



A303 Amesbury to Berwick Down (Stonehenge) Wiltshire TR010025

Wiltshire Council (A303-AFP022) Response to Deadline 7 Submissions

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1. Introduction

- 1.1 Wiltshire Council has reviewed the Deadline 7 submissions and the numerous Additional Submissions accepted into Examination subsequent to that Deadline. The Council's response to selected submissions is contained herein.
- 1.2 These comments are submitted without prejudice to any further representations the Council may wish to make during the Examination.

2. Comments on (Rev 3) Draft Detailed Archaeological Mitigation Strategy [REP7-020]

- 2.1 The Council is pleased to see the further development of the (Rev 3) draft Detailed Archaeological Mitigation Strategy (DAMS) [REP7-020] submitted to the ExA at Deadline 7.
- 2.2 The Council, in its role as local authority and statutory consultee, has already commented on the Outline Archaeological Mitigation Strategy (OAMS), the precursor to the draft DAMS, submitted with the draft DCO as well as all previous versions of the draft DAMS.
- 2.3 The DAMS is a crucial strategy in the DCO application, which when approved, will provide the requisite rationale for a consistent approach to be taken to essential archaeological mitigation required to make the Scheme acceptable.
- 2.4 Although some of the detail is still under discussion, the Council is content with the direction of development and that the final version as submitted to the Examination to be a Certified document under the DCO will be fit for purpose.
- 2.5 There are some areas of the Scheme, however, where additional mitigation is required, and before it can be considered final and approved by the Council. The Council expects to be fully engaged in the further development of this document into a final version prior to the close of the Examination.
- 2.6 Areas of the document that the Council wants to see enhanced and amended are set out below.

Top Soil Sampling Approach

- 2.7 The Council welcomes that additional details that have been added in section 5.23 following from additional analysis of the samples from the evaluation phase of work. The Council are satisfied that the approach set out in this version of the DAMS provides a logical way forward for further assessment and mitigation of artefacts in the topsoil, and a strong basis on which to base the further area by area detail that will be incorporated into the Site Specific Written Schemes of Investigation (SSWSIs) in due course.
- 2.8 The Council also wishes to add that in respect to mitigation of artefacts in the topsoil, there has been misunderstanding in relation to previous work in the WHS. The Council is not aware of any standard practice of curators insisting on 100% topsoil sieving of excavation sites within the WHS or elsewhere in the county. The Council has never requested this approach and is not aware that other curatorial bodies have either. A small number of academic led excavations have chosen to 100% sieve selected areas of their excavation sites for the retrieval of artefacts from the topsoil. This is a case by case decision and is not considered standard

practice. As far as the Council is concerned, the DAMS does adequately include a robust approach to mitigating topsoil archaeology.

Sampling Approach to Excavation of Features

- 2.9 The level of sampling of features referred to in section 6.3 needs further refinement. A minimum percentage of sampling for all likely feature types should be set out in the DAMS.

Public Archaeology and Community Engagement

- 2.10 The Council welcomes the further development of the document and the additional information provided which aims to deliver a legacy from the archaeological investigations undertaken for the Scheme. The key section the Council consider are missing now is one on implementation and approval. The final version of the DAMS needs to include an Action Plan for delivery of the strategy and an agreed timetable.
- 2.11 There needs to be confirmation of which organisation(s) will approve and sign off on the delivery of the actions.

Deposition of Tunnel Arisings at Parsonage Down East

- 2.12 The Scheme proposes to deposit the arisings from the tunnel boring within this section of the landscape outside the WHS and creation of a chalk grassland habitat. The archaeological mitigation proposed for this area is a combination of excavation and preservation in situ of known archaeological remains.
- 2.13 The current strategy set out in the Deadline 7 draft DAMS is for areas of fill more than 2 metres deep, there will be archaeological excavation in advance. In areas proposed for fill less than 2 metres deep, any archaeological remains will be preserved under fill. This also applies to other areas of the Scheme.
- 2.14 Having assessed all the additional information provided since the last version of the draft DAMS, it is the Council's considered view that where the deposition of tunnel arisings is going to be more than 1 metre deep, the areas beneath should be subject to excavation rather than preservation in situ. This effectively means the 1 metre contour line is the division between the preservation and the excavation areas. It is the Council's understanding that this will be reflected in the next iteration of the DAMS.
- 2.15 Before any deposition take place on this area, further detailed LiDAR survey and more detailed geophysical survey should be undertaken as part of the mitigation strategy (the LiDAR needs to be included as a technique in the DAMS).

