

RESPONSE TO DEADLINE 7, 8.44 – COMMENTS ON ANY FURTHER INFORMATION

5.1.1

The summary has omitted to state what the “further submissions” actually were. For the Applicants reply to be taken in context, the “further submissions” referred to need to be included:

1. The OEMP lacks reference to the full fledging cycle of Stone curlew chicks. There are no references that the chicks are totally reliant upon their parents to provide them food for up to 10 weeks after they leave the nest. Therefore the safety of the foraging parents and their chicks should to be built into mitigation.
2. The OEMP lacks reference to mitigation for the autumn roost, which is integral to the entire breeding cycle of the juvenile Stone curlews.

The OEMP does not state whether the ECoW or suitable qualified person will actually have understanding and experience of working with Stone Curlews.

The Applicants response

Please see responses to 18.1.2, 18.1.3 and 18.2.40 in the Comments on any further information requested by the ExA and received at deadline 4 [REP5- 003], where these issues are responded to.

M & R Hosier response to 8.44

The Applicant has chosen not to respond to our question.

As already stated, the Written Summaries or Oral Submissions regarding Biodiversity and Ecology at deadline 4 [REP4-035] have omitted points made by M & R Hosier. Therefore, we do not take this to be a true representation of the hearing. The Applicant has chosen not to update the report.

The OEMP as it stands, contains no reference to the whole breeding cycle of the Schedule 1 SPA Stone Curlews. From conversations with RSPB this week, it is clear that there is a difference in understanding between the Applicant’s interpretation of OEMP PW-BIO5 and that of the RSPB conservation officer.

The RSPB understanding of measures included within the OEMP is “a nesting attempt starts at the point of courtship display during settlement and can only be considered to be over when chicks fledge, or the attempt fails. As a Scheduled 1 species on the Wildlife & Countryside Act 1981, it is an offence to intentionally or recklessly disturb Stone curlew whilst nesting, the provision of monitoring in the OEMP will inform the appropriate measures to be taken should nesting occur in an area where disturbance is likely to have an adverse effect on successful breeding.”

The Applicant’s response within [REP5-003] M & R Hosier response to comments on 8.36, item 18.2.40 as referenced within this reply states:

“with regards to the breeding cycle of 10 weeks, it was not considered suitable to require the protection of the nest for 10 weeks, as stated within item 9.7.17 of the Comments received to Deadline 3 [REP4-036], a nest is considered active (and thus protected) until the chicks are no longer dependent on the nest (please refer to PW-BIO of the OEMP [REP4-020])”

Also within [REP4-036] M & R Hosier response to comments on 8.31, item 9.7.17, the first two paragraphs of the Applicants response:

“To clarify, Stone curlews will no longer be considered to be utilising the nest once all of the chicks are no longer dependent on the nest.

The monitoring of nest usage would continue until then. This may extend beyond a 10 week period or before, depending on the status of the nest. As stated in PW-BIO5 and MW-BIO8 an appropriate specialist will undertake the Stone curlew monitoring.”

The wording within OEMP PW-BIO5 seems to be focussed on the nest and does not include the hatched but unfledged birds:

PW-BIO5

“the actions required of the preliminary works contractor (ecology) should a Scheduled 1/Annex 1 species be discovered within an area to be disturbed, are those general measures as set out above for breeding birds, with the added requirement that any Scheduled1/Annex 1 species or its dependent young must not be disturbed WHILE AT OR BUILDING A NEST...”

The RSPB understanding above, clearly states that it is both the nest, and the chicks up until the point of fledging that require monitoring and protection.

Therefore, there is no mitigation in respect of protection measures for the chicks after they have left the nest, prior to fledging. There is a period of up to 42 days between hatching and being able to fly. Stone curlews rely upon their camouflage and are at great risk of being run over if they are taken into foraging areas near to the construction area by their parents. They will not be able to fly and will simply squat down.

Therefore the Applicant has not fully taken on board the Scheduled 1, SPA Stone curlew species and is in breach of Habitat Regulations.

In addition, there is no mitigation in respect of the autumn roost, which is an integral part of the juvenile Stone curlew development and survival.

There are no parameters set for ECoW or a “suitably qualified” person to ensure they have experience of working with Stone Curlews and fully understand the species.

5.1.2

The Applicants references that: “details of physical screening could not be provided at this point” and “it would be incorrect to give the impression that screens are committed to in every case”

Due to the lack of inclusion of the above points, the OEMP PW-BIO5 and MW-BIO8 are considerably lacking in detail and do not provide adequate information to form assessment of whether provision or screening of construction works will be adequate for the Stone curlews.

The Applicants response

Please see response to agenda item 3.4 in the Written Summaries or Oral Submissions regarding Biodiversity and Ecology at deadline 4 [REP4-035], where it was stated that "what is committed to (in the OEMP) is an appropriate response that is tailor-made for each particular circumstance". As any measures to be implemented during the construction phase of the Scheme are to be determined on a site by site basis (which could include screening, but that is not guaranteed as it may not be necessary at a particular location), following consultation with the RSPB and Natural England, it is therefore Highways England's view that appropriate, adequate measures are secured. It would be premature to prescribe measures within the OEMP at this point.

M & R Hosier response to 8.44

References to the "tailor-made" response to each particular circumstance, suggests that the Applicant has no list of potential measures that may be used in respect of screening as they have not provided us with any further information following our requests. This does not give us confidence that the Applicant fully understands the behaviour of the Stone curlew species.

At the onset of the 2018 archaeological survey we asked for site of the document prepared in relation to measures to be put in place for Stone Curlews, but this was never provided. Therefore, we would suggest that no such measures exist and the Applicant will just go ahead with works with no due consideration for the Stone Curlews.

5.1.3

Whether the proposed Development would prejudice the project to re-establish the great bustard as a resident breeding species in the area.

Second paragraph, Ruth Manvell of GBG Missing comment on the contradiction that 40.3.25 states there are no Great Bustards in the scheme area, although Mrs Manvell had provided a map of breeding locations (this was confirmed by the Applicant's Ecologist) confirming breeding locations within the area. Mrs Manvell also stated that as far as she is aware, no work had been done by the Applicant to actually establish the presence of birds in the area.

Third paragraph, Rachel Hosier

Asked how appropriate mitigation could be put in place for Great Bustard when the Applicant has not carried out any surveys on the species and the species is being reintroduced, so few people have adequate knowledge.

The Applicants response

Please see response to agenda item 4.2 and 4.3 in the Written Summaries or Oral Submissions regarding Biodiversity and Ecology at deadline 4 [REP4- 035] and 18.2.30 in the Comments on any further information requested by the ExA and received at deadline 4 [REP5-003].

Breeding bird surveys were undertaken in 2017 to inform the three options that were to be taken forward at the time (Options 1Na, 1Sa and 1Nd), the survey area of which included the current route option [APP-255]. The surveys broadly followed the Common Bird Census (CBC)1 (Environmental Statement Chapter 8 Biodiversity, Table 8.8 [APP046] and consisted of a total of seven walked transects that were visited four times between April and July 2017. There were no specific surveys for great bustard.

The information obtained from the Great Bustard Group on confirmed nest sites was used a baseline and presented within Figure 8.11 Schedule 1 and Annex 1 bird species within 2 km of the Scheme [APP-157].

The methods of the breeding bird survey followed current best practice and were agreed with both the RSPB and Natural England prior to commencing the survey, as stated in Table 8.5 of Chapter 8 of the Environmental Statement [APP-046].

M & R Hosier response to 8.44

Written Summaries or Oral Submissions regarding Biodiversity and Ecology at deadline 4 [REP4- 035] omitted comments. Therefore, we do not believe it is a true representation of matters discussed at the hearing. The Applicant has chosen not to update the report.

We believe that the Applicant cannot have fully assessed the impact of the Scheme on the Great Bustard reintroduction project because:

The Applicant has carried out no specific surveys in respect of the Great Bustard species.

The Applicant has had minimal consultation with the GBG until June 2019.

The Applicant is basing the impact of the Scheme on just one map provided by GBG in 2017

Breeding bird surveys would not have picked up nesting Great Bustards as they would not have known what to look for and would in fact have probably resulted in the birds just sitting tight or vacating the area.

How can appropriate mitigation measures be put in place for the GB species if the Applicant does not know what the species require?

5.1.4

Effectiveness of measures to secure long term management of calcareous grassland etc. to maximise gains in biodiversity.

Missing comments from R Hosier

That she doesn't understand why the land between the current A303 and the deep portal has to be taken out of M & R Hosier ownership, when they could retain the land and enter into a management agreement with the Applicant for the area instead.

Asking what species are being targeted within this area and how a management plan can be put together for this area when the species being targeted have not been identified.

That documents mention mowing as management for grassland, but mowing is highly destructive to invertebrate species and will act as a sink, destroying the very invertebrates the scheme is targeting.

We have included these comments in M & R Hosier summary of our oral submission, yet they are omitted in the 8.30.7 written summary by the Applicant.

The Applicants response

Please see response to agenda item 6 in the Written Summaries or Oral Submissions regarding Biodiversity and Ecology at deadline 4 [REP4-035] and 18.1.6, 18.2.32 and 18.2.33 in the Comments on any further information requested by the ExA and received at deadline 4 [REP5-003]. The area is to be managed to facilitate the movement of calcareous grassland invertebrates and floral species. The Scheme will contribute to the improved habitat connectivity identified as a priority in Natural England's Porton to the Plains project.

