this change, or an alternative change to the satisfaction of the Council is considered by HE to be inappropriate.</p> <p>The Council takes the view that it is inappropriate that Article 47(6), as currently drafted, allows HE to decide the date of de-trunking and handover to the Council unilaterally and with no requirement on the face of the DCO</p>

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			<p>as to the condition of the de-trunked roads at handover.</p> <p>It is only reasonable that there should be further safeguards for the inheriting authority, especially when no side agreement has been concluded / finalised. For the same reasons an addition of a tailpiece clause which has the words “unless otherwise agreed” may be unlawful and in any event provides no assurance in the absence of a concluded / finalised agreement and if there is a finalised agreement why shouldn’t that agreement be specifically referred to.</p>
	<p>Schedule 1 (Authorised Development)</p>		
53	<p>[REP4-039], Comments on the DCO, section 2.3 in respect of “ancillary works” 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.</p>	<p>The Applicant notes the Council’s helpful comments and observes that the purpose of Schedule 1 is to describe the authorised development for which the Applicant seeks development consent. It is not necessary for each element to have a definition recognised in statute.</p> <p>In itself, Schedule 1 does not afford any particular status to a way. The provisions that have that effect are contained in article 9 and Schedule 3 and, as neither use the term “cycleway”, the Applicant’s initial response is that it does not consider it necessary to define the term in the manner suggested.</p> <p>The Applicant would however welcome continued dialogue with Wiltshire Council on this point.</p>	<p>The Council maintains that the references to “cycleway” should be changed to “cycle track” as cycleway is without meaning in law, see Highways Act 1980 section 329.</p> <p>The Council also considers that the reference to both cycle tracks and cycleways in b(ii) are misleading, as this suggests that there is a difference between the two categories.</p>

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
	Schedule 2 (Requirements)		
	Requirement 4 (Outline Environmental Management Plan)		
62	<p>[REP4-081] DCO ISH summary, section 1.10 in respect of Requirement 4</p> <p>The Council re-iterates its concerns regarding the Applicant’s OEMP under which it would approve the contractor’s CEMPs. Suggests that the extent a CEMP can be varied ought to specified when that CEMP is approved, prior to the start of works.</p> <p>In relation to specific details, for example fencing and surfacing of local roads, the Council’s concerns relate not only to heritage impacts but also to the ongoing maintenance costs, and on this basis considers it ought to be given the right to approve these aspects. Regarding the requirements requested in its LIR, the Council acknowledges that discussions are ongoing and it accepts that some may be able to be moved to the OEMP.</p>	<p>The Applicant maintains that it is the appropriate body to approve the CEMPs. The reasons for this are set out in detail in the Applicant’s response to the Examining Authority’s Second Written Question DCO.2.44 and 47.</p> <p>Regarding maintenance costs associated with local highways that would be adopted by Wiltshire Council, the parties continue to negotiate the terms of a side agreement, and it is the Applicant’s intention that an appropriate commuted sum would be paid to Wiltshire Council to address maintenance costs. It should be noted that article 9 of the DCO requires new or diverted roads to be completed to Wiltshire Council’s reasonable satisfaction.</p> <p>The Applicant is continuing to discuss with Wiltshire how the matters raised in its LIR as potential requirements are, or can be, addressed in the OEMP.</p>	Please see response to 63, 64 and 84 below.
63	<p>[REP4-039] Review of revision 2 of the DCO, section 3.3.1</p> <p>The Council proposes an additional requirement, the effect of which would require the CEMPs to be approved by the Secretary of State, in consultation with Wiltshire Council. The Council remain of the view that it consider it is inappropriate for the Applicant to approve the CEMPs.</p>	<p>The Applicant maintains that it is the appropriate body to approve the CEMPs. The reasons for this are set out in detail in the Applicant’s response to the Examining Authority’s Second Written Question DCO.2.44 and 47.</p> <p>In relation to the proposed drafting please see the Applicant’s response to DCO.2.65.</p>	<p>The Council notes the amended definition of the OEMP within Schedule 2, but considers this confusing as the authorised development will be based on the CEMP and not the OEMP. Similarly, the HEMP will be based on the CEMP.</p> <p>The Council maintains its position that an additional requirement for the CEMP is required and that HE should not be the approving body.</p>

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64	<p>[REP5-009] Response to Highways England’s Comments on Deadline 3 Submission, paragraphs 2.12 and 2.13</p> <p>Wiltshire Council maintain that it considers the Applicant to not be the appropriate body to approve CEMPs and notes that it will set out in response to second written questions the matter it considers appropriate for it to approve.</p>	<p>Please see the Applicants response to second written questions DCO.2.44 and DCO.2.47.</p>	<p>The Council has considered HE’s response. However, the Council notes that HE is only The Authority and approving body if the ExA agree that this is appropriate.</p> <p>The Council maintains its position that it considers this inappropriate.</p> <p>HE’s response does not provide any safeguard to the underlying principle that nobody should be a judge in their own cause (actual bias) nor should any decision maker be put in the position <i>whether a fair minded and informed observer would conclude there was a real possibility that the decision maker was biased</i> (apparent bias). (Test for the principle taken from Porter v Magill [2011] UKHL 67 and subsequent line of cases).</p> <p>In earlier submissions HE tried to make a distinction between the contractor and HE but the contractor is carrying out the project for and on behalf of HE and therefore under HE’s proposal, it would still be the decision maker for its own project.</p> <p>Whilst it is acknowledged that HE is a public body that does have some statutory duties, it is also the proponent and sponsor for the Scheme and therefore is in exactly the same situation as a private developer when it comes to being a judge in its own cause. HE is also faced with the potential conflicts of risk of delay, cost and</p>

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			<p>failure of the Scheme, therefore actual and / or apparent bias is not addressed. As there are viable alternatives which remove the risk the Council considers it inappropriate for HE to be the approving body.</p> <p>The Council notes that HE have attempted to draw an analogy to that deployed by local authorities. However, the Council considers that there is a clear distinction between the arrangements under Local Government law and this situation. In Local Government law there are no viable alternatives and therefore additional checks have been put in place (Secretary of State’s powers to call in, use of Public enquiry with recommendation on fact finding etc.).</p> <p>As there is a clear alternative in this case (either the Secretary of State or the Local Planning Authority, the Council considers it would be inappropriate for the panel to recommend to the Secretary of State that HE be the judge in its own cause.</p> <p>The Council notes HE’s references to previous DCO’s. The examples given all relate to non HE schemes where there is a separation between District Council as Local Planning Authority (LPA) and County Council as Highway Authority (HA) or in respect of a Unitary authority, there is statutory separation between the Executive functions as HA and Council functions as LPA.</p>