Mitigation of Main Road Line Outside the WHS

- 2.16 The Council notes that its previous advice has been considered and all of the road line outside of the WHS (including junctions and slip roads) will be subject to archaeological mitigation and is now included in Appendix D, fieldwork action areas.

Detailed Mitigation Measures by Scheme Area

- 2.17 The Council needs to assess, agree and approve the detail contained in Appendix D, preservation areas, and Appendix E, proposed archaeological fieldwork areas.
- 2.18 The Council notes that Figure 12 does not show that the whole of the bed of the existing A303 is going to be monitored as expected.
- 2.19 Whilst most of the mitigation work will take place in the Preliminary Works phase, the Council notes that Section 5.1.7 refers to some potential overlap with the Main Works phase. There needs to be a mechanism for managing any overlap, especially if different archaeological contractors are employed for each phase. Wiltshire Council would like some input into the documentation and tender process in terms of selecting appropriate archaeological contractors as referred to in 5.1.9.

Consultation, Approvals of Documents by Wiltshire Council and Appeals

- 2.20 The Council is concerned about the wording of the consultation and approval process set out in sections 8.5 and 8.6. Please see comments previously submitted regarding amendments to section 8.6 (previously section 8.5) to introduce a validation check for all documents submitted to the Council for approval and associated minor amendments [REP7-044].
- 2.21 With regard to the new section 8.5, the Council notes that the consultation provisions are as those stipulated within PW-G1 of the OEMP. The Council's comments on the consultation mechanisms are set out in paragraphs 3.4 to 3.6 and 3.9 below.

Tunnel Restriction Area

- 2.22 The Council would want to see the wording of section 5.2.9 amended. It is unreasonable to expect the data to be put on the HER in 10 days. 28 days is more acceptable, with a validation period initially to ensure the Council has been given the appropriate data. Secondly, the Council does not think it is the HER's responsibility to inform people wishing to do work that there are restrictions. This is the responsibility of the landowners.

Conclusion

- 2.23 In summary, the Council is content with the direction of development of the DAMS and is satisfied with the extent of mitigation set out (except for the additional mitigation advised above for Parsonage Down East). There are some further details to agree but the Council is confident that by the end of the Examination period, the DAMS will be a document that is fit for purpose.

3. Comments on (Rev 4) Outline Environmental Management Plan [AS-086]

- 3.1 The Council has reviewed the (Rev 4) Outline Environmental Management Plan (OEMP) [AS-086] and wishes to make the following comments.
- 3.2 For the avoidance of doubt, these comments should be read in conjunction with the Council's previous representations both orally and in writing, with particular regard to its Response to

Deadline 6 Submissions [REP7-043]. Unless expressly stated below, the Council still requires the previously sought amendments to the OEMP.