The area between the current A303 and the portal is required to be under the ownership of The Applicant so that the land uses of adjacent land to the western approach cutting can be guaranteed and solely within the Applicant's control, i.e. the successful establishment and long-term management of essential chalk grassland mitigation for heritage and landscape reasons. This contrasts with the current land use in this part of the Scheme which comprises alternate arable cultivation and animal husbandry. If land within the DCO boundary to the north and south of the cutting is returned to these current uses (which is a possibility if this land was out with the Applicant's control), the erosion from animal husbandry to the grassed earth slope at the top of the cutting will be readily visible as well as result in a substantial reduction to the concealment of the western approach cutting. It is therefore considered essential that land within the DCO boundary to the north and south of the cutting and across the land bridge should be chalk grassland and in the ownership of the Applicant and under its control and specifically be managed as chalk grassland.

M & R Hosier response to 8.44

As already stated, Written Summaries of Oral Submissions Biodiversity and Ecology at deadline 4 [REP4-035] have omitted comments made. Therefore, we do not believe it is a true representation of matters discussed at the hearing. The Applicant has chosen not updated the report.

The east-west connectivity already exists within this area, as National Trust arable reverted grassland has been wrongly noted on maps as arable. We would also suggest that within the area of the Scheme there already exists a large block of arable chalk grassland reversion. Other areas would have a greater benefit from the addition of chalk grassland reversion, although we concede that if done well, it has the ability to build on existing chalk grassland within the area.

We disagree that the area between the current A303 and the portal needs to be under the ownership of the Applicant, so the land use can be under the Applicant's control. It is possible for

the Applicant to enter into a legal agreement with M & R Hosier for the land use and management of the area, but they have failed to engage with us in this respect.

It would be more cost effective for the land to remain within M & R Hosier's ownership. In this scenario, the Applicant would not have to enter into management agreements with other contractors to manage the area as it would all be agreed under one legal document. We also have prior experience of chalk grassland management and would keep to the Applicant's "vision" for the area.

We note within ExA's Second Written Questions Compulsory Acquisition, CA.2.45 that the Applicant would discuss the management of the land within this area with us, but to date even this has not taken place. We have had no meetings to discuss Accommodation Works or Position Statements since March.

In addition, we note under the Applicants response to CA.2.45 i) 4

"Visually, while the retained cutting would be visible from very close proximity, because it forms a physical break in the landform, the chalk grassland mitigation beyond the retained cutting would lessen the impact by establishing a visual buffer which would soften views of the cutting. The visual presence of the retained cutting would also be lessened by the long bridge, and the combination of chalk grassland across and around the bridge would visually aid the integration of this structure within the landscape."

We are of the opinion that the Applicant needs to look more closely at the management of this area, as there is every possibility that what they deem to be achievable may not actually be practical. From previous written responses, the Applicant seems content to leave decisions on the land management of this area until a later date. However, we believe there are a number of constraints that the Applicant has not taken into account.

The top 2.5m of the cutting are to be reverted to grassland to reduce the visible impact of the cutting, yet the Applicant does not seem to have considered how this slope will be managed. Health and safety issues will prevent mowing the slope with conventional machinery, so the 800m length of the cutting will have to be strimmed on both side. This is a large management commitment and cost. Furthermore, the vision for the area to be managed for early stages of successional calcareous grassland suggests that the remaining grassland either side of the slope will be mowed short. Therefore, although the area will all be grassland, due to the varying management of the slope and the remaining area of grassland, there will naturally be a striping effect due to the longer and shorter grass lengths. This will result in a striping effect on the landscape; the hay colour of the longer grass and the bright green of the shorter grass with bare ground and rock.

How does the Applicant advocate the strimmed material be collected, and where will it be composted along the area, so as not to be obtrusive within the landscape? This will be a costly management task adding considerably to the maintenance of the Scheme.

Furthermore we note under the Applicants response to CA.2.45 i) 5 *"Without the chalk grassland, and with the agricultural land uses remaining to the north and south of the retained cutting, this part of the landscape would be at risk of becoming cluttered or degraded through agricultural land use, which could require high fencing to prevent animals from jumping into the retained cutting or eroding the profiles. The perception of the alignment of the retained cutting would therefore be emphasised and would not be concealed in the way that it would if the essential mitigation was delivered as designed."*

Once again we believe there is a lack of understanding of the parameters of grassland management within this area to deliver the vision. Whilst conventional arable land use will cause striping within the landscape, this will also naturally occur due to the variation of grassland management heights within the area. This will be compounded by the varying depths of topsoil of the area with differing water holding capacities of the soils. Archaeologists are well aware of the lines that appear in grassland as a result of historic human intervention within the landscape as this is how a large number of our prehistoric monuments are first identified. The presence of these new marks within the WHS landscape have the effect of negatively impacting on the OUV of the WHS as these will not be historic in origin but modern additions to further complicate the understanding of the area.

From the Applicant's comments we doubt that the area will be grazed with livestock as a whole, although this would solve the problem of striping, awkward management and the slopes of the cutting. We believe the retained cutting is more at risk from deer, foxes and badgers than from livestock production.

At the Issue Specific Hearing 8, Cultural Heritage, Landscape and Visuals the Applicant stated there would be inclined fencing at a height of 1.2m at the edge of the cutting to prevent access. The Applicant must be aware that deer fencing has to be six feet in height to prevent deer from jumping over and ending up on the carriageway beneath. As the cutting is designed to integrate within the landscape, deer will not be aware of it until they are upon the 1.2m fence, so will ultimately end up either caught up in the wire or on the road beneath. The Applicant has also failed to appreciate that the boundary between the Scheme and our farm boundary will also be fenced. This will be a very visual feature within the landscape that does not seem to have been taken into account.

Alternatively, perhaps the Applicant will leave the whole area with a long grass sward so the cutting and the chalk grassland area will all be uniform? A lot of emphasis of this Scheme is given to how the area is to be perceived. Therefore, the management of the area needs to be addressed at this point.

The grassland management over the western portal canopy will also need careful consideration. As all archaeologists know, many sub soil features show up in grassland, especially during summer months. There is the potential that as well as the striping effects of the tops of the grass slopes, the varying soil depth over the western portal will also have a different grass growth pattern. Will the portal be landscaped so rain will drain off the top, in which case there will be a more vigorous grass growth at the sides of the portal? Or will the portal be flat topped which will allow the water to pool within the area as the drainage will be hampered by the infrastructure of the portal?

We agree, that if done well, the chalk grassland creation within this area has the potential to increase invertebrate biodiversity and build on the existing chalk grassland in the locality. However, from what we read within the OLEMP, we remain concerned about the management of the area and its ability to deliver the visual integration of the deep cutting and western portal within the landscape.

To date, there has been no meetings with the Applicant to further discussions on land acquisition, grassland management, Accommodation Works or the Position Statement, since March. Therefore we do not believe that any agreements will be reached before the close of the examination.

5.2 Written summary of oral submissions made at the compulsory acquisition hearing held on 9 July 2019

5.2.1

Whether development consent should be granted on areas required for or incidental to the proposed development such as areas required for landscaping/environmental management/mitigation;

Save for the land required for the road carriageway and 'hard' infrastructure M&R Hosier are of the view there is no justification for the excessive use of CPO powers to acquire for the purposes of setting out land for ecological mitigation;

The Applicants response

Please see the Applicant's response at item 40.1.7 in the document 8.18 Comments on Written Representations at deadline 3 [REP3-013], which

states:

The land identified for permanent acquisition around the tunnel has been reduced to the minimum required in order to construct, operate and maintain the tunnel. It does, however, include Limits of Deviation, within which the tunnel will be located following detailed design. Highways England will only acquire that land that is identified as required for permanent acquisition once the final detailed design is confirmed. With reference to the Environmental Masterplan [APP-059], some land has been identified for essential mitigation around the tunnel to enable the portals to be set below ground levels or replicate ground levels as far as practicable and integrate the approach to the portals for landscape and visual integration, in combination with areas of new species rich chalk grassland for nature conservation and biodiversity.

M & R Hosier response to 8.44

The Applicant has not answered our questions.

The Applicant seems unwilling to enter into discussions with us concerning the ownership and management of the area required for "essential mitigation". It is possible to enter into a legal agreement with the Applicant for the management of the chalk grassland, but we would suggest that as we have not entered into a Statement of Common Ground, the Applicant has failed to consult further with us. The last meeting that we had with the Applicant was March 2019, and despite their request for further meetings, this has not been taken any further as they have not provided us with information to discuss.

5.2.2

The inadequacy of the Promoting Authority to engage in any form of meaningful negotiations and whether they have met their obligations in accordance with Government Circular 06/04;

- Para 1.4.3 of the SoR states the applicant has attempted to acquire all interests in the land by agreement – can they confirm what those steps were?

- Again para 4.11.3 of the SoR states the applicant has written to landowners informing them of the Applicant's willingness to negotiate and invite dialogue on this point. No such letter has been received by M&R Hosier and it is incumbent on the acquiring authority to manage this process
- The table at 9.2 of the SoR sets out the current status of negotiations with each landowner. Page 9-60 is the page for M&R Hosier. Under the column "Status of Negotiations with land interest" it states:
 - "Negotiations have begun" – they haven't
 - "Looking to have an agreement in place during examination"
 - no such agreement has been released by the acquiring authority.

The Applicants response

The Applicant has engaged, and sought to negotiate with, all persons affected by its proposed compulsory acquisition. The status of negotiations is set out in the Land Acquisition and Temporary Possession Negotiations

Schedule [REP6-016], demonstrating that an initial letter was sent by the Applicant on 19/10/2018 stating that they would like to open negotiations about the acquisition of land. The agent for M & R Hosier did respond asking for further detail about the land required but a request for a proposed agreement was not forthcoming. The Applicant will look to enter into an agreement with the affected party if they are open to it; the Applicant is willing to discuss potential heads of terms in the first instance.