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			<p>There is recognised process for such separation, a democratic process of decision making and likely to be call in provisions by the Secretary of State. Furthermore, each application has to be determined on its own merits and just because a process has been adopted in another application does not necessarily mean it is best practice.</p> <p>This application has to be considered in accordance with sound legal principles of administrative law and having regard to the nature of the proposal (a two-mile tunnel and work within a WHS with OUV). The Council considers it appropriate that the approver be other than the project proponent and sponsor to ensure maintenance of the public’s confidence in the DCO process. Additionally, whilst it is recognised that HE have knowledge as a roading authority, it has limited knowledge of applying the quasi-judicial functions necessary to consider the planning merits of the Wiltshire Core Strategy, the WHS Management Plan and the community’s community needs.</p> <p>In respect of HE’s comments on this Scheme being a NSIP, the Council considers that this and the Council’s recognised expertise is a significant reason why HE should not be the decision maker. Furthermore, there is power within the NPPF for Monitoring costs to be covered in exceptional circumstances and a NSIP of this nature, would</p>

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			<p>justify HE as proponent and sponsor of the Scheme, contributing to such monitoring costs rather than retaining these costs in-house. The Council considers that the burdensome element is more properly addressed via contribution by HE to the exceptional monitoring costs that HE are acknowledging.</p> <p>In respect of the references to HE and Wiltshire Council's expertise, the Council considers that HE's expertise would not be lost because as applicant, proponent and sponsor of the Scheme, the underlying documents will be provided to the decision maker. The decision maker in making the decision has to assess the merits of the application based on the information provided to it. This is exactly the expertise that the Council has developed over many years. By the applicant and the decision maker being one and the same, there is unlikely to be sufficient safeguards to ensure robust decision making can be evidenced notwithstanding any consultation undertaken.</p> <p>For clarity, Wiltshire Council's position is that it is inappropriate for HE to be the decision maker on a number of documents and that should the Panel determine that it is unnecessary to be referred to the Secretary of State for approval, then it is more appropriate that there be a separate decision maker, such as the Council. If this is being considered, then as anticipated by</p>

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			HE, the cost of such monitoring and approval will need to be considered and provided for.
	Requirement 5 (Archaeology)		
66	<p>[REP4-081] DCO ISH Summary, section 1.11 in respect of requirement 5 (Archaeology)</p> <p>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 approved it, and what is carried out in accordance with. This should be incorporated into the requirement or something along these lines included within the DAMS.</p>	<p>Please see the Applicant's response to DCO.2.54 which considers these points in the context of Wiltshire Council's proposed requirement.</p>	<p>Following review of HE's response, the Council concurs that the DAMS is much further developed than it was at the time the Council proposed this amendment. Furthermore, as the Council will be approving and signing off the SSWSI's, the Council withdraws its request for this amendment.</p>
67	<p>[REP4-039] section 3.3.2 in respect of requirement 5 (Archaeology)</p> <p>The Council proposes amendments to requirement 5.</p>	<p>The Applicant's response to the proposed amendments is set out in response to the Examining Authority's Second Written Questions, DCO.2.54.</p>	<p>Please see response to 66 above.</p>
	Requirement 7 (Contaminated Land)		
71	<p>[REP4-081] DCO ISH summary, paragraph 4.3.5</p> <p>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.</p>	<p>The Applicant has reviewed the drafting in requirement 7 in the light of the Council's comments, its proposed form of the requirement, the comments of other interested parties and as a result of the Examining Authority's second written questions and has made changes to this requirement in revision 4 of the DCO. Please see the Applicant's responses to DCO.2.56 and FG.2.28 for further details.</p>	<p>The Council welcomes the amendments made and has no further comments on this point.</p>

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
		<p>In respect of the particular point, having reviewed the requirement further, the Applicant considers the potential for confusion can be resolved by the deletion of the "...including groundwater..." and relying on the definition of contaminated land given in requirement 1, which aligns the term with its definition in section 78A Environmental Protection Act 1990, which is sufficiently broad to include contamination to controlled waters (which includes groundwaters).</p>	
Requirement 8 (Implementation and Maintenance of Landscaping)			
74	<p>[REP4-039] Review of revision 2 of the DCO, section 3.3.3 in respect of requirement 8 (Implementation and maintenance of landscaping) The Council proposes amendments to this requirement.</p>	<p>Please see the Applicant's response to the Examining Authority's Second Written Questions, DCO.2.58.</p>	<p>The Council has reviewed HE's response to DCO.2.58 and following discussion with HE, has agreed that these matters can be addressed in the landscaping scheme.</p>
Requirement 9 (Traffic Management)			
75	<p>[REP4-039] Review of revision 2 of the DCO, section 3.3.4 in respect of requirement 9 (Traffic management) The Council proposes amendments to requirement 9.</p>	<p>Please see the Applicant's response to the Examining Authority's Second Written Questions, DCO.2.61.</p>	<p>The Council has reviewed the amended wording and confirms that it is acceptable.</p>
Requirement 10 (Drainage)			
77	<p>[REP4-082] DCO ISH summary, section 13 in respect of requirement 10 (Drainage) 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</p>	<p>Following the DCO ISH the Applicant amended requirement 10 in revision 3 of the draft DO submitted at deadline 4 [REP-019] to specify for the avoidance of doubt that a timetable for implementation must be included in the drainage scheme to be approved by the Secretary of State.</p>	<p>The Council confirms that the changes are acceptable. However, please see comments made in item 14 above regarding how the Council should be referenced.</p>

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
	<p>brought into use. That is what the Council requires.</p> <p>Notes that it is considering whether its concerns regarding the control of preliminary works, in particular site, is adequately addressed in the preliminary works OEMP and the respective technical teams are in discussions with a view to resolving this.</p>	<p>The Applicant confirms its intention is for the highway drainage system to be operational before the Scheme is open to public use and has amended to say as much in the Revision 4 of the DCO to be submitted at deadline 6.</p> <p>Regarding the preliminary works, the Applicant maintains its position set out in response to question DCO.1.9 [REP3-016], that the effects of site clearance are appropriately regulated through the preliminary works OEMP. Further detail on the matters excluded from the definition of 'commence' and the preliminary works is set out in response to question DCO.2.32.</p>	
	Requirement 11 (Consultation)		
80	<p>[REP4-039] review of revision 2 of the DCO, section 3.3.9 in respect of requirement 11 (Details of consultation)</p> <p>Wiltshire Council's proposed amendments to this requirement.</p>	<p>Please see the Applicant's response to the Examining Authority's Second Written Questions DCO.2.63 for further consideration of Wiltshire Council's proposed requirement.</p>	<p>The Council has reviewed the changes made to the Requirement 11 (Details of consultation) and confirms that they are acceptable and that the Council withdraws its request for additional amendments.</p>
81	<p>[REP5-009] Response to Highways England's Comments on Deadline 3 Submissions, paragraph 2.11 in respect of requirement 11 (Details of consultation)</p> <p>Wiltshire Council's proposed amendments to this requirement.</p>	<p>Please see the Applicant's response to the Examining Authority's Second Written Questions DCO.2.63 for further consideration of Wiltshire Council's proposed requirement.</p>	<p>Please see response to 80 above.</p>
83	<p>[REP4-039] paragraph 1.14.2, in respect of lighting, traffic monitoring and mitigation</p> <p>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</p>	<p>Please see the Applicant's response to the Examining Authority's Second Written Questions DCO.2.65.</p> <p>In respect of lighting, as noted by Wiltshire Council, the Scheme is to be largely unlit. The Applicant has committed to upgrading the</p>	<p>Please see response to 84 below.</p>