- 3.3 The Council considers that a small amendment is required to paragraph 1.1.10 (f) in order to assist the reader of the document. It is proposed that “Table 3.2a” and “Table 3.2b” be inserted before “PW-G1” and “MW-G7” respectively. Paragraph 1.1.10 (f) would therefore read: *“...set out at **Table 3.2a** PW-G1, in respect of the preliminary works and **Table 3.2b** MW-G7, in respect of the main works.”*
- 3.4 With respect to PW-G1, the Council considers that the definition (“Consultee(s)”) should be placed following the word “consultees” and not following “relevant document”. The text would therefore state: *“...must provide the Consultation Material to the consultees (**“Consultee(s)”**) specified in this table 3.2a as required to be consulted in relation to the relevant document (~~“Consultee(s)”~~) for comment...”. Similarly, further down this section, “(Revised Consultation Document)” should follow “amended document” not “The Authority”. For clarity, this would now read: *“...The preliminary works contractor must submit any amended document (**“Revised Consultation Material”**) to The Authority (~~“Revised Consultation Material”~~) alongside the summary report...”*.*
- 3.5 Additionally, the Council considers that a validation check should be incorporated into the consultation procedure outlined in PW-G1. Upon receipt of the Consultation Material, Consultees should be given 5 business days to acknowledge receipt of the material and to validate the information received to ensure that it is sufficient. Only after this initial validation period should the consultation period commence.
- 3.6 Furthermore, in PW-G1 the Council considers that Consultees must be able to comment on the Revised Consultation Material in respect of all amendments made and should not be limited to how their previous comments have been addressed. The rationale for this is other parties’ amendments could affect something that was previously agreeable to a consultee and thus make it now unacceptable. Consequently, Consultees should be afforded 10 business days to review the Revised Consultation Material instead of the 5 business days currently proposed.
- 3.7 The Council queries the meaning of the term “sensitive heritage receptors” in PW-G6 and considers that a definition would be helpful here.
- 3.8 The Council queries why the newly inserted text related to the consultation mechanisms has been added into MW-G7 and not MW-G5. The Council considers that MW-G5 may be a more suitable location for this.
- 3.9 The Council notes that the revisions with regard to the consultation mechanism outlined in PW-G1 have been replicated in MW-G7. Therefore, the changes identified in paragraphs 3.4 to 3.6 above should be incorporated into MW-G7 (or alternative location) as well. However, there appears to be an inconsistency with the timeframes for providing comments on the Consultation Material and Revised Consultation Material. The Council notes that 20 business days is allowed for comments on the Consultation Material and 10 business days afforded for comments on the Revised Consultation Material in MW-G7, compared with the 10 business days and 5 business days respectively in PW-G1. The Council seeks clarity from HE as to the rationale for this discrepancy and asks that the timeframes outlined in MW-G7 are applied consistently for all consultation activities.

- 3.10 The Council considers that for completeness the Tunnel Ventilation Strategy should be added into the list of plans contained in MW-G7.
- 3.11 With regard to MW-G11, the Council would prefer for the belts and braces safety that this plan is also signed off by other than the project owner (HE). However, should HE still maintain it wishes to be the decision maker in respect of the HEMP, the Council notes that as it will ultimately be the enforcement body for ensuring the project complies with all source document requirements and is a required consultee for the HEMP, the Council would therefore be able to identify to HE any non-compliance issues which it should take cognisance of in their decision making and if HE fail to do so that would not negate the ability for subsequent enforcement action to ensure compliance with the source documents. Therefore, provided the panel agrees with the Council that these do provide sufficient alternative checks, the Council does not oppose HE approving the HEMP.
- 3.12 However, as per the Council's previous representations in its Response to Deadline 6 Submissions [REP7-043], the Council considers that it should be consulted on all changes, except for those which correct typographical errors or are done for clarity, not just those that HE deem are material. This should be reflected in the provisions contained within MW-G11 as well.
- 3.13 The Council also considers that there is significant duplication in the newly amended text in MW-G11 that should be conflated for simplicity and clarity. The relevant sections have been underlined below.

“Handover Environmental Management Plan (HEMP):

During the later stages of the construction phase of the Scheme (or separate construction phase, as relevant, e.g. the Winterbourne Stoke bypass) the main works contractor shall prepare a Handover Environmental Management Plan (HEMP) in consultation with the Environment Agency, Wiltshire Council, Natural England and Historic England on matters related to their functions and with The Authority. This will then be implemented by the body responsible for the long-term management of the operational Scheme, approved by The Authority. The HEMP shall be completed prior to the handover of the phase of the Scheme concerned.

The HEMP shall be based on the CEMP and the LEMP at the time and will provide the relevant information on existing and future environmental commitments and objectives that would need to be honoured and define on-going actions and risks that need to be managed.