M & R Hosier response to 8.44

The Applicant had not instructed the District Valuer to begin negotiations with M & R Hosier until the week before the Compulsory Acquisition Hearing. A single correspondence providing a starting figure for land value is not an ongoing negotiations in parallel with compulsory acquisition. It is a merely a belated starting point within a process. We would like to remind the Applicant that it is their responsibility to open discussions and not for agents to do their work for them, as seems to be the case within this Scheme. As stated above, we have not had a meeting with the Applicant since March 2019. Indeed, they have requested a further meeting but we have not been provided with any dates or information for discussion. Perhaps the Applicant has been preoccupied by those other organisations that have Statements of Common Ground rather than concentrating on farmers in relation to land acquisition.

5.2.3

Although it is recognised that M&R Hosier will be compensated for the land required for the scheme there is no land available in the vicinity of their holding as the vast majority of the adjoining land is in the ownership of the National Trust or MOD. There will be no opportunity to claim for rollover relief to offset CGT liability, so this is another financial burden for the business to bear.

The Applicants response

The land that is required would be compulsorily acquired by the Applicant at market value, if compensation was not agreed. Detailed negotiations have yet to be concluded but if this money was to be reinvested in replacement agricultural land, there would be minimal long-term financial implications for the business.

If suitable replacement agricultural land was not available, the money could be invested in other business (or investment) opportunities and would be likely to yield a similar financial return. Fixed costs of production would need to be scaled back slightly and this would take time to achieve.

M & R Hosier response to 8.44

Market value is dependent on the end purpose of the purchased land. The land is worth more than market value to our business as it is part of our holding, ie in very close proximity. Therefore should we be in a situation to purchase such land we would be offering over and above market value to ensure the area was secured. As such, we believe that due to the importance the Applicant is placing on upgrading the current A303, the value of the land is considerably more than just agricultural land market value. In addition to this, the Applicant has agreed that there would be additional impact of fixed costs of production on our business should we be unable to purchase extra land in another location.

As the Applicant is well aware, investment into other business opportunities will not provide any CGT relief. Therefore, the sum available for investment will be considerably reduced. Perhaps the Applicant would like to pay our CGT on our behalf? Or perhaps they would agree to the land proposed for "essential mitigation" to remain within our ownership, but farmed for their vision under a legal agreement.

5.2.4

The Promoting Authority has decided not to issue a Statement of Common Ground with landowners instead focussing its attention on statutory bodies some of whom do not have any interest in the land.

M&R Hosier believes there has been poor stakeholder engagement despite being part of the scheme as owners of the land. Statutory stakeholders such as Natural England (NE), National Trust (NT), English Heritage (EH), Wiltshire Council, within this scheme, have dual roles of both consultees and overseeing and feeding into scheme. As such it has become apparent that farm landowners and other non- statutory stakeholders are at a disadvantage. There are no legacy benefits within the scheme for farmers, only for these organisations. As such this scheme has not been impartial.

The Applicants response

Please see response to agenda item 8.1 in the Written Summaries of Oral Submissions made at the compulsory acquisition hearing held on 9 and 10 July 2019 and submitted at deadline 5 [REP5-002]; please refer in particular to the submissions on page 2-24, which refer to the Applicant's Land Acquisition and Temporary Possession Negotiations Schedule (updated version submitted at deadline 6 [REP6-016 and REP6-017]), providing information on the list of engagement activities that the Applicant has undertaken with M&R Hosier.

Additionally, it has been made clear to landowners that the Applicant is willing to prepare Statements of Common Ground ('SoCGs') with any landowners that would wish to submit them to the application and have been working on Position Statements in a similar format with landowners to enable these to be transferred into and submitted as SoCGs, if the landowner wishes this. As set out on page 2-25 of the Written Summaries of Oral Submissions made at the compulsory acquisition hearing [REP5-002]:

"Mr Richard Turney explained that Highways England has developed position statements with landowners and some landowners have confirmed their preference for these to be converted into Statements of Common Ground and included in the examination's written submission process. This is acceptable to Highways England. If requested by Mr Mole or his clients, the position statements could be turned into Statements of Common Ground and submitted to the examination."

While statutory bodies have particular responsibilities that must be taken into consideration, there has been extensive consultation inputting to the Scheme's development and Highways England has been careful to balance all considerations, including those of farm landowners and other non-statutory parties, in developing the optimum solution. Moreover, Highways England is keen to pursue legacy benefits for all, including the farming community.

The Scheme itself will remove congestion from the A303 and rat-running traffic from local roads, making it easier for farmers to use the network and access their land.

Over and above the benefits that the Scheme will bring simply through being constructed, Highways England is also pursuing funding for initiatives where legacy opportunities present themselves. Current examples which have farming representation include:

- active partnering with the World Heritage Site Partnership Panel over developing strategies for sustainable transport, tourism and land access consistent with the aims of the World Heritage Site Management Plan; and
- pursuit of a biodiversity strategy which will explore priorities for species and habitats in the area.

While the legacy work is still at an early stage (as much of it will follow the DCO process if development consent is granted for the Scheme), Highways England is committed to seeking wider benefits for all and will be happy to continue engaging with the farming community to seek their ideas in the pursuit of this agenda.

M & R Hosier response to 8.44

The Applicant chooses to misinterpret our words. See our response to Comments received at deadline 4 [REP5-003] our response to item 18.2.43. Engagement has only been in relation to the Applicant's Scheme agenda rather than to our business requirements.

At the beginning of the Scheme, the Applicant informed us that we would be developing Position Statements (PS) rather than the more usual Statements of Common Ground. (PS being no more than a glorified set of minutes for all our meetings). We acknowledge that we have the opportunity to transfer to a SoCG, but as the Applicant has not taken on board any of our concerns for further meaningful discussion, we believe that there is no common ground to be had. However, since the beginning of the Inspection period, it seems that the Applicant has chosen to further discussions with those organisations that have SoCG rather than landowners with PS.

We have seen no evidence of “careful balance to all considerations” as at meetings we have constantly been told, that criteria have been decided in consultation with heritage organisations etc. This has taken no regard of our farming practices or practicalities.

We disagree that the Applicant is keen to pursue legacy benefits to all, including the farming community, as they have chosen not to pursue our request to enter into a management agreement for the grassland around the green bridge 4 and western portal.

We are surprised by the Applicant’s referral to the Scheme aiding our business as on numerous occasions during meetings we have pointed out how the Scheme will impact negatively on our farm rather than provide positive legacy on “at running”. During the construction phase the Scheme will have a large negative impact on our business as we use the Woodford Valley for access and not predominantly the A303. Hence, the increase in traffic through the inappropriate narrow lanes of the Woodford Valley and roads leading from the A360 will cause immense problems. The lanes are too small for lorries to pass cars as there are too few passing places. There will be grid lock!

The WHS management panel has only one farming representative. As the larger part of the WHS is under agriculture, for a full understanding of the agricultural landscape, each of the farming businesses within the WHS should be represented.

5.2.5

Inappropriate use of S172 powers for survey purposes

The timings of intrusive and non-intrusive surveys have not taken into account farming calendar and farming practices despite these being discussed on numerous occasions with the applicant and their consultants. M&R Hosier and their tenants were forced to move pigs early only for the applicant failing to carry out work on the area due to pig dung.

In addition there was an inappropriate intention for using byway to provide access for surveys during winter months when the byways were severely pot- holed and not suitable for vehicular traffic without causing significant damage.

Twice the Promoting Authority has sought to force access to M&R Hosier’s land under S172 of the Housing & Planning Act 2016, once using these powers and a recent attempt which fell away due to a late agreement being reached.

There are two major concerns with this approach:

- In the event the landowner is not willing to engage (which has never been the case here) S172 is the wrong power to use. S53 of the Planning Act 2008 was specifically created for this purpose. Why has the Authority chosen not to use this specific powers?
- The onus is on the Promoting Authority to demonstrate it has made all reasonable attempts to secure access by agreement and the use of CPO powers is a last resort. They have categorically failed and have resorted to use S172 to preserve their programme. This is plainly wrong and an abuse of CPO powers.

The Applicants response

Please see response to agenda item 8.1 in the Applicant's Written Summaries of Oral Submissions made at the Compulsory Acquisition Hearing held on 9 and 10 July 2019 which were submitted at deadline 5 [REP5-002 at page 2-24]. Please also refer to response items 40.4.10 and 40.4.11 in the Applicant's document 8.18 Comments on Written Representations [REP3- 013], which states:

"Highways England's preferred method for gaining access to land is through agreement with the relevant landowners. Highways England provides each landowner the opportunity to enter into an agreement and negotiate terms of access. If agreement cannot be reached, Highways England has the ability to gain access to land through the exercise of its statutory powers. In the case of the A303 Scheme, in order to prevent delay to programmed timescales, notices have been served under Section 172 of the Housing and Planning Act 2016 which confers power on Highways England to enter and survey or value land in connection with a proposal to acquire an interest in or a right over land. As such, Highways England considers that its use of the power in section 172 was necessary, timely and appropriate.

"The farming calendar has been accounted for when preparing for all intrusive and non-intrusive surveys. In relation to moving the pig unit this was required to allow archaeology investigations of the West Portal and Tunnel approach. It is not correct that the archaeology work was not carried out due to pig dung, as trial trenching was carried out in the former pig unit. Unfortunately, it was not possible to carry out hand sieving of the topsoil due to human health reasons."

M & R Hosier response to 8.44

We believe that the inappropriate use of Section 172 powers is relevant to the determination of the application, as the manner that the Applicant has treated landowners is inappropriate and has bypassed the need for meaning full negotiation.