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
	<p>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.</p>	<p>lighting system at Countess Roundabout “to minimise light spill” per design commitment D-CH8 of the OEMP. This can only lead to an improvement over the existing situation in respect of dark skies. The design commitment is clear and unambiguous and readily enforceable. Consequently, the Applicant does not consider an additional requirement addressing lighting to be necessary.</p>	
84	<p>[REP4-039] Review of revision 2 of the draft DCO, sections 3.3.5 to 3.38 in respect of additional requirements The Council proposes additional requirements in respect of traffic monitoring and mitigation, highway lighting scheme, traffic management during tunnel closures, flood risk assessment and approval of amended details.</p>	<p>Please see the Applicant’s response to the Examining Authority’s Second Written Questions DCO.2.65.</p>	<p>Discussions with HE are on-going and may lead to a modification of the Council’s position in relation to e.g. a need for a Requirement in relation to highway lighting, which might be included in a modified OEMP text at MW-TRA12. These on-going discussions with HE might lead to the removal of a request for two transport related requirements. For the avoidance of doubt, the Council maintains its position that an additional requirement for traffic monitoring and mitigation is required.</p> <p>Following a request from HE, the Council re-considered whether an additional requirement for flood risk assessment (FRA) was necessary or whether the OEMP could be amended instead. The Council considers that a separate, additional requirement relating to the FRA is still required as Requirement 10 is a pre-commencement requirement, whereas the proposed FRA requirement is a compliance requirement specifically for the FRA. The Council considers</p>

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
			that due to the flood risk sensitivity from multiple sources (river, surface water and flood risk), it is appropriate to elevate this to the DCO as a requirement. Furthermore, the need to comply with the FRA is not explicitly stated in the FRA or OEMP. The Council considers that a precedent has been set by including this requirement in the A14 DCO in addition to a drainage requirement similar to Requirement 10.
85	<p>[REP4-039] Review of revision 2 of the draft DCO, section 3.3.10 in respect of a new requirement relating to approval and amendments to approved details</p> <p>The Council suggests an additional requirement, taken from the draft Sparkford to Ilchester Dualling Development Consent Order 201[]. The proposed requirement clarifies that where amended details are approved the requirements are to be read as applying to the approved amendments.</p>	The suggested additional requirement is not necessary as paragraph (1) of Schedule 2 already makes appropriate provision for the approval of amended details under the requirements.	The Council has reviewed the dDCO and concurs that this is sufficiently covered in existing text. The Council therefore withdraws its request for this additional requirement.

- 3.18 Wiltshire Council notes that HE did not respond to all of the Council's comments made in previous representations relating to the dDCO and therefore, the Council maintains its position that these changes are necessary unless indicated above.

4. Comments on (Rev 3) Outline Environmental Management Plan (OEMP) (REP6-012)

- 4.1 The Council has reviewed the (Rev 3) Outline Environmental Management Plan (OEMP) (REP6-012) and HE's Comments on any further information requested by the ExA and received to Deadline 4 and 5 regarding the OEMP (REP6-034) and wishes to make the following comments.
- 4.2 The Council notes the consultation specified in MW-G7 "if the plans are materially updated". The Council considers that it should be notified and consulted on all changes to the plans and it would be for the Council, and other consultees, to determine whether the changes are material.
- 4.3 MW-G11 states, "*the main works contractor will prepare a final version of the CEMP for the operational and maintenance phase of the Scheme, in the form of a Handover Environmental Management Plan (HEMP), again subject to The Authority approval, in consultation with the relevant stakeholders as set out in this OEMP.*" Whilst Wiltshire Council is a relevant stakeholder and therefore will be consulted, the Council wishes to make clear that it must approve the section of the HEMP which cover assets for which it will become the maintenance authority.
- 4.4 The Council welcomes the confirmation of use of closed face tunnelling techniques for the bored section of the tunnel at D-CH32. The Council requires the HE specify an approach to construction of the tunnel that minimises the need for dewatering, does not increase flood risk and is supported by a comprehensive flood risk assessment to be agreed with both Wiltshire Council and the Environment Agency. This is due to the flood risk that dewatering could introduce in an area with known flood risk.
- 4.5 D-LAN5 refers to, "The non-motorised user crossing of the A360 and the detrunked A303 at Longbarrow shall be a Pegasus Crossing". It is unclear why there is a reference to "and the detrunked A303", because there is only one crossing proposed as a Pegasus type, and that is on the A360. There is no de-trunked A303 within about 600-700m of Longbarrow.
- 4.6 The Council welcomes the addition of consultation with Wiltshire Council in MW-WAT2. However, the restriction of this consultation "in so far as relevant to its functions as lead local flood authority" is inappropriate as the Council's public health and protection teams would also need to be consulted from a water quality / contamination / private water supply perspective. Reference to Wiltshire Council as the corporate body should instead be made here due to its multi-faceted functions and statutory roles.
- 4.7 The Council requires that point c) of MW-WAT10 is amended to capture the telemetry requirement. Therefore, it would now state, "*c) The groundwater level and water quality monitoring / **telemetry** and reporting programme.*"

- 4.8 With regard to point b) of MW-WAT12, the Council requires that the text is amended to state: *“...pursuant to the Environment Agency’s **and Wiltshire Council’s** protective provisions in the DCO,...”*.
- 4.9 Following discussions with the Environment Agency, Wiltshire Council require the following addition to MW-WAT13 to capture its warn and inform requirement. The Council suggests that the following paragraph is added to this section. ***“Highways England shall investigate how the groundwater and fluvial modelling / monitoring will help to “warn and inform” parishes within the catchment, by setting appropriate thresholds and triggers for all sources of water within communities that may be affected by the implementation of the Scheme.”***
- 4.10 With respect of MW-TRA11, the Council suggests the following minor drafting amendment so that the phrase “to The Authority and Wiltshire Council” would follow the words “provide information to”. For clarity point c) should read: *“The main works contractor shall endeavour to assist the traffic authorities in relation to their network management duties insofar as the works affect traffic movement on the local roads, and provide information **to The Authority and Wiltshire Council** regarding any foreseen potential delays to traffic or public transport services due to construction works ~~to The Authority and Wiltshire Council.~~”*
- 4.11 Following discussions with HE, the Council would withdraw its request for an additional Requirement in relation to street lighting (accepting that HE will take a responsible approach in future regarding any permanent lighting arrangements, and that the Council’s focus should be on cross-over lighting during maintenance and other tunnel closures. The Council would also withdraw the request for an additional Requirement relating to the Tunnel Closure Management Plan, provided the following amendments were made to MW-TRA12 within the OEMP. The revised item would read:
- “The main works contractor shall, prior to the handover of the works to The Authority, prepare, in consultation with Wiltshire Council, a Tunnel Closure Management Plan (TCMP) setting out, inter alia, 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 or Countess junctions 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 alert drivers of A303 delays.*
 - iv) *Requirements to liaise with Wiltshire Council’s Streetworks Team and the police **in relation to the operation of the procedures embodied in the TCMP and in relation to any future changes to the approved TCMP.***
 - v) *The operation and temporary (during tunnel closures) lighting arrangements of the eastbound / westbound lane crossover points in the vicinity of the Longbarrow and Countess junctions.*

The main works contractor and the Undertaker, as appropriate, shall comply with the approved TCMP.