The HEMP will include as built information and other details in a form that can be utilised by the body responsible for long term management and maintenance so that body can prepare environmental management plans for the maintenance of the Scheme for the operational phase.

When submitting the HEMP to the Authority for approval, the main works contractor must include a summary report setting out the consultation undertaken with the relevant stakeholder required and the contractor's response to that consultation.

If any consultation responses are not reflected in the HEMP submitted to the Authority for approval, the summary report must state the contractor's reasons for not including them. The HEMP and the consultation report must be copied to the relevant stakeholder/s. The maintenance authority shall consult with Wiltshire Council, the Environment Agency, Historic England and Natural England on those aspects of the HEMP that are relevant to their functions, if the HEMP is materially updated at any time.

The HEMP shall be completed prior to the handover of the phase of the Scheme concerned. The approved HEMP will then be implemented by the body responsible for the long-term

management of the operational Scheme. The HEMP shall be completed prior to the handover of the phase of the Scheme concerned. The maintenance authority shall consult with Wiltshire Council, the Environment Agency, Historic England and Natural England on those aspects of the HEMP that are relevant to their functions, if the HEMP is materially updated at any time. Once all construction phases are complete, the main works contractor shall produce a consolidated HEMP, which will then be the main document containing essential environmental information passed to The Authority and the maintenance authority. The maintenance authority (to the extent that this is not Wiltshire Council) shall consult with Wiltshire Council, the Environment Agency, Historic England and Natural England on those aspects of the consolidated HEMP that are relevant to their functions, if the consolidated HEMP is materially updated at any time.”

- 3.14 The Council notes the amendments to D-LAN5, however considers that the description is still incorrect. The principal issue is that no part of the junction crossings will be on the existing A303 to be de-trunked. The Council suggests that the text is amended to read: *“The non-motorised crossing of (i) the realigned A360 and (ii) the new road to be classified as the C507 at the Longbarrow Junction southern roundabout shall be **facilitated by Pegasus crossings.**”*
- 3.15 With regard to MW-GEO8, the Council considers that this clause needs to be explicit that both Wiltshire Council and the Environment Agency will be provided with the land contamination reports. This is because both agencies have duties and responsibilities under the contaminated land regime contained in the Environmental Protection Act 1990 Part 2(A) and HE will need to ensure their liabilities and duties are discharged.
- 3.16 Following discussion of the Council’s need for an additional requirement relating to the Flood Risk Assessment to be incorporated into the dDCO, the Council has agreed with the Environment Agency that it would withdraw this request, provided that the MW-WAT12 was updated in the OEMP. The Council and the EA seek for an additional point e) to be added which would state: *“e) **The plan shall build on the assessment of flood risk and mitigation recommended within the Flood Risk Assessment and its annexes submitted as part of the DCO examination [REP3-008].**”*
- 3.17 In the Council’s Response to Deadline 6 Submissions [REP7-043] the Council provided some additional text to be added to MW-WAT13 to capture the Council’s warn and inform requirement. Following discussions with the Environment Agency, the Council and the EA seek for the following wording to be added into MW-WAT13 instead:
- “**Following the post construction groundwater monitoring, Highways England will provide data collected and allow the Environment Agency / Wiltshire Council to adopt the boreholes to inform their groundwater flood warning service.***
- “**Once further modelling work is completed by Highways England at detailed design stage, meeting the standards for flood map updates, the Environment Agency and Wiltshire Council can utilise this modelling work to update the fluvial, pluvial and groundwater flood map.**”*
- 3.18 As previously mentioned [REP7-043], the Council seeks additional wording for MW-WAT14 to specify the overarching design principles relating to design return periods and climate change allowances for detailed design in line with national standards, that are not explicitly stated elsewhere in the Environmental Statement. The Council has amended its proposed additional wording to reflect discussions with HE and to distinguish between road drainage and land

drainage systems that are designed to different standards. The revised wording now sought is as follows:

“ Highway drainage will be designed:

