

A303 Amesbury to Berwick Down

TR010025

Deadline 8
8.54 Statement of Common Ground – Progress Report

PFP Regulation 5(2)(q)

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

September 2019



Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010**

A303 Amesbury to Berwick Down
Development Consent Order 20[**]

STATEMENT OF COMMON GROUND – Progress Report

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010025
Application Document Reference	8.54
Author:	A303 Amesbury to Berwick Down Project Team, Highways England

Version	Date	Status of Version
Rev 0	06.09.19	Deadline 8 Issue

Table Of Contents

1	Introduction	1
1.1	Purpose of this document	1
1.2	Status of SoCGs at Deadline 8	1
2	Progress of Statement of Common Grounds	2
2.1	English Heritage Trust (EHT) (8.1).....	2
2.2	The Environment Agency (EA) (8.2)	3
2.3	Historic England (HE) (8.3)	3
2.4	National Farmers Union (NFU) (8.4)	4
2.5	National Trust (NT) (8.5)	4
2.6	Wiltshire Council (WC) (8.8).....	5
2.7	Winterbourne Stoke Parish Council (WSPC) (8.9)	6
3	Next Steps.....	7

1 Introduction

1.1 Purpose of this document

- 1.1.1 This report provides a progress update regarding the statements of common ground (SoCGs) drawn up with stakeholders for the A303 Amesbury to Berwick Down scheme (the Scheme).
- 1.1.2 The Examination Timetable as presented in the Rule 8 notification from the Examining Authority [PD-007] identified that all final SoCGs would be submitted to the Examining Authority at Deadline 7 on 9 August 2019. Given the evolution of key documents associated with the draft Development Consent Order, notably the Outline Environmental Management Plan (OEMP) and Detailed Archaeological Mitigation Strategy (DAMS), as well as matters addressed at the Issue Specific Hearings of 21, 22, 29 and 30 August 2019, discussions are not yet concluded with a number of the stakeholders.
- 1.1.3 Where discussions are not yet concluded with stakeholders, it is the Applicant's intention to submit final statements of common ground to the Examination at Deadline 9 on 25 September 2019.

1.2 Status of SoCGs at Deadline 8

- 1.2.1 Seven of the SoCGs have not been submitted at Deadline 8 and it is anticipated that these SoCGs will be submitted as signed versions at Deadline 8a or 9. Discussions with the following stakeholders continue on a variety of matters, with those matters where it is considered that progress has been made being set out in section two of this report:
- English Heritage Trust (8.1);
 - Environment Agency (8.2);
 - Historic England (8.3);
 - National Farmers Union (8.4);
 - National Trust (8.5);
 - Wiltshire Council (8.8); and
 - Winterbourne Stoke Parish Council (8.9).
- 1.2.2 Two of the SoCGs prepared in conjunction with the following stakeholders are aimed to be submitted as signed versions the week commencing 9 September 2019:
- Natural England (8.6); and
 - Royal Society for the Protection of Birds (8.7).
- 1.2.3 Three additional SoCGs, not previously submitted to the Examination, are currently being prepared as a result of landowners choosing to have a drafted position statement be developed into a SoCG. It is anticipated that these SoCGs will be submitted at Deadline 8a or 9. The relevant landowners who have requested these SoCGs are:
- Mr. Robin Parsons;
 - Mr. Phillip Sawkill; and
 - Ms. Pamela Sandell.