Reporting Criteria:

Approval of the Authority in consultation with Wiltshire Council and Wiltshire Police.

- 4.12 The Council welcomes the additions in Section 4, which set out the Design Vision for the Scheme and identifies key Design Principles that will inform the detailed design of the Scheme. It also sets out a number of Design Commitments and procedures for involvement of key stakeholders. The Council has greater assurance that the detailed design will conform with the overall vision, aims and objectives of the Stonehenge and Avebury World Heritage Site Management Plan (2015) and sustain the Outstanding Universal Value of the WHS. The Council considers that it can be improved through further development of a suite of visualisations and guidance to append the OEMP. The Council reserves the opportunity to make further representations as more information becomes available through the discussions of the multi-interest stakeholder working group.
- 4.13 The Council also notes that there appears to be a general inconsistency within Chapter 4 between the use of the words “Authority” and “Undertaker” through the chapter. There should be a consistent reference throughout the OEMP.
- 4.14 With respect to the consultation provisions set out within Section 4.5, the Council wishes to make it abundantly clear that regarding decisions made by HE on the final design, materials to be used etc. in the provision of new public rights of way, Wiltshire Council will only accept the maintenance liability once it has confirmed that they have been provided to acceptable standards and has formally certified that.
- 4.15 With regard to 4.5.3 c), equestrian usage should be added to user provision. The Council suggests that the amended wording should be, “*Public rights of way, including pedestrian, cycling, equestrian and non-motorised user provision....*”.
- 4.16 Within paragraph 4.5.4 there is a reference to consulting on “Signing and lighting at the new Longbarrow junction (Work No.1c(ii));”. Given HE’s insistence that there shall be no lighting at Longbarrow junction, and there is text elsewhere in the OEMP to this effect, it seems wrong to even mention the possibility of consulting on such lighting.
- 4.17 With regard to P-SLO4 within table 4.1, the Council suggests that special mention should be afforded in relation to the fencing to protect the public from accessing that land near the portals or cutting where falls could result in fatal outcomes.
- 4.18 Within P-PROW4 within Table 4.1: Design development principles it states that pedestrian gates would be installed on footpaths. The Council notes that these would need to be disabled access gates to provide for wheelchair (motorised) access.
- 4.19 The Council welcomes the inclusion of an outline Soil Management Strategy at Annex A.3. With regard to section 2.1.3, the Council considers that an additional bullet point is required to state, “***h) the drainage characteristic (permeability, conveyance etc.) of each soil horizon***”.
- 4.20 In section 3.1.3 of Annex A.3., the Council recommends that the following additional wording is included so that it would read: “*...This will be determined on a case-by-case basis, but for avoidance of doubt will include any activity associated with implementing the authorised development, and will be informed by:...*”. Furthermore, the Council requires that an additional point d) is added to this paragraph which states, “***d) the drainage characteristics of the soil both above and below ground.***”

- 4.21 In section 3.1.4 of Annex A.3., the Council requires that an additional point is added to this paragraph which states, ***“n) the methods to be used to maintain the existing drainage characteristics of each land parcel (infiltration, conveyance etc.) and manage the risk of compaction that may affect the drainage characteristics.”***
- 4.22 With regard to section 3.19 of Annex A.3., the Council considers that the following scheme wide principle should also be emphasized and included here. ***“Water flows from sites will be limited during construction to existing runoff rates, unless otherwise agreed with Wiltshire Council and the Environment Agency in accordance with relevant legislation”*** (PW-WAT3 and MW-WAT3 (provided alternative drafting is accepted)).
- 4.23 For the avoidance of doubt and for clarity of HE, all interested parties and the ExA, Wiltshire Council has responded to HE’s comments on its previous representations relating to the OEMP and drafting changes sought (REP6-034) in the table below. The Council has indicated where the response has been accepted and therefore the changes are no longer sought, or where the Council maintains its position requiring these changes to be made to the OEMP.

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
	Wiltshire Council (REP4-039)		
2.1	Wiltshire Council Comments on Updated Outlined Environmental Management Plan		
2.1.1	<p><u>WC Item 2.1 (General comment on the OEMP)</u> Whilst detailed, the formatting, signposting and cross referencing within the document could be refined to make it more navigable.</p>	<p>Highways England notes this comment. A contents table for the REAC has been included within the revised OEMP to be submitted at Deadline 6 (26th July 2019).</p>	<p>The Council welcomes this amendment.</p>
2.1.2	<p><u>Item 2.2 (General comments on the OEMP)</u> 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.</p>	<p>The OEMP is applicable to the entire scheme and as such it is not considered appropriate for the whole document to be couched in terms of principles set out within the WHS Management Plan. The principles of the WHS Management Plan have been considered for elements of the OEMP which directly or indirectly affect the WHS site or setting and have been key to decision making to date (refer to section 1.2.4 of the OEMP). Consideration of the aims and policies of the WHS Management Plan will continue to play a role through the detailed design phase. This has now been made more explicit within the Design Vision set out in part 4 of the OEMP submitted at Deadline 6.</p>	<p>Whilst it is recognised that the Scheme is both within and outside of the WHS, the Council considers that the principles set out in the WHS Management Plan for the WHS and its setting, are currently not prominent enough within the documentation. The Council requires that HE revisit this and make appropriate amendments.</p>
2.1.3	<p><u>WC Items 2.3.1 – 2.3.3, 2.14 – 2.18, 2.25.1, 2.28.1, 2.32, 2.33.1, 2.35 – 2.37, 2.39, 2.40.1 and 2.41 – 2.44</u> General approval comments</p>	<p>Please see Highways England’s responses to Second Written Questions DCO.2.44 and 2.47.</p>	<p>Please see response to 64 above. For the avoidance of doubt, the Council requires approval of all plans / elements of design previously specified.</p>
2.1.4	<p><u>WC Items 2.4.1 (Introduction 1.1.12) and 2.12.1 (PW-G5)</u> Comments with references to Wiltshire Council / stakeholder consultation.</p>	<p>Highways England notes these comments, the statutory bodies which are to be consulted during the preparation of the CEMPs (and therefore its subplans) are listed within items</p>	<p>The Council welcomes these comments, however notes that reference to the Council should be to the corporate body. Whilst the Council does not consider it appropriate to limit</p>

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
		PW-G1 of table 2.1a and MW-G5, MW-G7 and MW-G11 of table 3.2b of the OEMP [REP4-020]. Where appropriate to do so, the 'Reporting Criteria' column sets out the role of consultative bodies for relevant plans.	its involvement in all circumstances, where HE are adamant this is required, the wording in MW-G7 is most appropriate and should therefore be consistently applied across the whole document.
2.1.5	<p><u>WC Item 2.5.1 (Introduction 1.2.10)</u></p> <p>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.</p>	<p>The measures in the preliminary works and main works REAC tables need to be read together. In respect of ecology in particular, the MW-BIO items refer directly back to the PW aspects where necessary; ensuring that effects on ecology are considered throughout the development programme. See also the response to item 2.1.8 below.</p> <p>Cumulative impacts with other projects and in-combination impacts relating to ecology have been assessed and are described within the Environmental Statement.</p>	The Council accepts HE's rationale.
2.1.6	<p>WC Item 2.6.1 (Roles and Responsibilities 2.1.3)</p> <p>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</p>	Amendments made as suggested.	The Council welcomes this amendment.