We would suggest that if the Applicant cannot meet their timetable without resorting to the Section 172 process, they have not allowed adequate time for surveying, analysing and developing the Scheme. The Applicant's use of powers has been in relation to their timetable, with no consideration for our farming calendar, which was explained at our initial meeting with the Applicant. Neither do we believe the use of powers has been appropriate. On many occasions, it has been the Applicant's delay in feeding back information concerning survey access routes or position of welfare facilities that has resulted in the serving of a Section 172 notice. Furthermore, we have discovered that boreholes constructed last autumn (under threat of S172) have not had the monitoring equipment installed! Similarly, in respect of the archaeological surveys following the relocation of the pigs, the Applicant would have been well aware of the pig dung on the ground prior to the survey taking place. Therefore, they never intended to adhere to the requirements laid out within the archaeological method statements, for sifting the topsoil behind the pigs. Perhaps the Applicant prevents their operatives from using gloves whilst at work, especially as it was a clear 2 months prior to surveys taking place within the area.

Compensation for the 2018 archaeological survey has yet to be negotiated and agreed with the Applicant. Rather than entering the area once to carry out all their survey work, they keep returning every few months to do yet more surveys, which makes compensation more difficult to quantify.

5.2.6

A lack of preparation by consultants for first archaeological surveys in 2016 led to damage to scheduled monument SM10317 due to repeated tracked excavator refuelling, a pig death, animal welfare issues and unreported damage to farm property.

M&R Hosier experienced various issues with bags of archaeological finds left on site. Poor reinstatement works after surveys with numerous metal pins left on site, some having caused damage to their machinery.

The Applicants response

With regard to access for surveys, Highways England has consulted and continues to fully consult with the landowner. Access points and routes are agreed before each survey and pre and post-condition surveys are carried out for all intrusive survey works along the access and works areas. Highways England will continue to manage survey works with farming activities and landowner preference where possible.

Furthermore, no scheduled monuments have been damaged as a result of Highways England's surveys. The Applicant is aware that unsubstantiated allegations of damage to scheduled monument Bowl barrow known as 'Bush Barrow' and to two-disc barrows south east of Normanton Gorse forming part of Normanton Down round barrow cemetery (NHLE 1009618) have been made; however, Highways England strongly refutes the allegation that damage was caused by survey work carried out in connection with the Scheme. The scheduled monument was inspected by Historic England and no further action was taken by them.

All other matters, from the Applicant's perspective, were dealt with in a respectful and open manner during on-site discussions with the land owner at the time of the surveys and resolved as far as possible, including suitable compensation paid where required. The Applicant has also responded on these points in its Comments on Written Representations [REP3-013], paragraphs 40.4.10-40.4.13.

M & R Hosier response to 8.44

The Applicant has been more open to negotiation in respect of surveys since the Examination process has been underway, so we look forward to this continuing into the future. However, our business has had unnecessary disruptions as a result of the Applicant's timetable driven agenda, which is still ongoing today. For example, during the 2018 archaeological survey, metal road pins were left in our fields and these are still being picked up by our agricultural machinery. (We picked up another metal pin during this harvest).

The Scheduled monument NHLE 1009618 is a visible monument spanning byway 12, so we were shocked to discover that the archaeological surveys had not taken this into account with repeated tracked digger access to the survey area. As previously stated, the Applicant has never discussed this matter with us despite us bringing it to their attention. However, subsequent surveys have taken more account of the Scheduled monuments in the vicinity of the surveys and access routes.

The Applicant has paid for the damage caused to farm machinery by the road pins, the broken fence and the broken gate. However, we suggest that a most of these issues would not have occurred if the Applicant had taken more care with surveys in the first instance.

5.3 Responses to the ExA's Second Round of Written Questions

5.3.1

WQ Ag.2.10

Response to item i)

We remain unconvinced that the Applicant has a correct interpretation and understanding of the hydrogeology and structural geology of the Scheme area. This is noted in our response to 8.18 items [REP4-092] 40.1.16, 40.5.10, 40.5.15, 40.5.18 in relation to water, and items 40.1.20, 40.1.21, 40.1.25, 40.1.26, 40.1.28, 40.1.29, 40.1.31, 40.1.34 in respect of soil protection. If the Applicant remains unwilling to revisit these areas from negotiations with the NFU, then we fail to see how an ALO will be of significant benefit.

Also see our responses within report 8.31 [section 9, REP4-036].

The Applicants response

With regard to water, please see paragraph 5.3.3 below where detailed water issues have been raised.

There is sufficient detail for the purposes of the Environmental Statement and consideration and determination of the application. Land access arrangements will be made for future ground investigations which would be carried out for detailed design purposes by agreement or through the powers proposed within the dDCO [REP6-005].

The OEMP submitted at deadline 6 [REP6-011] includes a number of provisions in relation to soil, including amendments to the role of the ALO.

M & R Hosier response to 8.44

See paragraph 5.3.3 from WQ Ag.2.10 as referenced in relation to our response.

The Applicant may believe that there is sufficient detail for the purposes of the determination of the application, but as previously stated, we do not believe this to be the case.

There has been:

An unwillingness to admit to the complex geology and resulting hydrogeology within the Scheme area. Therefore, insufficient survey work has been carried out.

Inaccurate interpretation of survey results.

Failure to carry out a Fracman 3 D model to show the fractures and therefore determine the location of high and low flow zones.

The water model used in place of a 3 D model has a grid of 250m, when quite possibly, my water supply could be affected by a few fissures of 5mm.

A lack of tracer tests to identify potential links to private water supplies.

No feasibility assessments for providing alternative water supplies should this be required.

A lack of monitoring of private water supplies.

Therefore, in our opinion, the true extent of the water issues are not represented within the DCO documents. This will be reflected in inaccurate and unrealistic costs for the project.

OEMP submitted at deadline 6 [REP6-011], page 19 details more of the responsibilities of the ALO. However, we still remain concerned that they will not have adequate experience with soil mechanics, hydrogeology and engineering experience to know what is, and what is not possible. We also note that the AOL will have no particular authority within the Scheme. They will only advise, coordinate and liaise, so it is quite probable that no one within the Scheme will take notice of what they put forward.

Provisions within OEMP in relation to soil, have new additions of PW-COM2 Restoration of agricultural land and aftercare, which notes liaison with the ALO. In addition there are two further inclusions of PW-COM3 Record of Condition survey and PW-GEO3 Soil Management Strategy.

5.3.2

WQ Ag.2.10

Private water supplies

In the 8.31 (Applicants response 8.18 to our Written Representation), under their paragraph 40.1.15 the Applicant refers to the pig enterprise having been “taken into account within the OEMP”. We have responded asking for the reference to this as we have not been able to locate it. Please also refer to our comments on lack of feasibility studies to provide either temporary or permanent water to our farm should our borehole supply be compromised.

The Applicants response

The measures for the protection of water supplies (and contamination of them) set out in the OEMP [REP6-011] and the Road Drainage Strategy [APP-281] will enable uncontaminated water supply to continue for businesses (such as the Hosier's pig enterprise) throughout the construction and operational periods.

M & R Hosier response to 8.44

As previously stated [REP4-036] as well as [REP5-003] and within the ExA's Second Round of Written Questions, the measures within the OEMP [REP6-011] in our opinion, are not adequate to protect our private water supply and our Business. Despite drawing attention to areas within items that need addressing, the Applicant has chosen to ignore our concerns. For the large part, the OEMP in relation to groundwater protection has not been updated since version 2.

The Applicant has stated that they cannot be completely certain that there will be no issue with groundwater as a result of the tunnel construction and once the Scheme is in operation. However, they have not provided us with a percentage risk to our groundwater supply. If the Applicant is unable to provide a risk percentage, how can we fully assess the impact of the Scheme on our business?

We have put forward suggestions for additional wording to be included within the OEMP for safeguarding our supply, but the Applicant has chosen to ignore these, instead choosing to continually requote their responses. We would suggest that this is neither negotiation nor consultation. In addition, the main works contractor seems to be responsible for all planning and strategies, with no sharing of risk with the Applicant. This seems inappropriate when it is the Applicant and not the main works contractor that has carried out all the survey work and the interpretations of the data.

If as the Applicant states, there will be minimal disruption to water supplies, there would be no reason for the Applicant to not include these suggestions within the OEMP.

5.3.3

WQ Ag.2.10

OEMP measures

OEMP item MW-GEO2

As we have stated in our responses, there is a need for all water abstractors to be notified if there is any groundwater contamination incident on site as there is the potential for this to enter the groundwater that is drunk by farm tenants and livestock.

OEMP item MW-WAT5

Pollution incident monitoring. There is no noting that any “actual significant pollution incidents” will be reported to any private water abstractors for them to monitor their water supplies or seek to take remedial action.

OEMP item MW-WAT8

What will happen if the Scheme needs dewatering and the Environment Agency (EA) do not agree to this due to the fact that the level of dewatering is significantly more than has been identified within the groundwater risk assessment? Will this just go ahead and all private water abstractors will be provided with an alternative supply?

OEMP item MW-WAT10

From independent research we remain concerned that the main works contractor will be relying on the survey works and their interpretation carried out by the Applicant, which we believe to be inaccurate.

There is no requirement to monitor the water quality levels for drinking water standards, therefore there is the potential for private water abstractors to ultimately be drinking contaminated water as only chemical components will be picked up.

There is no noting of how often the water monitoring will take place. If only carried out quarterly or monthly, there is the possibility that water could be contaminated for a period of time before the issue is picked up. If this was to be the case, people and livestock would be drinking contaminated water.