2 Progress of Statement of Common Grounds

2.1 English Heritage Trust (EHT) (8.1)

- 2.1.1 The SoCG submitted at Deadline 7 [REP7-003] contained seven matters under discussion of which progress has been made on five matters as described below.
- NMU route from Longbarrow junction to the Stonehenge Visitor Centre (SoCG item number 4.8)**
- 2.1.2 EHT stated in its Deadline 6 Response to the Examining Authority's Second Written Questions [REP6-045] (in the response to ExQ2 CA.2.53) that it remains concerned about the public right of way (PRoW) between Longbarrow junction and the Stonehenge Visitor Centre as shown within the DCO application; Highways England has responded to these concerns [REP7-023]. Also, EHT has concerns with regard to the two alternative options put forward as non-material changes (NMCs) (referred to in the Proposed Changes Application [AS-067] as NMC-06 Options A and B) and again Highways England has responded to these concerns, as set out in the Proposed Changes Consultation Report submitted at Deadline 8.
- 2.1.3 Highways England notes EHT's statement that new Options A and B are welcomed in preference to the original DCO route. Acknowledging that these options reduce some of the negative impacts of concern to EHT and that they reduce the width of the strip of land required for the PRoW route adjacent to the overflow parking area from approximately 11 metres to approximately 1 metre, and taking on board comments of Wiltshire Council and others, Highways England has selected Option B as the preferred option to be delivered through the DCO, subject to the Examining Authority's acceptance of that option as a non-material change to the submitted DCO application.
- 2.1.4 Highways England continues to actively explore an alternative solution with EHT that would minimise the impact of the PRoW on the Visitor Centre, and so address EHT's outstanding concerns. If identified and deliverable, any alternative PRoW would be progressed outside the DCO at a time to be determined.
- 2.1.5 Highways England's current position, with regard to NMC-06 and the PRoW alongside the Stonehenge Visitor Centre, is set out in detail in Chapter 5 of the Proposed Changes Consultation Report submitted at Deadline 8. In summary, Highways England aims to take forward NMC-06 Option B through the DCO. However, if this is precluded by EHT's refusal to consent to the use of 'additional land' within the highway boundary on the south side of the C506 (being land in which EHT (among others) has a subsoil interest by application of the ad medium filum presumption), then Highways England would intend to deliver the north-south element of the route (which is within the current Order limits) pursuant to the DCO, and to deliver the east-west element (outside current Order limits and within the highway boundary) in collaboration with Wiltshire Council (as documented in the side agreement between Highways England and the Council), in exercise of the Council's powers as a local highway authority.

Outline Environmental Management Plan (OEMP) (SoCG item numbers 4.1, 4.4 and 4.7)

2.1.6 Highways England has discussed with EHT matters in relation to; design development, signage to the Visitor Centre and noise and vibration, as well as ongoing consultation through the construction phase. The OEMP has been updated subsequent to these conversations and is submitted to the Examination at Deadline 8. EHT will need the opportunity to review the OEMP before it can confirm any update to the stated SoCG items.

Communications Strategy (SoCG item number 4.3)

2.1.7 Discussions are being held between Highways England and EHT with respect to project communications during the construction stage, to mitigate any potential perceived adverse effects during construction that may impact upon visitor numbers. Highways England recognises the importance of this issue to EHT and an exchange of letters has been proposed as a means of confirming arrangements.

2.2 The Environment Agency (EA) (8.2)

2.2.1 The SoCG submitted at Deadline 7 [REP7-005] contained one matter that was still under discussion, upon which progress has been made.

River Avon Restoration Plan (SoCG item number 5.1)

2.2.2 It is an aspiration of the EA for the Scheme to embrace opportunities to deliver the River Avon Restoration Plan. Highways England will be amending the wording under Ref 5.1 of Table 5-1 of the SoCG to reiterate that there is and will continue to be ongoing discussion between the EA and Highways England in relation to wider environmental enhancement initiatives.

2.2.3 Highways England is awaiting restoration proposals to be submitted by the EA at Deadline 8, which will aid the ongoing discussion of this matter.

2.2.4 Furthermore, at and following the Issue Specific Hearings on 29 and 30 August, progress has been made on a number of outstanding issues in the OEMP and the DCO and this will be reflected in the next iteration of the SoCG.

2.3 Historic Buildings and Monuments Commission for England (HBMCE) (8.3)

2.3.1 The SoCG submitted at Deadline 7 [REP7-056] contained 15 matters under discussion. All matters currently remain under discussion. The paragraphs below summarise key areas of progress since the SoCG was submitted to the Examination.

Detailed Archaeological Mitigation Strategy (DAMS) (SoCG item numbers 4.1, 4.3, 4.13 and 4.15)

2.3.2 Matters of discussion in respect of the DAMS include: the development and finalisation of the document itself, update of DAMS in response to comments on archaeological evaluation reports, clarification of mapping of monuments and management of excavated topsoil at Parsonage Down. Extensive consultation has been held with HBMCE in order to seek to address outstanding concerns and, where appropriate, incorporate these within the DAMS submitted at Deadline 8. HBMCE's acceptance of changes made is being sought with the aim that the final position of both parties on the DAMS will be clear in the SoCG submitted at Deadline 9.

