

A303 Amesbury to Berwick Down

TR010025

Deadline 8

**8.7(2) – Statement of Common Ground –
The Royal Society for the Protection of Birds**

APFP Regulation 5(2)(q)

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

September 2019



Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure)

Rules 2010

A303 Amesbury to Berwick Down

Development Consent Order 20[**]

**STATEMENT OF COMMON GROUND – The Royal Society for
the Protection of Birds**

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Rev 2	25.09.2019	Deadline 9 Issue

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) the Royal Society for the Protection of Birds.

Signed 

[NAME]

Dave Bullock

Project Manager

on behalf of Highways England

Date: [DATE] 4th September

2019

Signed 

[NAME]

[POSITION]

In-House Solicitor

on behalf of the Royal Society for the
Protection of Birds

Date: [DATE]

4th September 2019

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1 Introduction

1.1 Purpose of the Statement of Common Ground

- 1.1.1 Statements of Common Ground record the engagement between Highways England and stakeholders and identify areas of agreement, disagreement and ongoing discussion.
- 1.1.2 Guidance about the purpose and possible content of SoCGs is given in paragraphs 58-65 of the Department for Communities and Local
- 1.1.3 Government's "Planning Act 2008: Guidance for the examination of applications for development consent" (March 2015 version). Paragraph 58, copied below, confirms the basic function of SoCG's:
- 1.1.4 *"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt."*
- 1.1.5 The SoCG's are a useful tool to ensure evidence at DCO examination focusses on material differences between the main parties and aims to facilitate a more efficient examination process.
- 1.1.6 The SoCG's have been developed in collaboration with the respective stakeholders and the wording of positions, matters and discussion outcomes in the SoCG's have been agreed with stakeholders.
- 1.1.7 Highways England has been engaging with stakeholders since the options consultation in 2017 and has been working with stakeholders throughout the DCO pre-application to understand and resolve issues where possible.

1.2 Purpose of this document

- 1.2.1 This SOCG has been prepared in respect of the proposed A303 Amesbury to Berwick Down scheme ("the Application") made by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.2.2 The order, if granted would authorise Highways England to carry out the following works:
- A northern bypass of Winterbourne Stoke with a viaduct over the River Till valley;
 - A new junction between the A303 and A360 to the west of and outside the WHS, replacing the existing Longbarrow roundabout;
 - A twin-bore tunnel approximately 2 miles (3.3km) long, past Stonehenge; and
 - A new junction between the A303 and A345 at the existing Countess roundabout.

- 1.2.3 The Application was submitted to the Planning Inspectorate on 19 October 2018.
- 1.2.4 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available at the deposit locations and/or the Planning Inspectorate website.
- 1.2.5 The SoCG's have been developed to record the engagement between Highways England and consultees to identify areas of agreement, disagreement and ongoing discussion.

1.3 Parties to this Statement of Common Ground

- 1.3.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) Royal Society for the Protection of Birds ([the RSPB](#)).
- 1.3.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency to be conferred upon or assumed by Highways England.
- 1.3.3 The RSPB is a [non-statutory body charity](#) incorporated by the Royal Charter. It is one of the largest wildlife conservation [organisations charities](#) in Europe, focusing on the protecting, restoring and enhancing habitats for birds and other species of conservation concern.
- 1.3.4 The RSPB is not listed as a statutory consultee within Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, [as such and therefore](#) consultation [of that sort](#) is not a legal requirement. However due to the type of development [and, the need for an environmental impact assessment and associated consultation requirements and information for an appropriate assessment including public consultation as well as the](#) potential impacts associated with the Application [concerning certain bird species](#), the RSPB has been consulted at all stages of the Application, [for which the RSPB is grateful](#).
- 1.3.5 Highways England has aimed to address any issues or concerns raised by the RSPB.

1.4 Terminology

- 1.4.1 In the tables in the Issues chapter of this SoCG “Not Agreed” indicates a final position and “Under discussion” indicates where these points will be the subject of on-going discussion between the parties with the aim, wherever possible to resolve, or refine, the extent of disagreement between the parties. “Agreed” indicates where the issue has been resolved.

[1.4.2](#) It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG [are not of material interest or relevance to the RSPB, and therefore](#) have not been the subject of any discussions between the parties. [As such, all matters of material interest or relevance to the RSPB can be read as agreed, except to the extent that they are noted as ‘not](#)

~~agreed' or 'under discussion' in this document.~~

2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and the RSPB in relation to the Application is outlined in table 2-1.