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
	<i>OEMP, to the extent of their contractual responsibilities.”</i>		
2.1.7	<p>WC Item 2.7.1 (Roles and Responsibilities Table 2.1 – The Authority)</p> <p>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.”</p>	It will be the appointed Contractor’s responsibility, not The Authority’s, to consult with the relevant stakeholders during the preparation of the CEMPs and related documents. The obligation to consult is already set out clearly in the REAC tables.	This comment is noted.
2.1.8	<p>WC Item 2.8.1 (Roles and Responsibilities Table 2.1 – Ecological Clerk of Works)</p> <p>The Council notes that one of the CEMP responsibilities for this role is to be responsible for ensuring that all ecological elements of the CEMP 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.</p>	Amendment made to the ECoW CEMP responsibilities list within Table 2.1: ‘Ensure that the effects of multiple CEMPs do not combine to produce adverse effects on biodiversity.’	The Council welcomes this amendment.
2.1.9	<p>WC Item 2.9.1 (Roles and Responsibilities Table 2.1 Traffic Control Officer)</p> <p>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.”</p>	Amendment made to the Traffic Control Officer CEMP responsibilities list within Table 2.1: ‘Prepare a Traffic Management Plan (TMP) including a Construction Workforce Travel Plan, a Site Access Plan, construction traffic routeing details and a Site Travel Plan) and submitting this for approval by The Secretary of State [in line with DCO Requirement 9], in consultation with Wiltshire Council. ’	The Council accepts HE’s amendment.
2.1.10	WC Item 2.9.2 (Roles and Responsibilities Table 2.1 Traffic Control Officer)	Highways England notes this comment, however it is not the intention for the OEMP to	The Council accepts HE’s rationale, however notes that there are possible inconsistencies

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
	<p>Furthermore, an additional bullet point is required in Overall Responsibilities (suggest new fourth bullet point), which states: <i>“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)”</i>.</p>	<p>list all statutory and legislative requirements. As stated within Section 1.1.8 and 3.2.4 of the OEMP, all contractors will be required to comply with relevant legislation and shall have regard to relevant technical guidance in individual subject areas.</p>	<p>with the Traffic Signs Regulations and General Directions (TSRGD) referenced elsewhere.</p>
2.1.11	<p><u>WC Item 2.9.3 (Roles and Responsibilities Table 2.1 Traffic Control Officer)</u> The Council also considers that a minor drafting amendment is required to the current 4th bullet point (proposed to become the 5th bullet point) to state: <i>“Management of the layout and signing of site access...”</i>.</p>	<p>Amendment made as suggested.</p>	<p>The Council welcomes this amendment.</p>
2.1.12	<p><u>WC Item 2.10.1 (Introduction to the REAC 3.1.2)</u> The Council suggests that a minor drafting amendment is made to this paragraph to state: <i>“...The Authority, in consultation with relevant stakeholders as set out in this OEMP (see Table 3.2a...)”</i>.</p>	<p>Amendment made to Section 3.1.2: ‘Each CEMP or update will be prepared in accordance with the principles of the original OEMP and will require approval from The Authority, following consultation with the relevant stakeholders as set out in this OEMP...’</p>	<p>The Council welcomes this amendment.</p>
2.1.13	<p><u>WC Item 2.11.1 (PW-G4)</u> The Council recommends that a minor drafting amendment is required to the third statement to read: <i>“...an application shall be made to Wiltshire Council...”</i>.</p>	<p>Amendment not made as the existing language has the same effect.</p>	<p>The Council would generally prefer the use of “shall” as it provides additional assurance. It is a recognised word used in many legal documents to make plain to the person carrying out the action that they have a mandatory requirement which they must carry out.</p> <p>Whilst the word “will” carries a similar intention it is focussed on the action being carried out</p>

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
			<p>rather than the person's obligation to carry it out.</p> <p>Should HE not wish to make this minor amendment, the Council does not insist on it being done.</p>
2.1.14	<p><u>WC Item 2.12.1 (PW-G5)</u> The Council suggests that the third statement in this section is amended to state: <i>"...The Authority, in consultation with relevant stakeholders as set out in the OEMP, before commencing the works."</i></p>	<p>Highways England notes this comment, however it is not considered necessary to include this amendment as the relevant stakeholders will have been consulted during the production of the CEMP, as stated in item PW-G1, and the method statements will need to comply with the CEMP.</p>	<p>The Council considers that the approval of method statements by The Authority is now inconsistent with the provisions for approval by Wiltshire Council within the DAMS (Rev 2).</p>
2.1.15	<p><u>WC Item 2.13.1 (PW-G6)</u> The Council requires that an additional item is added here to cover Site Lighting. It should state:</p> <p><i>"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</i></p>	<p>Amendment included within the Deadline 4 version of the OEMP [REP4-020].</p>	<p>The Council welcomes this amendment.</p>

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
	<p><i>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."</i></p>		
2.1.16	<p><u>WC Item 2.19.1 (PW-NOI1)</u> Section a) should be amended to state: <i>"...such as the use of low noise equipment, provision of acoustic enclosures..."</i>.</p>	<p>Amendment included within the Deadline 4 version of the OEMP [REP4-020].</p>	<p>The Council welcomes this amendment.</p>
2.1.17	<p><u>WC Item 2.20.1 (PW-NOI3)</u> In order to address inconsistencies in the OEMP, the Council suggests that the reporting criteria for this item is amended to state: <i>"...Vibration Management Plan, in consultation with Wiltshire Council."</i></p>	<p>Amendment included within the Deadline 4 version of the OEMP [REP4-020].</p>	<p>The Council welcomes this amendment.</p>
2.1.18	<p><u>WC Item 2.21.1 (PW-GEO1 and PW-GEO2)</u> 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</p>	<p>This change has not been made as there are sufficient controls in relation to contaminated land potentially being found through the phase 7 surveys through requirement 7 of the dCO.</p>	<p>Please note that this was incorrectly referenced in HE's response.</p> <p>Wiltshire Council looks forward to receiving the phase 7 surveys and associated documentation.</p>

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
	OEMP or other relevant documentation relating to preliminary ground investigation work of known contamination.		
2.1.19	<p><u>WC Item 2.22.1 (PW-WAT1)</u></p> <p>The Council requires amendments to this section to state: <i>"...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."</i></p>	Highways England notes these comments, however measures to manage to impact on abstraction boreholes and private water supplies are already contained within items MW-WAT11 and MW-COM6 of the OEMP.	The Council has reviewed HE's response but notes that it references main works undertakings. The Council's comments were in relation to the preliminary works.
2.1.20	<p><u>WC Item 2.23.1 (PW-WAT3)</u></p> <p>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."</p>	<p>New item (PW-WAT3) has been included within the OEMP:</p> <p>'Water flows from sites will be limited during construction to existing runoff rates, unless otherwise agreed with Wiltshire Council and the Environment Agency in accordance with relevant legislation.'</p>	The Council welcomes this amendment.
2.1.21	<p><u>WC Item 2.24.1 (PW-TRA1)</u></p> <p>The Council suggests a minor drafting amendment to the first paragraph to state: <i>"...where these works could impact on any public roads and / or non-motorised user..."</i>.</p>	Amendment made as suggested	The Council welcomes this amendment.
2.1.22	<p><u>WC Item 2.24.2 (PW-TRA1)</u></p> <p>A further minor drafting amendment should be made to the end of the second paragraph</p>	Amendment not made as the existing language has the same effect as all contractors will be required to comply with relevant legislation	This is noted. Please see response to 2.1.10 above.