OEMP MW-WAT11

We believe that, as it cannot be proved that the Scheme will not impact on the quality and quantity of water from private borehole abstractions, the Applicant needs to have alternative water supplies already in place prior to the Scheme going ahead. Independent research has shown that alternative water supplies can take as long as 18 months to 2 years to put in place and it would be unreasonable for the Applicant to rely on temporary water supplies over that length of time.

No mention is made of what this “appropriate monitoring” will be and whether farmers will be consulted, to ensure that what is proposed is actually “appropriate” for their farm circumstances. Will water be monitored to drinking water inspectorate standards if people are drinking the borehole water?

We note that main works contractors will consult with existing abstractors for measures to minimise loss or interruption of supply, provision of emergency water supply, and provision of alternative permanent water supplies. However, there is no mention of when this consultation will take place. These elements need to be discussed now, as they may have a bearing on the Scheme.

Point a) states “Where determined, and agreed with the owners/operators or other abstraction licence holders, targeted risk-based audits and checks of water quality monitoring will be undertaken at abstraction sources by the main works contractor”

Who will “determine” whether these water quality monitoring will be carried out? Will farmers be able to request this monitoring? Will quality monitoring be to drinking water standards or to standards required by farm assurance schemes? Will farmers be provided with a copy of the results so they can provide evidence at farm assurance schemes audits? How soon will information be provided to farmers?

Point a) continues “The period of monitoring will be appropriate to the timing and type of work undertaken, and will include a period of baseline monitoring”.

Realistically, there is no way of knowing what is an “appropriate period of monitoring”, so we would suggest that this is carried out as frequently as possible. No mention is made of when the baseline monitoring would start. To provide a representative for baseline quality and supply, monitoring should be undertaken as soon as possible and we would suggest that it should already be happening.

The Applicant is relying on water models for the flow of water within the area, but there is no certainty that these will be accurate. The Applicant believes there to be no karstic behaviour of the rock within the area, but if this is incorrect as we believe, then the water flow within the area will be quicker than anticipated, so contamination incidents would show up sooner. Having not carried out any 3 D modelling of the Scheme to show fissure flow, how can the main works contractor or even any landowners etc, properly assess where these monitoring boreholes should be accurately placed within the landscape?

Point b) of MW-WAT11 states “the main works contractor will arrange any monitoring of water levels in areas where dewatering of the chalk aquifer is required”

The location of the monitoring will depend on how much water will be abstracted by dewatering. If there is a large volume of water to be abstracted then this could potentially have a large drawdown area within the landscape. We believe that the Applicants water model needs to be backed up by a full fracture 3D model to show the extent of fractures within the geology, which will accurately

inform where these additional water monitoring points should be and provide more information to assess the dewatering needs of the Scheme on the chalk aquifer.

Point c) of MW-WAT11 states “where the water quality monitoring shows an adverse impact on water quality as a result of the works, the main works contractor will contact the relevant abstractor (licence holder and operator) and will put in place appropriate emergency measures to overcome the adverse impact where this has resulted from the construction works”

Whilst we understand that measures will only be put into place as a result of a construction works impact, the chances of any water quality issues deviating from the baseline monitoring as result of any other incidents, is negligible. We are concerned that rather than notify us of a water quality issue, an attempt will be made to dismiss the polluting incident as being agricultural and therefore no remedial action will be taken. It could take months or even years to establish the cause of a pollution incident which in the meantime, leaves farms and cottages with only contaminated water to drink. This is unacceptable.

As already mentioned in the points above, there should be an alternative water supply available prior to the commencement of construction of the Scheme. The final connection to this alternative supply could then be quickly made.

Point c) continues “these emergency measures may include the transfer of a potable water supply to another water source and informing the water users.”

We would suggest that the wording “supply to another water source” should actually read “supply or another water source”.

There is a need for the main works contractor to make provision for any potable water (presumably in the form of tankers) to access our farm and discharge the water into our farm water network. A tanker of water delivered to the farm entrance alone is not sufficient. As already noted, there is a considerable amount of work that needs to take place prior to the Scheme construction to ensure farm water supplies are secure.

We would hope that we would be informed of any suspected problems as soon as it has become apparent so we are able to stop tenants and livestock drinking contaminated water.

OEMP MW-WAT15

Groundwater, this states, “ The main works contractor shall, where changes in groundwater levels are predicted to occur as a result of construction activity, which would be considered significant using the methodology defined in the groundwater management plan (refer to MW-WAT10) undertake additional site investigations”.

We understand that this makes the main works contractor responsible for carrying out additional surveys should it be shown that there is a need for dewatering or there is evidence that the tunnel constructed within the water table is having a greater than anticipated effect on the groundwater flow. We believe that this is putting too much responsibility on the main works contractor. It is the Applicant as the purveyor and supporter of the Scheme who should be responsible for fully assessing the structural geology and hydrogeology of the Scheme prior to works commencing. As such, we believe the Applicant needs to carry out a full 3 D fracture model of the Scheme to make the contractors tendering for the work fully aware of all potential problems.

MW-WAT15

continues “Water levels at selected observation piezometers will be monitored before, during and after any dewatering associated with the construction of the tunnel”. By carrying out a 3D fracture model it will show where the observation piezometers need to be placed within the Scheme to be able to provide an accurate representation of what is occurring in the groundwater.

In addition to this, we note that some of the monitoring boreholes (that have been constructed on our farm last October with a view to providing baseline information prior to construction), have yet to have any monitoring equipment installed. We would suggest that the Applicant is failing in its duty to carry out adequate base line monitoring for which the groundwater levels will be assessed. This has the potential for the main works contractor to base assessments on insufficient information leading to errors.

MW-WAT15

concludes that “additional drainage will be provided as mitigation where necessary. Monitoring arrangements will be in defined within the groundwater management plan.” What happens if the EA does not permit additional drainage within areas? And what measures will be put in place to ensure that water discharge areas are not going to contaminate the groundwater? Much of the land within the Scheme area is livestock farmed, so will carry additional contamination risks as organic matter has the potential to be washed into groundwater with the large volume of discharge water.

There is the potential for farmers to be blamed for groundwater contamination due to livestock production rather than the practices of the main works contractor who is water discharging in inappropriate locations.

MW-COM6

states: “Private water supplies: Where an existing private water supply to a farm is adversely and directly affected by the construction of the Scheme” This only refers to the construction of the Scheme, it does not take into account any problems that will arise in the groundwater as a result of the tunnel being present within the geology, blocking water flow. This has the potential for devastating long term consequences on our farming business. Wording needs to be changed to include the presence of the tunnel within the groundwater.

“the main works contractor shall, if requested by the farmer or landowner to do so, provide or procure or meet the reasonable cost of the provision of an alternative supply of water (at the contractor’s option)” We suggest that the cost of providing an alternative water supply for all

abstractors needs to be assessed prior to the Scheme construction, as this has the potential to be a considerable cost which would need to be built into any contractors tender. We believe that the Applicant should undertake assessment of costs relating to provision of alternative water supplies and not leave this to the main works contractor. We believe that the alternative supply of water should be in place ahead of Scheme work commencing, as it would take potentially 18 months to 2 years to construct an alternative water network. Studies will need to be carried out to ascertain whether Wessex Water has the capacity to add large farms onto the existing mains network, with a suitable water pressure that the farms can operate with no adversity. Should a mains supply be chosen, then on a like for like basis, farmers should not pay for the water they use. Who will pay for the farmers’ water usage? Will it be the main works contractor or will it be the Applicant?

“Where the supply is affected temporarily by the construction of the Scheme, then the alternative supply need only be supplied for the period during which it is affected.” Temporary water provision will also need considerable assessment by the main works contractor as it is not sufficient for a tanker to be delivered to a farm. The means by which the potable water is transferred by the tanker into the farm water network is important, as is year round access to the farm water network.

“Where a request is made by the farmer or landowner for a permanent supply due to permanent severance of the existing supply caused by the construction of the Scheme” Similar to the first paragraph in MW-COM6, this does not take into consideration the severance of fissures within the geology that supply water to our borehole, ie fissures that are either blocked by grout, or blocked by the physical presence of the tunnel itself. Additional wording is required to take this into account.

“the main works contractor shall, where provision of an alternative means of supply can be demonstrated by the landowner/farmer to be reasonably required for his business, provide or procure or meet the reasonable cost (at the contractor’s option) of a permanent means of alternative supply of water”. We would add that the supply of water would be on a like for like basis, ie at no added water meterage costs and at a similar water pressure as existing water supply, if a mains water connection is decided. We also believe that this alternative supply is in place prior to any Scheme works taking place and is undertaken in consultation with our farm water engineers so they are able to facilitate the design process with their knowledge of the existing water network.

The Applicants response

Please refer to the response provided to the Examining Authority’s Written Questions submitted at deadline 6 [REP6-028, Question Fig.2.2]. There are a number of controls in relation to pollution incidents. For example:

MW-GEO8 of the OEMP [REP6-011], confirms the measures required to prevent cross contamination from stockpiled materials, and to protect buried services, drainage runs and groundwater source protection zones from potential ingress of contaminants. MW-GEO6 requires contractors to control potential hazardous substances in line with COSHH guidance; MW-WAT4 requires a spill response procedure and pollution incident control plan; MWWAT6 requires the contractor to establish measures to prevent deposition of silt or other material in any watercourse, lake or aquifer, in accordance within industry guidelines; and MW-WAT7 requires contractors to carry out handling of contaminated material treatment processes and storage that does not affect the chalk aquifer.

As stated within Table 2.1 of the OEMP [REP6-011], the role of the Agricultural Liaison Officer (ALO) is to communicate with landowners and occupiers running agricultural businesses likely to be affected by the Scheme, including in relation to drainage issues. Should a significant pollution incident occur the ALO would inform any potentially affected landowners.