Table -2-1 - Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes
06/10/2016	Email	Confirmation of the survey methodology, including the scoping out of barn owl <i>Tyto alba</i> and wintering bird surveys.
08/08/2017	Meeting	Introductory meeting to discuss the proposed Scheme programme and potential opportunities for biodiversity mitigation and enhancement measure that could be incorporated into the design.
10/10/2017	Phone call	Phone call to discuss the likely impacts on stone curlew <i>Burhinus oedicanus</i> within the local area and the general disturbance distances associated with various activities. General discussion about the possible impacts of increased visitor levels and open public access issues.
09/11/2017	Meeting	Site visit to the Winterbourne Down reserve, to identify effective habitat creation measures that can be incorporated into the Environmental Masterplan. Measures included creation of butterfly banks and stone curlew breeding plots.
21/03/2018	Meeting	<p>Measures were discussed to address impacts on established stone-curlew territories. Specifically, the historical active stone curlew breeding plot at Parsonage Down. It was agreed that measures would be included as mitigation within the DCO boundary.</p> <p>Measures to address impacts on established stone-curlew territories during the construction and pre-construction activities. A general method / approach was agreed.</p> <p>The RSPB confirmed that the stone curlew plot near Countess Roundabout is not active and would not require mitigation, as the area is already highly disturbed.</p> <p>Discussed possible measures for any increased disturbance impacts at Normanton Down RSPB Reserve.</p> <p>Confirmation the RSPB would supply stone curlew monitoring data to inform the GI and archaeological works (2018).</p>
09/04/2018	Letter	Response to the public consultation relating to the preferred route announced September 2017.
18/07/2018	Email	Confirmation that measure put in place during the archaeological works were sufficient to avoid disturbance impacts on stone curlew.
28/11/2018	Meeting	<p>To discuss matters relating to:</p> <ul style="list-style-type: none"> • Impact pathway within the Appropriate Assessment; • Mitigation measures associated to possible indirect disturbance impacts on breeding stone curlew at Normanton Downs RSPB Reserve; • Location of stone curlew breeding plot / scrape and enhancement stone curlew plot / scrape at Parsonage Down.

19/12/2018	Site Visit	Meeting with the RSPB, Highways England and Natural England to confirm the location of the proposed new stone curlew breeding plot within Parsonage Downs. Other matters discussed, included: <ul style="list-style-type: none"> • Fencing specifications at Normanton downs RSPB Reserve; • Stone curlew monitoring, ongoing works, to be discussed with Wiltshire County Council; and, • Byway 11 and 12 visitor monitoring strategy.
02/05/2019	Email	Confirming the content of the draft SoCG and discussion on a risk contingency measure.
29/07/2019	Phone call	Confirming that the RSPB would be happy to undertake site visits to highlight suitable stone curlew breeding plot locations.
05/08/2019 06/08/2019 07/08/2019	Site Visit	Meetings with RSPB and various landowners to discuss suitable locations for the creation of two additional stone curlew plots. The plots will be created as part of the precautionary approach adopted by Highways England, increase the confidence that any in combination recreational disturbance impacts would not result in a net loss of stone curlew nesting opportunities,
08/08/2019	Email	Confirming that a number of the potential stone curlew plot locations were confirmed as being in suitable locations by the RSPB. The final number of which has not been confirmed, as landowner consultations are still on-going.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Highways England and (2) the RSPB in relation to the issues addressed in this SoCG.