Outline Environmental Management Plan (OEMP) (SoCG item numbers 4.2, 4.6, 4.7, 4.8 and 4.12)

- 2.3.3 Matters of discussion in respect of the OEMP include: detailed drafting points, HBMCE's role in the consultation process established by the document, the provisions of Section 4 of the document, and environmental management of temporary and permanent works. Extensive engagement has been held with HBMCE in order to seek to address outstanding concerns and, where appropriate, incorporate these within the OEMP submitted at Deadline 8. HBMCE's acceptance of changes made is being sought.

2.4 National Farmers Union (NFU) (8.4)

- 2.4.1 The SoCG submitted at Deadline 7 [REP7-007] contained fifteen matters under discussion that related to wording of articles within the draft Development Consent Order or the provisions of the OEMP. The National Farmers Union lodged an additional submission on 23 August 2019 [AS-094] that contained further comments on the OEMP [AS-085] and confirmation of outstanding issues. Of these matters, progress has been made on two matters as described below.

Outline Environmental Management Plan (OEMP) (SoCG item numbers 4.11 and 4.13)

- 2.4.2 With respect to how interruptions to private water supplies would be addressed, NFU highlighted the potential ambiguity of the OEMP in terms of whether the contractor is committed to providing alternative supplies should existing supplies be adversely affected. Following discussions with the NFU, the wording of MW-COM6 has been amended to remove this perceived ambiguity and clarify that the 'form and type' of replacement water supply shall be at the contractor's option. MW-COM 6 also now includes provision for water supply statements to be produced by the main works contractor, which will identify how private water supplies will be maintained in the unlikely event that existing supplies are adversely affected as a consequence of the works.
- 2.4.3 Discussions have been had regarding how landowners would be notified of any discharge of water to any private field drain under Article 13. This matter has been agreed based on changes to wording of the role of the Agricultural Liaison Officer (ALO), as described in Table 2.1 of the OEMP. Within Table 2.1, the role of the ALO requires them to 'Liaise with landowners prior to any proposed discharges to existing drains.'
- 2.4.4 All other matters under discussion remain and the Applicant notes that it has responded to the matters raised in AS-094 in its Deadline 8 submissions. The resolution of these issues will flow from agreement with the content of the OEMP and DCO that have been submitted at Deadline 8.
- 2.4.5 Whilst Highways England and the National Farmers Union are hopeful that the majority of these matters will be agreed, it is likely that a small number of matters will require to be moved to not agreed as there remains a difference of opinion with respect to items including the notice period for temporary possession of land under Article 29 of the draft DCO and OEMP wording relating to field drainage and soils.

2.5 National Trust (NT) (8.5)

2.5.1 The SoCG submitted at Deadline 7 [REP7-009] contained twenty-one matters under discussion. The majority of the matters remain under discussion until the consultation requirements referred to in paragraph 2.5.2 are secured and/or the wording of the final OEMP or DAMS is updated in agreement with the National Trust. Both parties expect that all matters will be agreed such that the National Trust can be in a position to withdraw their objection to the compulsory acquisition of land by the end of Examination. Of these matters progress has been made on the following key points, the agreement of which would progress the majority of other matters within the SoCG.

Ongoing consultation through detailed design (SoCG item numbers 4.2 and 4.7 and 4.21)

2.5.2 Three of the points make reference to National Trust's request to be included as a consultee on documents referenced in the OEMP and DCO. Further discussions have been held and Highways England is currently confirming where this can be achieved.

Land Restrictions on National Trust Land (SoCG item number 4.3)

2.5.3 The terms of the restrictive covenant over the tunnel are agreed in principle but subject to agreement over the legal drafting.

2.6 Wiltshire Council (WC) (8.8)

2.6.1 The SoCG submitted at Deadline 7 [REP7-015] contained 18 matters under discussion. Of these four items have subsequently been agreed. The paragraphs below summarise key areas of progress since the SoCG was submitted to the Examination.