OEMP item MW-WAT8

With regard to dewatering, please refer to the response provided to the Examining Authority’s Written Questions submitted at deadline 6 [REP6-028, Question Fig.2.33].

The Applicant considers that the approval/permitting procedures set out in the OEMP and secured by requirement 4 of the draft DCO [REP6-005] are sufficient to ensure any required dewatering is adequately controlled.

Please also refer to The Environment Agency's response to the Examining Authority.

Furthermore, as stated within item MW-COM6 of the OEMP [REP6-011] where an existing private water supply to a farm is adversely and directly affected by the construction of the Scheme, the main works contractor shall, if requested by the farmer or landowner to do so, provide or procure or meet the reasonable cost of the provision of an alternative supply.

OEMP item MW-WAT10

The Groundwater Management Plan proposed at item MW-WAT10 of the OEMP [REP6-011] includes monitoring which will be secured through the dDCO. The detail of monitoring and mitigation will be discussed with Wiltshire Council and the Environment Agency.

As stated within Table 2.1 of the OEMP [REP6-011], the ALO will liaise with owner/occupiers to establish measures to be implemented to maintain livestock water supplies which may be affected due to construction works.

With regard to groundwater sampling protocols, in its response to item 9.6.1 and 9.6.4 in the Comments received to deadline 3 [REP4-036], Highways England confirmed that its groundwater samples have been compared to the UK Drinking Water Standards (see paragraph 3.10.2 of [APP-282] and Table 3.6). Highways England is not assessing whether the water is fit to drink for water users or proposing to take on the role of the Local Authority or the Drinking Water Inspectorate (DWI) with regard to Private Water Supplies but will continue to compare groundwater quality samples with drinking water standards as part of the Groundwater Management Plan proposed at item MW-WAT10 of the OEMP [REP6-011]. This is sufficient for the protection of the groundwater resources upon which the private water supplies rely.

OEMP MW-WAT11

The Applicant recognises the importance of maintaining water supplies to those landowners which rely on sources which could potentially be affected by the Scheme.

The OEMP [REP6-011] contains specific items (MW-WAT11 and MW-COM7) which contain measures to minimise and reduce potential adverse impacts on abstraction boreholes and to ensure temporary or permanent water supply is maintained. These measures are considered standard practice for schemes of this nature and are typical of requirements placed on contractors constructing such schemes. It is therefore not considered necessary to undertake a feasibility study of providing water (should this be required) Further, item MW-COM6 provides a process for alternative water supplies to be put in place.

Highways England confirms that its groundwater samples have been compared to the UK Drinking Water Standards (see paragraph 3.10.2 of [APP-282] and Table 3.6). HE is not proposing to take on the role of the Local Authority or the Drinking Water Inspectorate (DWI) with regard to Private Water Supplies. The Drinking Water Inspectorate (DWI) is the competent authority for ensuring the Drinking Water Directive requirements are met in England & Wales. It provides independent reassurance that public water supplies in England & Wales are safe and drinking water quality is acceptable to consumers.

Modelling has been carried out at an appropriate scale to simulate the effects of the Scheme on regional groundwater flow and sensitive receptors. The modelling has been reviewed and considered appropriate by the Environment Agency and Wiltshire Council's peer reviewers.

This model has been refined in the area of the tunnel with aquifer property data from pumping tests and preferential flow horizons have been considered using geological, geotechnical and geophysical data.

Groundwater Monitoring 2018-19 Conceptual model review [AS-019] considered monitoring data against the conceptual understanding and related groundwater model setup. The monitoring data supports the conceptual model and shows the model simulates groundwater levels in the areas of new groundwater level data well.

Groundwater level trends are typical of Chalk aquifers and do not suggest there are specific fracture controls on flow to private supply boreholes. With regard to dewatering, see response above with respect to MW-WAT8. The Environment Agency will not licence abstraction for dewatering unless it can be demonstrated that there are no significant effects on receptors.

OEMP MW-WAT15

Monitoring would not be decided upon by the Contractor alone. The Groundwater Management Plan proposed at item MW-WAT10 of the OEMP [REP6-011] includes provision for monitoring which is secured through requirement 4 of the DCO. The detail of monitoring and mitigation will be discussed with Wiltshire Council and the Environment Agency.

The Applicant further notes that it is a Groundwater Management Plan that is required, which means not only dealing with monitoring, but outlining how groundwater resources are to be protected in a consistent and integrated matter, updating the Groundwater Risk Assessment for the final design and the derivation of trigger levels and action levels with regards to exceedances and accidents and incidents.

Modelling has been carried out at an appropriate scale to simulate the effects of the Scheme on regional groundwater flow and sensitive receptors. The modelling has been reviewed and considered appropriate by the Environment Agency and Wiltshire Council's peer reviewers.

This model has been refined in the area of the tunnel with aquifer property data from pumping tests and preferential flow horizons have been considered using geological, geotechnical and geophysical data.

With regard to the potential for drainage from abstraction to cause contamination, MW-GEO8 of the OEMP, confirms the measures required to prevent cross contamination from stockpiled materials, and to protect buried services, drainage runs and groundwater source protection zones from potential ingress of contaminants.

MW-GEO6 requires contractors to control potential hazardous substances in line with COSHH guidance; MW-WAT4 requires a spill response procedure and pollution incident control plan; MW-WAT6 requires the contractor to establish measures to prevent deposition of silt or other material in any watercourse, lake or aquifer, in accordance within industry guidelines; and MW-WAT7 requires contractors to carry out handling of contaminated material treatment processes and storage that does not affect the chalk aquifer.

Potential impacts on water supplies will be mitigated through the implementation of measures included within the Outline Environmental Management Plan (OEMP) [REP6-011] (at references PW-WAT1 and WAT2, and MW-WAT1, WAT2, WAT3, WAT4, WAT5, WAT6, WAT7, WAT9, WAT10, WAT14, and WAT15), which is secured through paragraph 4 of Schedule 2 to the draft Development Consent Order [REP6-005].

MW-COM6

The Groundwater Risk Assessment [APP-282] considers the tunnel as a permanent feature within the Chalk aquifer. It found no significant effect on groundwater levels at private supply boreholes.

The modelling approach was scrutinised by the Environment Agency and Wiltshire Council's peer reviewers who suggested additional model runs to test the findings of the Groundwater Risk Assessment. These model runs also found no significant effects on groundwater levels [REP3-021].

Consequently, the modelling has been considered appropriate by the Environment Agency and Wiltshire Council's peer reviewers.

Given the above points and the low risk of adverse effects on private water supplies, it is not considered proportionate for Highways England to provide a preconstruction alternative water supply.

M & R Hosier response to 8.44

The Applicant is choosing to reference the main works contractor as being responsible for all Scheme measures within the framework of the OEMP. Who will oversee the contractor to ensure that all the methodologies and parameters are adhered to? We are concerned that areas within the OEMP do not provide adequate protection for our farming business.

MW-WAT5 Pollution incident monitoring.

The Applicant states that the ALO is responsible for communicating with landowners who are likely to be affected by the Scheme and that significant pollution incidents will be reported to any potentially affected landowners. Yet this is not set out within the wording of MW-WAT5. We have asked for this to be included but to date, the Applicant has not taken heed of our request.

We are also concerned by the wording "significant polluting incident". Who decides what is a "significant" polluting event? How is "significant" quantified? For the sake of transparency, would it not be more appropriate for all polluting incidents to be relayed to all private abstractors?

MW-WAT6 Protection of Water Courses

This is in respect of working in or adjacent to watercourses, but we note this also includes boreholes aquifers and catchment areas of work operations. *"The main works contractor shall adopt measures to prevent deposition of silt or other material into existing watercourses (boreholes, aquifers and catchment areas)"*.

In respect of surveys, the Applicant stated that due to health reasons archaeological topsoil could not be sifted on land occupied by the pigs. Therefore, there should be no water discharge from dewatering on land that has intensive livestock activity, as this would carry a health risk by washing silt and organic matter into the groundwater.

MW-WAT7 Control of pollution to water bodies

Who will monitor the main works contractors to ensure that the handling of contaminated material treatment processes and storage does not affect the chalk aquifer?

MW-WAT8 Dewatering and abstraction

The Applicant has not answered our question. Fig 2.33 is in respect of small scale dewatering and 8.30.2 item 8.1i) is in relation to Cultural Heritage. What happens if there is a need for *“temporary and localised groundwater control around the portals and Stonehenge Bottom”* as noted within the documents, and the Environment Agency is not in agreement with this, due to the level of dewatering being significantly greater than that identified within the groundwater risk assessment?

As referenced in the Applicants response, the EA’s response to the Examining Authority states:

“There has so far been no assessment of dewatering relating to this scheme”

“ Under the Water Resources Act 1991, a licence is required from the EA if dewatering is proposed at rates greater than 20m³/day. We will expect any application to be accompanied by a detailed assessment of impacts.”

“It should be noted that the EA will not grant a licence for dewatering or any other abstraction if it cannot be demonstrated the impacts are acceptable. By the applicant requiring EA approval for any risk assessment and mitigation through planning we should not get into a situation where planning is approved but the applicant cannot obtain a permit to undertake such activities.”

We stand by our comments, and remain concerned that there is still the potential for dewatering during the Scheme. This may be greater than the limits the EA would allow to prevent negative impacts on the water environment. With no 3D modelling having taken place to provide a greater understanding of the hydrogeology and structural geology of the Scheme area, there is a possibility that “unforeseen issues” will occur.