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
	as follows: <i>"...Traffic Signs Regulations and Generation Directions 2016 (as amended)."</i>	and shall have regard to relevant technical guidance in individual subject areas (refer to Sections 1.1.8 and 3.2.4 of the OEMP).	
2.1.23	<u>WC Item 2.26.1 (MW-G7)</u> The Council considers that the Flood Risk Management Plan is a key management plan which should be specifically referenced here.	Amendment made as suggested.	The Council welcomes this amendment.
2.1.24	<u>WC Item 2.26.2 (MW-G7)</u> 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.	Highways England does not consider there to be an inconsistency as the Noise Insulation and Temporary Rehousing Policy is specifically mentioned within item MW-NOI4 and is listed within item MW-G7.	HE's response is noted.
2.1.25	<u>WC Item 2.26.3 (MW-G7)</u> The Council believes that item m) Traffic Management Plan should be expanded to include: <i>"(including a Construction Workforce Travel Plan, a Site Access Plan, Construction Traffic Routeing Plan and a Site Travel Plan)."</i>	Amendment made to item MW-G7 point m): m) Traffic Management Plan (to include a Construction Workforce Travel Plan, a Site Access Plan, construction traffic routeing details and a Site Travel Plan).	The Council accepts the revised wording for this amendment.
2.1.26	<u>WC Item 2.27.1 (MW-G11)</u> The Council suggests that a minor drafting amendment is required to this section so that it reads: <i>"...on matters related to their function and with and The Authority. ..."</i> .	Amendment made as suggested.	The Council welcomes this amendment. However, please see paragraph 4.3 above.
2.1.27	<u>WC Item 2.29.1 (MW-G16)</u> The Council suggests that a minor drafting amendment is required to this section so that it reads: <i>"This suspension would not apply to include the tunnelling operation, ..."</i> .	Amendment made as suggested.	The Council welcomes this amendment.

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
2.1.28	<p><u>WC Items 2.30.1, 2.45.1, 2.46.1, 2.48.1, 2.50.1, 2.51.1, 2.53.1, 2.55.4, 2.56.2, 2.59.1, 2.60.1 and 2.61.3</u></p> <p>Comments for including consultation with Wiltshire Council within the reporting criteria column.</p>	<p>Highways England notes these comments and where appropriate has amended the relevant reporting criteria column within the OEMP (to be submitted at Deadline 6) to include consultation with Wiltshire Council (or other relevant stakeholders, as appropriate).</p>	<p>Please see response to 2.1.4 above</p>
2.1.29	<p><u>WC Item 2.31.1 (MW-G21)</u></p> <p>The Council suggests that a minor drafting amendment is required to this section to state: <i>“...and shall also be suitable for use by ambulances.”</i></p>	<p>Amendment made as suggested.</p>	<p>The Council welcomes this amendment.</p>
2.1.30	<p><u>WC Item 2.34.2 (MW-CH5)</u></p> <p>Furthermore, with regard to point c) cycleways 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.</p>	<p>Please see Highways England’s response to Wiltshire Council’s comment on the same point in relation to the dDCO also submitted at Deadline 6. For the same reasons given there, no change is proposed.</p>	<p>HE’s comment is noted, but not agreed. HE should use terms for highways which are clear in their meaning. The Council considers that the use of the correct terminology will avoid any possible confusion over the intended legal status of the cycle tracks. HE’s earlier failure to use the correct terminology for public rights of way in consultation documents caused uncertainty and was amended to provide the required degree of clarity, so it seems strange that HE appears not to see the advantages in this respect.</p> <p>Furthermore, in the event that the non-material change proposal for the proposed pedestrian and cycle link between Longbarrow and the Stonehenge Visitor Centre is accepted, by the ExA the term “cycle track” should be included as it will be referred to in one of the schedules of the DCO. “Cycle tracks” should therefore be included within the DCO definitions alongside</p>

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
			footways, footpaths, bridleways, restricted byways and byways open to all traffic.
2.1.31	<u>WC Item 2.38.1 (D-CH12)</u> The Council requires approval of lighting to be used.	Wiltshire Council will be consulted on lighting pursuant to the provisions of the OEMP (Chapter 4) and the legal agreement (in respect of local roads).	The Council notes these comments, and believes this should be considered in the context of the possible revisions to OEMP Table 3.2b MW-TRA12 currently being discussed between the parties.
2.1.32	<u>WC Item 2.47.1 (MW-NOI1)</u> Section a) should be amended to state: <i>"...such as the use of low noise equipment, provision of acoustic enclosures..."</i> .	Amendment included within the Deadline 4 submission of the OEMP [REP4-020].	The Council welcomes this amendment.
2.1.33	<u>WC Item 2.49.1 (D-NOI2)</u> The Council requires that this section is expanded to include the following: <i>"...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."</i>	Amendment included within the Deadline 4 submission of the OEMP [REP4-020].	The Council welcomes this amendment.
2.1.34	<u>WC Item 2.52.1 (MW-WAT3)</u> The Council requires that this section is amended to state: <i>"...Sufficient time will be made for the Environment Agency and Wiltshire Council (for land drainage consent) to issue permits..."</i> .	Highways England does not intend to make this amendment. The Environment Agency are responsible for permits. Wiltshire Council are responsible for land drainage consents as lead local flood authority, however these have been dis-applied through article 3 of the dDCO, with relevant controls for Wiltshire Council included in the protective provisions for drainage authorities at Part 3 of Schedule 11 to the dDCO.	The Council notes HE's response. Accepting that relevant controls will be included within the Council's protective provisions (once agreed), the Council requires that our previously requested wording be replaced with the following: <i>"...and for applications pursuant to Wiltshire Council's protective provisions in the DCO..."</i> .