- (a) In accordance with The Design Manual for Roads and Bridges – HD 33/16 and any subsequent design manual amending or replacing that;***
- (b) To enable automated control of the tunnel drainage as far as reasonably practicable;***
- (c) To enable automated control of all the pollution prevention elements of the tunnel drainage;***
- (d) To enable infiltration basins (DTAs) to convey the 1 in 100 year rainfall event plus climate change without causing flooding to any part of the site;***
- (e) To manage flows from rainfall in excess of the 1 in 100 year rainfall event plus climate change in routes that minimise the risks to people and property;***
- (f) To provide a 30% uplift in peak rainfall intensity to allow for climate change, unless UKCP18 guidance becomes available, in which case new climate change allowances will need to be agreed with Wiltshire Council and the Environment Agency.***

Land drainage systems will achieve the following minimum standards:

- (a) Maintain pre-development runoff rates for peak flow and volume post development for the 1, 30 and 100 year rainfall events;***
- (b) Convey the 1 in 100 year rainfall event plus climate change without causing flooding to any part of the site;***
- (c) Manage flows from rainfall in excess of the 1 in 100 year rainfall event plus climate change in routes that minimise the risks to people and property;***
- (d) Provide a 40% uplift in peak rainfall intensity to allow for climate change in accordance with Environment Agency guidance, unless UKCP18 guidance becomes available, in which case new climate change allowances will need to be agreed with Wiltshire Council and the Environment Agency.”***

As stated at Issue Specific Hearing 10, the Council considers that this could also be included in a specific design parameters document, to be secured by a DCO Requirement to be approved by the Secretary of State, if the ExA considered this was necessary.

- 3.19 With reference to section 4.3 Design Vision, and specifically the Purpose of the Vision, the Council considers that it should be referenced that a key priority of the Stonehenge and Avebury World Heritage Site Management Plan 2015-2021 is to “reduce the dominance and negative impact of roads and traffic and ensure that any improvements to the A303 support this” (page 11, Stonehenge, Avebury and Associated Sites World Heritage Site Management Plan 2015).
- 3.20 The Council considers that reference should be made within section 4.2.6 a) Respecting and Responding to the Historic Landscape to the World Heritage Site Management Plan vision to “provide a tranquil, rural and ecologically diverse setting” for the WHS and its archaeology.
- 3.21 Within section 4.2.6 c) High quality and imaginative design, the Council considers that ***“and green infrastructure”*** should be added at the end of this point. This additional text should also be included within Annex A.4 Illustrated Examples of Key Design Elements 4.2.6 c) High quality and imaginative design.
- 3.22 With regard to 4.2.6 e) User experience and safety, the Council considers that a change to the wording *“enhance the user experience and become a new point of reference for the World*

Heritage Site” is required. The Council suggests that the following is instead used, “**enhance the driver experience in recognition of the presence of the World Heritage Site**”. This should cross reference with design principle P-PWS04.

- 3.23 Following discussions at Issue Specific Hearing 10 and specifically HE’s representation that the Council’s previously sought amendment to section 3.1.3 of Annex A.3 Outline Soils Management Strategy was unreasonably broad; the Council proposes the following alternative wording instead. “...*This will be determined on a case-by-case basis, **but for the avoidance of doubt will include any excavation or compaction activity (including construction traffic) associated with implementing the authorised development, and will be informed by...***”. The Council considers that this would cover those activities that were of concern but not specifically referenced. For clarity, the Council confirms that it still seeks its previously proposed additional point d) to this section [REP7-043].