MW-COM6 Private water supplies:

As previously stated, wording within item MW-COM6 does not provide us with confidence:

We are not convinced that MW—COM6 wording is specific enough to cover impact on groundwater due to the presence of the tunnel within the groundwater, as it refers only to construction. Unless it is the intention of the wording *“severance of the existing supply”* is to also be applicable to the severance of the fissures that supply our boreholes.

The Applicants response notes that the tunnel will be a barrier to water flow, therefore although the *“water modelling”* does not show a *“significant”* effect, there is a requirement to balance this within the OEMP. The Applicants response also states that due to the *“low risk of adverse effects on private water supplies, it is not considered proportionate for Highways England to provide a preconstruction alternative water supply”*. However, the Applicant has not provided us with any percentage of risk to back up this comment. Presumably, they must have carried out this exercise to come to their conclusion? Losing our water supply would have a devastating long term consequence on our farming business.

We believe, at a minimum, the cost of providing an alternative water supply for all abstractors needs to be assessed prior to the Scheme construction, as this will be required by the contractors to enable appropriate tendering. We urge that alternative supplies are in place ahead of works, as constructing a permanent supply could potentially take 18 months plus to install. Boreholes will require a licence agreement ahead of works as well as engaging a water engineer for construction. Mains water capacity may not be available for our business requirements and a connection may not deliver water pressure capable of supplying the farm network to keep up with livestock demand.

Temporary water provision is included within the item, but without additional road infrastructure in place, it is not possible for an emergency water tanker to reach the farm reservoir as it is situated in the middle of a field. Therefore, to be fit for purpose, a feasibility study of the farm water network is required. Temporary water provision also needs to take into account that our reservoir only holds 24 hours water supply, so emergency measures would have to be in place within that time period for animal welfare not to be compromised.

In respect of a permanent water supply, there is a need for this to be on a “like for like” basis. Reduced water pressure will not circulate water around the farm network to the livestock. Similarly, we do not pay any water meterage charge, so it would be the responsibility of the main contractor, or the Applicant to pay for our water use in perpetuity.

We note within the recent OEMP additional submission Rev 4 at 19th August, the provision of a Water Supply Statement to be produced by the main works contractor prior to work commencing. This is an improvement, but critical points have still been omitted, therefore rendering the update a box ticking exercise.

OEMP MW COM6 updated

We welcome the inclusion of the Water Supply Statement (WSS), but believe it needs additions to make it fit for purpose.

Under item a)

It is not sufficient to just show the location of the boreholes, as these are only a part of the water supply infrastructure. The whole water system needs to be fully noted and assessed to include reservoir, water network, electricity supplies and access routes to reservoirs etc. A tanker of water sitting at the farm gate is of no practical use if it is unable to discharge into our reservoir due to its location in an arable field.

Under item b)

We would suggest that ALL information relating to groundwater surveys and the results are included in every farm WSS, not just the information that is deemed “relevant”. Will it be the Applicant who decides what data is relevant, as the contractor will be working at a disadvantage having not carried out the surveys? This provision will ensure the contractor has as much information as possible, should it be needed at a later date, as well as saving on time and money as all information is to hand.

Our independent hydrogeology assessment does not agree with the Applicant’s interpretation of the data, so by including all survey data and results, the main works contractor has the ability to make their independent assessment of the groundwater.

Under item c)

We would suggest a change of wording to “how and when” an emergency will be reported if water is contaminated. If monitoring is only going to be done once a month and not from private abstraction boreholes, then there is a strong possibility that we will already be drinking contaminated water.

Under item d)

This point relates to temporary water supply issues.

There is a need to commit to providing temporary water supplies within 24 hours, as our reservoir only holds a day’s supply. We have animal welfare to consider as well as farm cottage tenants.

We would request the words “like for like” to be added to the clause as there is no assurance that the temporary water provided will be adequate for the basic farm demands. We may end up with low water pressure (if mains option is preferred), in which case, we would be unable to supply water to the whole of our network.

We would suggest there is a maximum period that farmers would have to rely on temporary/emergency water supplies. Water tanker availability at weekends/holiday periods is questionable and there may be a requirement for additional reservoir capacity.

Should a timescale for temporary water supplies be included; when does a temporary supply need to be considered for a permanent solution?

Under item e)

The Water Statement only mentions a new permanent supply in relation to contamination issues. (Although the second paragraph of the main MW COM6 item does refer to “permanent severance of the existing supply”). Better clarification of this point would improve our confidence in the item.

In addition to the points above, we would suggest the WSS includes a 24hour, 365 day contact number for us to use if we experience any problems. In addition, a feasibility study needs to be carried out, to ascertain whether there are any structures or infrastructure that needs to be in place ahead, to ensure temporary water can be delivered ie: roads.

MW-WAT10 Groundwater management plan

Under point c)

There is no noting of private boreholes (which supply our drinking water) being monitored.

No mention is made of monitoring water to Drinking Water Standards. Within the Environment Agencies Deadline 7 comments on Highways England’s DL6 responses to the Examining Authorities Second Written Questions under Fg 2.21 they note that *“Both Drinking Water Standards and Freshwater Environmental Quality Standards are appropriate in this Scheme since groundwater supplies both potable abstractors and baseflow to the Rivers Till and Avon.”*

Fg. 2.22 also states *“Groundwater monitoring is in the interest of landowners in the area owing to the reliance on groundwater supplies”*

From previous experience with the Applicant, our private water supplies were assessed in May in relation to work required to the borehole head to allow monitoring. We have only just received the report no work has been carried out to facilitate monitoring. Therefore, our boreholes remain unmonitored.

UK Drinking Water Standards

We understand that monitoring groundwater samples have been compared to DWI standards, but as previously stated in our reply to Comments at Deadline 4 [REP-003], it is not possible to make comparisons with such standards as the sampling methods are different. DWI samples have to be analysed within 4 hours of collection and be kept at critical temperatures and analysed at specific laboratories. As the chemical analysis of the water changes over time, it is not possible to compare the Applicant's chemical analysis with that of DWI samples, thus rendering them unrepresentative. Similarly DWI sampling analyses pathogens which the Applicant's sample analysis does not.

We believe the Applicant has a duty of care to ensure that all private water supplies that are used for human consumption, are tested to DWI standards to ensure that they are safe to drink. As the Applicant will be carrying out tunnelling, dewatering and recharging within the aquifer, they have a duty of care to ensure that their actions do not have a negative impact on drinking water quality. By testing water at all private water supplies to DWI standards, the Applicant will be monitoring the effect the Scheme has on the safety of the drinking water.

We have never suggested that any samples taken by the Applicants at DWI standards would replace the current DWI sampling that is undertaken by our local authority. This would not be acceptable or compliant with regulations.

DWI testing by the Applicant will provide protection for them, as well as for those drinking from private water supplies. This is good practice.

OEMP Table 2.1, page 20

One of the roles of the Agricultural Liaison Officer (ALO) is to establish measures to maintain livestock water supplies which may be affected by construction works.

The above, in isolation, will not ensure livestock water supplies are safe guarded. The measures need to be translated into a practical framework, so that water provision can be delivered in a timely manner: ie: infrastructure (such as road access to our reservoir) needs to be in place in the first instance.

Following on from this exercise there is a need for referencing any infrastructure required, to be put into place to ensure temporary water supplies are practical: ie: the provision of a road to our farm reservoir. A timetable for works can then be drawn up.

MW-WAT11 Management of impact on abstraction boreholes

Firstly, the A303 tunnelling Scheme is not a typical Scheme as referenced within the Applicant's response. This Scheme involves tunnelling into complex geology with areas of weak structural phosphatic chalk. The hydrogeology of the area is complex.

Secondly, the Applicant's response cannot guarantee that there will be no problems with the water supply and quality as a result of the Scheme, during construction or once in operation. They openly state they can "*minimise and reduce potential adverse impacts*". As such, we believe there is a requirement to carry out the feasibility studies to ascertain how temporary or permanent water can be supplied to private water abstractors. These supplies need to be on a "like for like" basis, ie pressure, volume and cost to the abstractor. Alternative water supplies need to be in place within 24 hours. This is not possible if feasibility studies or infrastructure works have not been carried out prior to Scheme construction.

See our response above in relation to groundwater sampling of our private water supplies within MW-WAT 10 above. The Applicant has a duty of care to show that the Scheme does not have a negative impact on the quality of private water supplies.

Whilst the Applicant has carried out water modelling, our independent research has shown that this is not refined to a level able to reflect the true hydrogeology within the area. There is the potential for problems to occur with the groundwater, despite being within the margins of error, therefore rendering the model inadequate. No 3 D modelling has been carried out along the length of the Scheme to fully assess the structural geology, hydrogeology and assessment of fractures. This would either support the water model or show areas where it would require further adjustments.

Independent analysis of water monitoring data within reports does not back up the Applicant's assessments and conclusions. However, the Applicant has never included the basic survey data in their reports to allow others to assess to a similar depth. With this lack of transparency, we would suggest that both the Environment Agency and Wiltshire Council are only able to assess the reports using the abbreviated data available in reports.

The Applicant refers to the groundwater level trends being typical of chalk aquifers and does not suggest there are specific fracture controls on flow to private supply boreholes. However, the geology within the Scheme is not typical chalk due to the presence of phosphatic chalk. Furthermore, assumptions have been made, but no tracer tests or 3D modelling has been carried out to back up the trends to show "actuals".

Under Point a)

"where determined, and agreed with the owners/operators or other abstraction licence holders, target risk-based audits and checks of water quality monitoring will be undertaken at abstraction sources by the main works contractor."

Who will "determine" where the water quality monitoring will be carried out?

Will farmers be able to request monitoring of their own private boreholes?

Will quality monitoring be carried out to Drinking Water Standards or to standards required by farm livestock assurance schemes?