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
2.1.35	<p><u>WC Item 2.52.3 (MW-WAT3)</u> However, amendment to point c) is also required to state: “...<i>(unless otherwise agreed with Wiltshire Council and the Environment Agency in accordance with relevant legislation...</i>”.</p>	<p>Amendment made but ‘or’ rather than ‘and’: ‘c) water flows from sites will be limited during construction to existing runoff rates, unless otherwise agreed with Wiltshire Council or the Environment Agency in accordance with relevant legislation;’</p>	<p>The Council welcomes this amendment. However, the Council requires that the text is amended to state: “Wiltshire Council and the Environment Agency” as Wiltshire Council is the statutory authority leading on surface water flood risk management, so the EA cannot speak on the Council’s behalf.</p> <p>The Council notes that this text has been accepted by HE for the new PW-WAT3.</p>
2.1.36	<p><u>WC Items 2.55.1 – 2.55.3 (MW-WAT10)</u> 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: “...<i>The Plan shall be prepared in consultation with the Environment Agency and Wiltshire Council and address...</i>”. 2.55.3 Point c) should be expanded to also include the following: “...<i>reporting programme. This should be undertaken during a baseline period, construction and for a minimum of 5 years post construction.</i>”</p>	<p>2.55.3 – The contractor will produce the GMP which will include their proposals for monitoring in consultation with Wiltshire Council relevant to their function as lead local flood authority (as stated within item MW-G7 of the OEMP). Therefore, Highways England does not propose to make the suggested amendment as Wiltshire Council will have the opportunity to comment on the monitoring proposals in the GMP during its development. Item MW-WAT10 within the OEMP has been amended as follows to address 2.55.1 and 2.55.2: The main works contractor shall develop a Scheme-wide GMP, outlining how groundwater resources are to be protected in a consistent and integrated manner. The Plan shall be prepared in consultation with the Environment Agency and address: a) Potential effects on groundwater (resources and quality) that fall outside other</p>	<p>The Council welcomes these amendments, and especially the inclusion of groundwater flood risk. However, the restriction of the consultation with Wiltshire Council “in so far as relevant to its functions as lead local flood authority” is inappropriate as the Council’s public health and protection teams would also need to be consulted from a water quality / contamination / private water supplies perspective. Reference to Wiltshire Council as the corporate body should instead be made here due to its multi-faceted functions and statutory roles.</p> <p>The Council notes that MW-G7 states “on those aspects of the plans that are relevant to their functions”. If a distinction must be made, this seems more appropriate than specifying a function, as some of the Council’s functions are closely aligned e.g. drainage, archaeology and public protection / health on groundwater issues.</p>

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
		<p>regulations such as the Environmental Permitting Regulations.</p> <p>b)An update to the Groundwater Risk Assessment for the final design and construction plan.</p> <p>c)The groundwater level and water quality monitoring and reporting programme.</p> <p>d)Development of baseline groundwater conditions and derivation of trigger levels and action levels/mitigation/action plans for exceedances and accidents/incidents.</p> <p>e)The management of groundwater flood risk. The main works contractor shall consult with the Environment Agency during the development of the GMP and Wiltshire Council (insofar as relevant to its functions as lead local flood authority).</p>	<p>With regard to the requested text to specify the monitoring programme, the Council has agreed with HE that the monitoring programme will be agreed as part of the GMP, therefore its requested text at point c) is no longer required. However, the Council requires an additional amendment to include telemetry as outlined in paragraph 4.7.</p>
2.1.37	<p><u>WC Item 2.56.1 (MW-WAT12)</u> The Council requires the last sentence of this section to be amended to read: “...following consultation with the Environment Agency and Wiltshire Council.”</p>	<p>Amendment made to as follow: The plan shall be developed following consultation with the Environment Agency and Wiltshire Council (in so far as relevant to its functions as lead local flood authority).</p>	<p>The Council welcomes this amendment.</p>
2.1.38	<p><u>WC Item 2.57.1 (MW-WAT14)</u> 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;</p>	<p>Highways England notes this comment, however it is considered that Requirement 10 adequately secures controls the Scheme’s drainage design (through approval and consultation), which would facilitate these requirements being considered and further amendments to the OEMP are not necessary.</p>	<p>The Council does not agree. The additional wording is still required by the Council to be included here.</p> <p>The Council considers this is similar to MW-WAT13 Flood Risk – General Provisions which secures certain general provisions and does not rely entirely on Requirement 10. These design provisions clearly set out what the detailed design needs to achieve.</p>

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
	<p>b) Convey the 1 in 30 year rainfall event without causing flooding to any part of the site;</p> <p>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);</p> <p>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;</p> <p>e) Provide a 40% uplift in peak rainfall intensity to allow for climate change in accordance with Environment Agency guidance;</p> <p>f) Enable automated control of the tunnel drainage.”</p>		<p>The Council considers there is a precedent for including this type of detail within a DCO (or lower tier document) as it’s been included in Requirement 13 surface water drainage for the Sparkford to Ilchester DCO.</p>
2.1.39	<p><u>WC Item 2.58.1 (MW-WAT15)</u> 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.”</p>	<p>Highways England notes these comments, however considers that items MW-WAT11 (Management of impact on abstraction boreholes) and MW-COM6 (private water supplies) adequately cover the provisions requested within this proposed amendment. Please also see Highways England’s response to Second written questions Fg.2.24.</p>	<p>The Council welcomes confirmation that water samples are compared to drinking water standard. This did not come across at the public inquiry hearing during evidence from HE’s Hydrologist. The Council also welcomes the amendment to provide for Wiltshire Council to be consulted on the development of the ‘Water Quality Monitoring and Reporting Programme’.</p> <p>Wiltshire Council is aware of its duties and responsibilities under the terms of private water supply legislation. However, potential for the Scheme to impact on drinking water supplies</p>

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
			<p>should be acknowledged and dealt with on proactive rather reactive basis and that is what the Council has sought to secure reassurance on.</p> <p>The Council looks forward to receiving the draft Ground Water Management Plan and particularly the proposed Water Quality Monitoring and Reporting Programme</p>
2.1.40	<p><u>WC Item 2.61.1 (MW-TRA2)</u> 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”.</p>	<p>Item MW-TRA2 of the OEMP has been amended: <i>The TMP shall include:</i></p> <ul style="list-style-type: none"> a) <i>Measures to provide for the safety of traffic, the public and construction staff during traffic management works and temporary traffic control measures;</i> b) <i>A programme of traffic management measures to be implemented and details of traffic management proposals for all stages of the works, on affected or adjacent to public roads;</i> 	The Council notes and accepts this amendment.
2.1.41	<p><u>WC Item 2.61.2 (MW-TRA2)</u> 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,”.</p>	<p>Item MW-TRA2 of the OEMP has been amended to include a new point within the TMP content list:</p> <ul style="list-style-type: none"> f) A plan identifying the roads to be used for all known principal construction materials to be delivered to the site; 	The Council notes and accepts this amendment.

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
2.1.42	<p><u>WC Item 2.62.1 (MW-TRA9)</u> 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.”.</p>	Amendment not made as the existing language has the same effect.	The Council notes HE’s comment but does not agree. The word “networks” could be interpreted widely; the use of the words “Scheme works” limits interpretation.
2.1.43	<p><u>WC Item 2.63.1 (MW-TRA12)</u> 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.</p>	<p>This does not need to be a DCO requirement because, as the OEMP item indicates, the Tunnel Closure Management Plan (TCMP) will be handed over by the main works contractor, alongside the works themselves. The TCMP will therefore be prepared by that contractor at the time of the completion of construction, and will then be owned by the body that is operating the tunnel (and can then amend as time goes on).</p>	The Council is currently in discussions with HE regarding changes to MW-TRA12 to avoid the use of two of the additional requirements sought by the Council (Tunnel Closure Management Plan and Highway Lighting).
2.1.44	<p><u>WC Item 2.65.1</u> The Council suggests a minor drafting amendment to this section so that it reads: “...how The Authority’s will involve key stakeholders...”.</p>	Amendment included within the Deadline 4 submission of the OEMP [REP4-020].	The Council welcome this amendment.
	Wiltshire Council Comments on WR Report		
2.1.45	<p><u>(810 – the EA)</u> 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</p>	Please see Highways England’s response to para 2.4.1 [item 2.1.4 above] on the Council’s comments on the OEMP.	Please see response to 2.1.4 above.