4. Comments on (Rev 5) Draft Development Consent Order [AS-096]

- 4.1 The Council has reviewed the (Rev 5) Draft Development Consent Order (dDCO) [AS-096] and wishes to make the following comments.
- 4.2 For the avoidance of doubt, these comments should be read in conjunction with the Council’s previous representations both orally and in writing, with particular regard to its Response to Deadline 6 Submissions [REP7-043]. Unless expressly stated below, the Council still requires the previously sought amendments to the dDCO.
- 4.3 With regards to the new definition of the term “cycleway”, the Council questions why HE persist in using a term which is not defined in highway law, unlike “cycle track”, which has an established and understood meaning. However, it is noted that the new definition provides for the use of the cycleway by horses, but only being ridden or led. The highway therefore falls between a cycle track and a restricted byway (as defined at s329 of the Highway Act 1980). It would appear that the definition has, to some degree, been contrived so as to avoid issues relating to potential horse riders making use of off-carriageway facilities. It is believed that concern has been expressed at the Issue Specific Hearings about the suitability of a 2.5m wide route being used by both horses and other NMU users.
- 4.4 The Council has not had the opportunity at this stage to examine all the drawings to check as to the extent of cycleways proposed in association with the Scheme, and whether there are any other such routes proposed beyond the proposed link between the existing Longbarrow junction and the Visitor Centre, as set out in document [AS-067], and possibly on the proposed C507 (de-trunked A303, Longbarrow – Winterbourne Stoke).
- 4.5 The Council supports the revised definition of “maintain”.
- 4.6 In article 15 (1), the Council believes that the added word “may” should be deleted. The clause would therefore read, “*The undertaker may for the purposes of the construction, operation or maintenance of the authorised development ~~may~~ enter on-*”.
- 4.7 Wiltshire Council supports the changes made to article 49 (1).
- 4.8 The Council considers that subject to the exercise of the limits of deviation, clause (1) of Requirement 3 of Schedule 2 should be “in accordance with” rather than “compatible with”.

- 4.9 In relation to Requirement 4 (11), the Council considers that the Invasive Non-Native Species Management Plan should be added to the list of plans included here. Furthermore, the Council queries whether the Tunnel Ventilation Strategy is intended to be approved by the Secretary of State or retained by HE for approval. For clarity, the Council does not consider that it is necessary for the Tunnel Ventilation Strategy to be approved by the Secretary of State.
- 4.10 The Council notes the significant amendments to Requirement 4 in Schedule 2. However, the Council considers that the drafting is still confusing. At 4(2) it says “the preliminary works must be carried out in accordance with the preliminary works OEMP” but then at 4(7) it says “each part of the preliminary works must be carried out in accordance with the preliminary works CEMP for that part”. The same applies to the main works at 4(1) and 4(12) respectively. The Council considers that 4(7) and 4(12) are correct because the CEMP will be developed from the OEMP and the Scheme should be constructed in accordance with the latest information. The Council considers that 4(1) and 4(2) should be removed due to the apparent contradiction.
- 4.11 Furthermore, the Council considers that Requirement 4 (13) should be amended to reflect the understood cyclical development of the plans i.e. the OEMP(s) would be translated into the CEMP(s), which in turn would be converted into the HEMP(s). Therefore, this clause should be amended as follows: “...the CEMPs must be converted into one of more HEMPs, in accordance with the ~~CO~~OEMP,...”.
- 4.12 The Council considers that Requirement 8 (3) should be amended to include any walls and fences and should not be limited to noise fences and walls only.
- 4.13 Following confirmation from HE at Issue Specific Hearing 11 that the Council’s proposed additional wording to MW-TRA12 was acceptable, subject to its incorporation into the next version of the OEMP, the Council confirms that it would withdraw its request for additional requirements relating to Highway Lighting and Traffic Management during Tunnel Closures.
- 4.14 Please see changes sought to the OEMP at paragraph 3.16 above. If these changes are incorporated into the OEMP, the Council would withdraw its request for an additional Requirement relating to the Flood Risk Assessment.
- 4.15 The Council supports the changes made to Schedule 9 Part 7 paragraph 20 as proposed.
- 4.16 The Council supports the changes made to Schedule 9 Part 8 paragraph 21 as proposed.
- 4.17 The Council notes that the agreed updated Protective Provisions for the protection of drainage authorities should be incorporated into Part 3 of Schedule 11.

5. Conclusion

- 5.1 Wiltshire Council’s response to selected submissions made at Deadline 7 and in subsequently accepted Additional Submissions are outlined above.
- 5.2 These comments are submitted without prejudice to any further representations the Council may wish to make during the Examination.