Will farmers be provided with a copy of the results so they can produce evidence at farm assurance scheme audits? If so, when would the information be provided to us?

Under Point b)

With regard to dewatering, the EA has stated in their response to the Examining Authority that the dewatering of the Scheme has not been assessed, as the Applicant has stated their intention to need

no dewatering. What will happen if the Scheme shows there is a need for a significant level of dewatering over and above the levels that are deemed safe by the EA?

Under point c)

As stated within the text “Emergency measures may include the transfer of a potable water supply to another water source and informing the water users.”

For emergency water to be supplied to our farm reservoir there would be the need for an access road capable of carrying a large water tanker to the reservoir so it can discharge the water. Our farm reservoir is located in the middle of an arable field with no track or road access.

If our reservoir has also been contaminated, there would be a need for this to be disinfected, so a temporary reservoir facility would also be required.

MW-WAT15 Monitoring of water resources:

We stand by our responses made in [REP5-003]

Monitoring needs to take into account private water abstractors who provide drinking water for human consumption. Therefore, we would suggest that this is carried out as frequently as possible to ensure that people are not drinking contaminated water.

We also stand by our comments that to date, no base line monitoring has been carried out on our private water supplies to determine the current baseline. Private water supplies would need to be monitored as well as the “selected observation piezometers”. This is due to the fact the Applicant has not determined any fracture flow within the area, so cannot accurately know where the key observation piezometers would be within the landscape. In addition, with no baseline data it is impossible to set trigger levels for remedial action to be taken.

See our response above in regard to groundwater modelling. From our independent assessment of the water modelling, we do not believe it to be refined to a level of detail required to show potential problems.

5.3.4

WQ Ag.2.10

Geology and soils

OEMP item MW-GEO3

Notes that a soils management strategy will be produced by the main works contractor. Will the respective farmers be provided with the sections of this report that relates to their farms, where the land will be returned? Will farmers and their agents be part of the discussions relating to these areas on their farms?

OEMP item MW-COM8

We note that the Record of Condition survey will be provided along with sectional drawings and photographs to the landowners. It does not say when the record will be carried out or supplied. Past experience has shown that we are not provided with any information until months after it has been completed.

The Applicants response

The Soils Management Strategy, as part of the CEMP, will be a document and, as such, will be publicly available.

The OEMP submitted at deadline 6 [REP6-011] was amended to include provision for Preconstruction Soil Statements for individual land holdings that will be temporarily occupied during the construction of the Scheme (refer to items PW-COM2 and MW-COM4). These statements shall provide a baseline schedule of soil condition against which the restoration of the soil will be assessed and shall include the incorporation of information gathered from the Record of Condition surveys. As stated within Table 2.1 and items PW-COM2 and MW-COM4 of the OEMP, the Agricultural Liaison Officer shall coordinate pre-construction soil surveys and liaise with landowners / occupiers regarding restoration works.

5.3.5

WQ Ag.2.10

Impact on pig enterprise

The surveys cannot guarantee that there will not be a negative impact on our water supply. Therefore, if the Applicant fails to install an alternative water supply prior to the construction, they are in effect manipulating the situation so that the pig enterprise will no longer be able to operate on our farm. The risk to animal welfare where there is the potential for breeding sows to be without water for an unknown period of time will not comply with the pig assurance schemes required by the contractual agreements for consumers. Even reducing sow numbers, there is still a large element of risk in relation to water supply, as well as the enterprise running at an uneconomic production level.

For the above reasons we believe that the Scheme will inevitably lead to the pig enterprise leaving our farm, being forced into this situation by the Applicant's Scheme.

We are of the opinion that a lot of the uncertainty within the Scheme could be lessened by the Applicant having a 3D fracture model produced of the Scheme area at this stage eg Golders Fracman. This would advise contractors who are tendering for the Scheme.

We also believe that the suggestions we have made for inclusion within the various OEMP items would help to mitigate the impact on the pig enterprise.

The Applicants response

Please see response issued at deadline 5 – 8.36 Comments on any further information requested by the ExA and received at deadline 4 paragraph 18.2.3 [REP5-003], addressing (inter alia) concerns raised in relation to the maintenance of water supplies during the construction of the Scheme

M & R Hosier response to 8.44

The Applicant's response within 18.2.3 states the "*OEMP is not intended to define all measures to reduce construction impacts, but they are required to create the framework*". Yet by omitting to undertake feasibility studies on the provision of temporary or permanent alternative water supplies to our farm, they are not providing the adequate framework for potential contractors to tender or fully understand the financial implications this would impose on the Scheme. Given that our reservoir only has capacity to supply for cottages and livestock for 24 hours, we do not believe that the Applicant is taking this risk seriously. Measures outlined within the OEMP do not take into account the additional infrastructure needed to provide temporary/emergency water supplies to deliver water for our livestock and cottages. Added to this, a permanent water supply would take over a year to install requiring various assessments and permits before installation could even take place. These points are not covered within the OEMP "framework".

The Applicant is duty bound to bring all potential issues to the attention of tendering contractors prior to them accepting the contract (NEC 3 and 4). However, we do not believe this is reflected in the Applicant's responses to our questions.

Therefore, we maintain that MW-COM7 and MW-WAT11 indicated by the Applicant as measures to "*minimise and reduce potential adverse impacts on private boreholes*" do not provide an appropriate "framework" for contractors to work within.

5.3.6

WQ Ag.2.10

Part ii)

The Applicant states that they cannot be completely certain that there will not be an issue with ground water as a result of the tunnel construction, and once the Scheme is in operation. However, the Applicant has not provided a percentage value for this risk to groundwater. Therefore, we are unable to fully assess the impact the Scheme will have upon our farming business and plan any strategies to reduce this risk.

From our independent assessments, there will be a considerable lead in time for infrastructure to be put in place for both temporary and permanent alternative water supplies. With this in mind, together with a requirement to ensure that Animal Welfare issues are not encountered, we believe an alternative water supply (be it a temporary water storage facility with access connected to our existing water network, or a borehole or mains supply) needs to already be in place prior to the Scheme commencing. When circumstances require this alternative water supply to be used, the final connections between the new and existing infrastructure could be made within a 24 hour period to restore supplies.

Alternative water supply should be on a like for like basis, ie:

If this is to be mains water, this would be at no extra cost to farmers. Under abstraction licenses, we do not pay for the amount of water we draw, so we would not pay for any mains water usage or connection charges.

Alternative supply should also be to the similar water pressures that our current network operates to. Provision of a supply with less pressure will not reach the far ends of the farm rendering it useless.

We believe there is a requirement for the Applicant to carry out a 3d fracture model of the Scheme area as soon as possible, as this will provide the main works contractor with information for any potential problems that will be incurred with the tunnelling. The problems, be they groundwater or structural, can then be solved before they are encountered, ensuring the Scheme timetable is met.

A lot of responsibility is being placed on the Main Works Contractor, who has not been involved in any of the scheme surveys, so has not had the opportunity to feed in or comment. The Main Works Contractor seems to be responsible for: MWGEO3 (Soil Management Strategy) MW-WAT2 (Producing Water Management Plan) MW-GEO20 (Emergency Preparedness and Readiness Response Plan) MW-WAT4 (Response Plan and Pollution Incident Control Plan) MW-WAT12 (Flood risk Management Plan) MW-MAT1 (Site Waste Management Plan) MW-WAT2 (Materials Management Plan) MW-COM8 (Record of Soil Condition).

We would like to know what responsibilities the Applicant will be retaining within the Scheme as proposers and supporters of the Scheme

The Applicants response

See response to agenda item 5.1 in the oral submission report from ISH4 [REP4-032]. Highways England, as the Scheme promoter, is responsible for ensuring that groundwater resources, including the supply and quality of groundwater, are protected during the construction and operation of the Scheme. Potential impacts on water supplies will be mitigated through the implementation of measures included within the Outline Environmental Management Plan (OEMP) [REP6-011] (at references PW-WAT1 and WAT2, and MW-WAT1, WAT2, WAT3, WAT4, WAT5, WAT6, WAT7, WAT9, WAT10, WAT14, and WAT15), which is secured through paragraph 4 of Schedule 2 to the draft Development Consent Order [REP4-018]. As set out in the Environmental Statement, Chapter 11, Road Drainage and the Water Environment [APP-049], section 11.9, the assessment shows no significant changes to hydrology, private water supply, surface water quality or groundwater quality (water supply) during either the construction or operational phases of the Scheme. Highways England has been working with and will continue to work with Wessex Water and other statutory utility providers as required to ensure that water supplies are protected during the construction and operation of the Scheme.

M & R Hosier response to 8.44

We acknowledge the Applicant's statement that as the Scheme promoter, they are responsible for ensuring that groundwater resources including the supply and quality are protected during the construction and operation of the Scheme. However, following independent assessment of the reports, we disagree with the Applicant's interpretation of geology and hydrogeology surveys within Environmental Statement, Chapter 11 [APP-049] and the Groundwater Risk Assessment [APP-282].

We believe there is a significant risk to groundwater resources. In addition, we have concerns that measures for groundwater protection within the OEMP have omitted important points that would provide confidence in the Applicant's statement to ensure groundwater resources of quality and supply. See our previous comments to [REP5-003], [REP4-036] and [REP3-013].

The Applicant states they have been working with Wessex Water and other statutory utility providers, but as the Applicant has not carried out any assessment of our farm water supply, we fail to see how discussions with Wessex Water will be meaningful as they will not have the information they require for planning.

The Applicant fails to engage in meaningful discussions with us over areas of concern, choosing to deal with our issues during general meetings with no persons present who are authorised to answer our questions.