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
	water, groundwater and ordinary watercourses.		
2.1.46	<p><u>(821 – Wiltshire Council)</u></p> <p>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>	<p>Please see Highways England’s response to para 2.4.1 [item 2.1.4 above] of the Council’s comments on the OEMP. Highways England does not believe there is an inconsistency as Wiltshire Council will be consulted on all plans (relevant to their function), a stated in item MW-G7.</p>	<p>Please note this was incorrectly attributed to comments made in response to the EA’s written representation in HE’s response.</p> <p>Please see response to 2.1.4 above.</p>
2.1.47	<p><u>(822 – Morrison & King)</u></p> <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>	<p>Please see Highways England’s response to para 2.4.1 [item 2.1.4 above] on the Council’s comments on the OEMP.</p>	<p>The Council welcomes this addition.</p>
	<u>Wiltshire Council Comments on Written Questions</u>		
2.1.48	<p><u>DCO.1.70</u></p> <p>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</p>	<p>Highways England can confirm that a new item (PW-WAT3) will be included within the OEMP (submitted at Deadline 6) to address this comment:</p> <p>Site Drainage: <i>Water flows from sites will be limited during construction to existing runoff rates, unless otherwise agreed with Wiltshire Council and the Environment Agency in accordance with relevant legislation.</i></p>	<p>The Council welcomes this amendment.</p>

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
	<p>"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".</p>		
<p>2.1.49</p>	<p>Fg.1.25 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.</p>	<p>Highways England can confirm that an amendment will be made to item MW-WAT10 of the OEMP (groundwater management plan (GMP)) to be submitted at Deadline 6. This will require the contractor to consult with Wiltshire Council during the preparation of the GMP (insofar as relevant to its functions as lead local flood authority). Refer also to response item 2.1.36 above.</p>	<p>Please see response to 2.1.36 above.</p>
	<p>Wiltshire Council Oral Submission ISH</p>		

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
2.1.50	<p><u>ISH 4 para 4.1.2</u> ...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.</p>	<p>Highways England notes this comment. Following these comments and the comments of other parties at Deadline 4 and at the Compulsory Acquisition Hearings, Highways England is considering the appropriate amendments to be made to the OEMP in respect of soil management. Highways England can confirm that an outline Soils Management Strategy, to be further developed by the contractor, has been included within the revised OEMP to be submitted at Deadline 6.</p>	<p>The Council welcomes the inclusion of an outline Soils Management Strategy in the OEMP. However please see paragraphs 4.19 to 4.22 above on further information required to be included.</p>
2.1.51	<p><u>ISH 4 para 4.1.3</u> 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.</p>	<p>Highways England notes this comment. An amendment has been made to the OEMP (submitted at Deadline 6) to include agreement with Wiltshire Council where relevant to flood risk and site runoff: <i>‘c) water flows from sites will be limited during construction to existing runoff rates, unless otherwise agreed with Wiltshire Council or the Environment Agency in accordance with relevant legislation’</i> Highways England considers that this amendment provides Wiltshire Council with a consultation / agreement role in accordance with their function.</p>	<p>Please see response to 2.1.35 above.</p>
2.1.52	<p><u>ISH 4 para 4.2.4</u> 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</p>		

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
	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.		
2.1.53	<p><u>ISH 4 para 4.3.2</u> Regarding contaminants, 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.</p>	The OEMP has been updated at Deadline 6 to provide for consultation with Wiltshire Council during the development of the detailed Soils Management Strategy.	The amendment to provide for consultation with Wiltshire Council is welcomed.
	Wiltshire Council (REP5-009)		
3.1.1	<p><u>Para 3.2</u> 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.</p>	<p>Item MW-WAT15 has been amended to provide for Wiltshire Council to be consulted on the proposals for monitoring of water resources, in relation to their responsibility for private water supplies. Please also see the response to SWQ Fg.2.24</p>	Please see response to 2.1.39 above.
3.1.2	<p><u>Para 3.3 and 4.2</u> 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</p>	<p>The suite of measures in the MW-COM series of items within the OEMP require an on-going liaison regime on Highways England, with a key role of the Agricultural Liaison Officer considering issues related to drainage and water supply. Through the monitoring of proposals also required by the Groundwater Management</p>	Please see response to 2.1.39 above.

Ref	Wiltshire Council Comment	Highways England Response	Wiltshire Council Response
	<p>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.</p>	<p>Plan (MW-WAT10) and the requirements of MW-GEO1, MW-GEO2 and MW-GEO8, sufficient controls and monitoring requirements will be able to be put in place to deal with contamination concerns.</p>	
<p>3.1.3</p>	<p><u>Para 4.3</u> 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.</p>	<p>Please see the response to SWQ Fg.2.24</p>	<p>Please see response to 2.1.39 above.</p>

- 4.24 Wiltshire Council notes that HE did not respond to all of the Council's comments made in previous representations relating to the OEMP and therefore, the Council maintains its position that these changes are necessary unless indicated above.

5. Comments on Highways England's Response to Wiltshire Council and Trail Riders Fellowship Deadline 5 Submissions on Byways AMES 11-12 (REP6-037)

- 5.1 The Council has reviewed HE's Response to Wiltshire Council and Trail Riders Fellowship Deadline 5 Submissions on Byways AMES 11-12 (REP6-037), and wishes to clarify the Council's current position.
- 5.2 Due to the risk to the statutory examination timetable if the Council were to go to public consultation and then provide the outcome to the Examining Panel and the fact that the Council does not wish to put at risk the wider benefits HE's proposed development will bring to the residents of Wiltshire, the wider travelling public and to visitors to the WHS, the Council has decided to withdraw its application 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 AMES 11) 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 AMES 12).
- 5.3 The Council maintains its concern that the closure of the existing A303 and resultant loss of the travelling motorised public's ability to obtain a passing free view of the Stonehenge monument will increase use of AMES 11 and 12 by the travelling motorised public to an inappropriate level.
- 5.4 However, the Council proposes that this concern, should it arise, can be dealt with under the Council's existing Highway Authority powers provided HE agrees to the monitoring of traffic within these byways once the Scheme becomes operational (to avoid delays caused by evidence gathering) and coverage of the costs of any TRO necessary (to ensure that the residents of Wiltshire do not incur unnecessary costs resulting from the Scheme).
- 5.5 The Council is currently in discussion with HE for the inclusion of these aspects within the Side Agreement currently being developed and considers this should be capable of resolution.

6. Conclusion

- 6.1 Wiltshire Council's response to selected submissions made at Deadline 6 are outlined above.
- 6.2 These comments are submitted without prejudice to any further representations the Council may wish to make during the Examination.