Approval of CEMP and supporting plans, responsibility for discharge of requirements (SoCG item numbers GE1 and GEN2)

2.6.2 Wiltshire Council had expressed concerns in respect of Highways England's proposed role in approving the CEMP and queried who would be responsible for discharge of requirements [REP2-046], response to ExA question DCO.1.74]. Highways England has since confirmed the role of the Secretary of State in approving the CEMP and supporting plans (please see agenda item 4.1, summary of the issue specific hearing held on 21 August). The OEMP, to be submitted to the Examination at Deadline 8, has been updated to confirm the role of the Secretary of State and to clarify the consultation process in respect of OEMP and DCO documents and requirements. Wiltshire Council's acceptance of changes made is being sought.

Non-material changes (NMCs) (SoCG item numbers 3.5.2, 3.5.3, 3.5.4, 3.5.5, 3.8.2)

2.6.3 Highways England has undertaken a consultation on eight non-material changes in response to stakeholder feedback on the DCO application and the outcome of this is reported within the Proposed Changes Consultation Report submitted at Deadline 8. SoCG items in respect of these changes will move to 'agreed' status, subject to the Examining Authority's acceptance of items as non-material changes to the submitted DCO application.

The OEMP and DAMS (SoCG item numbers 3.17.1, 3.17.2, 3.17.3, 3.17.6, 3.28.2)

2.6.4 Matters of discussion relating to the content of the OEMP and DAMS include detailed drafting points, the Council's role in the consultation process established by the

document and the provisions of Section 4 of the document. Extensive engagement has been held with the Council in order to seek to address outstanding concerns and, where appropriate, include these within the OEMP and DAMS submitted at Deadline 8. The Council's acceptance of changes made is being sought.

- 2.6.5 Wiltshire Council has sought confirmation that Highways England would provide funding for additional drainage staffing resources. Following discussion on this point at the issue specific hearing of 29 August 2019, it is being progressed via the side agreement between Wiltshire Council and Highways England. Only a small number of items remain outstanding and both parties expect that the side agreement will be finalised in the immediate future.

Tunnel drainage control valves at the Eastern Portal (SoCG item number 3.28.14)

- 2.6.6 It was discussed at Issue Specific Hearing 10 on 29 August 2019 that Highways England would want to retain flexibility with regard to whether tunnel drainage control valves are automated or manually controlled. Wiltshire Council maintain that the tunnel drainage control valve at the Eastern Portal should be automated and therefore this matter should be moved to not agreed in the SoCG.

2.7 Winterbourne Stoke Parish Council (WSPC) (8.9)

- 2.7.1 The SoCG submitted at Deadline 7 [REP7-017] contained 13 matters under discussion. All matters currently remain under discussion. The paragraphs below summarise key areas of progress since the SoCG was submitted to the Examination.

Phosphatic chalk (SoCG items 4.1, 4.2, 4.3)

- 2.7.2 Additional information has been provided to WSPC in response to their queries in respect of the nature of phosphatic chalk, confirming the nature of the material and the manner in which materials movement is controlled through the OEMP. WSPC is currently reviewing that information and has stated that it considers parties are 'close to agreement' on these items.

3 Next Steps

3.1.1 Following stakeholder review of documents submitted to the Examining Authority at Deadline 8, such as the OEMP and DAMS, ongoing dialogue will be held with stakeholders where SoCGs currently contain matters under discussion. The following SoCGs will be submitted by Deadline 8a or 9, with the intention of these being final and signed versions:

- English Heritage Trust (8.1);
- Environment Agency (8.2);
- Historic England (8.3);
- National Farmers Union (8.4);
- National Trust (8.5);
- Natural England (8.6); and
- Royal Society for the Protection of Birds (8.7);
- Wiltshire Council (8.8);
- Winterbourne Stoke Parish Council (8.9);
- Mr. Robin Parsons;
- Mr. Phillip Sawkill; and
- Ms. Pamela Sandell.

If you need help accessing this or any other Highways England information, please call **0300 123 5000** and we will help you.

© Crown copyright 2017.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence: visit www.nationalarchives.gov.uk/doc/open-government-licence/ write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**, or email psi@nationalarchives.gsi.gov.uk.

This document is also available on our website at www.gov.uk/highways

If you have any enquiries about this publication email info@highwaysengland.co.uk or call **0300 123 5000**.*

*Calls to 03 numbers cost no more than a national rate call to an 01 or 02 number and must count towards any inclusive minutes in the same way as 01 and 02 calls. These rules apply to calls from any type of line including mobile, BT, other fixed line or payphone. Calls may be recorded or monitored.