3 Matters Agreed

Table 3--1 -Matters Agreed

Issue Ref	Document	Reference number	Section / Issue	RSPB Comment	Highways England Response	Status
3.1	Chapter 8 Biodiversity [APP-046]	Table 8.7	Survey methodology (general)	The RSPB is in agreement with the survey methodology detailed within the ES and that baseline reports were suitable to inform the baseline and mitigation in the Environmental Statement.	Agreed with RSPB 28 November 2018	Agreed
3.2	Chapter 8 Biodiversity [APP-046]	Table 8.12	Baseline conditions (general)	The RSPB is satisfied with baseline assessment of the bird species / populations within the Survey Area and wider area.	Agreed with RSPB 28 November 2018	Agreed
3.3	Chapter 8 Biodiversity [APP-046]	8.9.186-187	Construction mitigation (general)	The RSPB is satisfied that indirect disturbance impacts on breeding stone curlew can be avoided with the implementation of suitable working practices during the construction phase.	Agreed with RSPB 28 November 2018, and secured through the Outline Environmental Management Plan	Agreed
3.4	Chapter 8 Biodiversity [APP-046]	8.8.2	Embedded mitigation (general)	The RSPB is satisfied that the embedded mitigation detailed within the Environmental Statement is suitable and proportionate. The landscaping has been designed to achieve Lawton's principles of landscape scale conservation, more, bigger and better connected.	Agreed with RSPB 28 November 2018	Agreed
3.5	Environmental Statement Chapter 8 Biodiversity [APP-046] and Appendix 8.25 Habitat Regulations Assessment	Paragraph 8.8.25-29 and Paragraph 5. Paragraph	Embedded mitigation (stone curlew breeding plot mitigation measures)	The RSPB is satisfied with the mitigation measures detailed within the Environmental Statement (and their likely effectiveness) that have been incorporated into the embedded design for the likely loss of a historically active stone curlew breeding plot at Parsonage Down. The RSPB is satisfied with the siting of the mitigation plot (with the agreement of Natural	Agreed between the RSPB; Natural England; and Highways England during a site meeting on 19 December 2018	Agreed

	[APP-266]	5.1.1- 5.1.7		England) within Parsonage Down.		
3.6	Habitat Regulations Assessment Clarification Technical Note [Still in draft]	Paragraph 1.48-1.56	Mitigation (stone curlew disturbance mitigation)	<p>The RSPB is in agreement that any indirect disturbance impacts on breeding stone curlew associated with the anticipated increased visitor activity within the World Heritage Site could be avoided through the installation of suitable deterrent fencing measures or through the provision of <u>two additional stone curlew plots within the area of the SPA + 5 km zone.</u></p> <p><u>It is the RSPB's view that the plot at Winterbourne Down represents 'net gain' (RSPB Written Representation, page 2, paragraph 4)</u></p>	As stated within the response to Ec2.1 of Responses to the ExA's Written Questions-Biodiversity (REP6-024), fencing has not been relied upon on the assessments undertaken as part of the Statement to Inform and Appropriate Assessment (APP-266). To increase the confidence that any in combination recreational disturbance impacts would not result in a net loss of stone curlew nesting opportunities, a precautionary approach has been adopted, whereby Highways England has committed to providing two additional stone curlew plots <u>within the area of the SPA + 5 km zone [insert reference para 1.4 of HE Deadline 6 submission titled: 8.43 Habitats Regulations Screening Assessment Clarification Note – Stone Curlew plot sift]</u> to those previously committed to. It is- <u>consideredHighways</u>	Agreed

					<p><u>England considers</u> that this commitment, together with the provision of the stone curlew plot at Winterbourne Down, underlines the robustness of a conclusion of no adverse effect on integrity of the SPA in the Statement to Inform an Appropriate Assessment (Environmental Statement Appendix 8.25)</p> <p>The selection and agreement of any additional plots will be undertaken in discussion with RSPB and Natural England.</p>	
3.7	Habitat Regulations Assessment Clarification Technical Note [Still in draft]	Paragraph 1.53	Monitoring strategy	<p>Monitoring stone curlew establishment of the new stone curlew breeding plot at Parsonage Down and existing breeding plots within Normanton Down RSPB Reserve will be obtained in order to confirm successful mitigation.</p> <p>In order to reduce any disturbance impacts associated with monitoring breeding stone curlew, monitoring data will be obtained from the organisation that will be undertaking stone curlew monitoring within the wider area. The RSPB are currently responsible for undertaking all of the monitoring surveys, as such, the data is likely to be obtained from the RSPB (with permission from Wiltshire Council).</p>	<p>Agreed with RSPB 24 January 2019 and Wiltshire Council 22 January 2019, that the monitoring data would be obtained from the RSPB and inform utilisation of the newly created stone curlew plots. The process by which this survey data will be obtained by Highways England will be agreed in due course.</p>	Agreed
3.8	Habitat Regulations Assessment Clarification Technical Note [Still in draft]	Paragraph 1.53	Visitor Monitoring strategy	<p>A visitor monitoring strategy would be required in order to correlate any disturbance to breeding stone curlew within the Normanton Downs RSPB Reserve to visitor levels, however, the details of this strategy are still being discussed between the parties.</p>	<p>Reliance on monitoring to inform future mitigation is not required considering the unqualified commitment from</p>	Agreed

					Highways England to provide additional stone curlew plots.	
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4 Matters Under Discussion

4.1.1 There are no matters Under Discussion at the present time

5 Matters Not Agreed

5.1.1 There are no matters Not Agreed at the present time

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