

A303 Amesbury to Berwick Down

TR010025

Deadline 9

**8.59 – Proposed Changes Position Statement
(including Responses to Comments received on the
Proposed Changes Consultation Report (Non-Statutory))**

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[**]

Proposed Changes Position Statement (including Responses to Comments Received on the Proposed Changes Consultation Report (Non-Statutory))

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Foreword

This Position Statement provides Highways England's response to Interested Parties' submissions made at Deadline 8a - *Comments on Applicant's report dealing with consultation on changes to the application proposed on 5 August 2019 [AS-066 and AS-067]*.

In the Proposed Changes Application [AS-066 and AS-067] Highways England submitted a request for eight minor, non-material changes to the application ("the Application") submitted by Highways England to the Secretary of State (through the Planning Inspectorate) for a development consent order ("DCO") under the Planning Act 2008.

If made by the Secretary of State for Transport, the DCO would grant development consent for Highways England to construct, operate and maintain a high quality dual two-lane carriageway between Amesbury and Berwick Down, and which is referred to in the Application as the A303 Amesbury to Berwick Down scheme (or "the Scheme").

The Examining Authority proposes to issue a Procedural Decision on the Proposed Changes Application on 27 September 2019, confirming which, if any, of the eight proposed non-material changes ("NMCs") is accepted into the Scheme which is the subject of the DCO Examination.

In addition to providing Highways England's response to Interested Parties' submissions made at Deadline 8a, this document also sets out Highways England's final position in relation to each of the proposed changes requested, in order to provide a consolidated and definitive point of reference prior to the issuing of the Examining Authority's Procedural Decision.

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Executive Summary

This Position Statement provides Highways England's response to Interested Parties' comments (received at Deadline 8a) on the Proposed Changes Consultation Report [REP8-015]. This relates to eight proposed minor, non-material changes to Highways England's application for development consent ('the Application') for the A303 Amesbury to Berwick Down scheme ('the Scheme'), as outlined in Highways England's Proposed Changes Application [AS-067].

Highways England wrote to the Examining Authority ('ExA') on 21 June 2019 informing the ExA of Highways England's intention to request a number of proposed changes to the Application ('the NMC letter') [REP4-038].

Highways England undertook publicity relating to the proposed non-material changes ('NMCs') in accordance with the ExA's request dated 27 June 2019, as set out in the ExA's response to Highways England's NMC letter ('the ExA's NMC letter') [PD-013] and as set out in the Proposed Changes Consultation Report [REP8-015] submitted at Deadline 8 on the 6 September 2019.

This report includes:

- links to the the Planning Inspectorate's website, where Interested Parties' comments submitted at Deadline 8a in response to the Proposed Changes Consultation Report [REP8-015] are posted (see Table 3-1 in Chapter 3 below)
- a summary of issues raised and points made in Interested Parties' comments on the Proposed Changes Consultation Report [REP8-015] (see columns 2 ('Consultee') and 3 (Matter Raised) of Table 5-1 in Chapter 5 below)
- Highways England's responses to the comments received at Deadline 8a (see column 4 ('Highways England's Response') of Table 5-1 in Chapter 5 below)

The proposed changes consultation ran from Friday 26 July 2019 to 11:59pm on Monday 26 August 2019, allowing consultees a period (exceeding 28 days) within which to consider the proposed non-material changes. The Proposed Changes Consultation Report (Non-Statutory) [REP8-015] was submitted at Deadline 8.

The Examining Authority asked for comments on the Applicant's report dealing with consultation on changes to the application proposed on 5 August 2019 [AS-066 and AS-067] to be submitted at Deadline 8a (Friday 20 September 2019). This Position Statement includes a response to those comments and provides Highways England's definitive position on the changes requested.

Having considered the consultation responses in detail, Highways England notes that none of the consultees expressed a view that the proposed changes were material, as opposed to non-material. A significant majority of the persons consulted did not respond to the consultation. Highways England therefore concludes that those persons do not consider the proposed changes to be material in nature and nor do they oppose the proposed changes.

Similarly, none of the Interested Parties' comments received at Deadline 8a have suggested that the proposed changes are material. As such, Highways England believes that the outcomes of the consultation process, as reported in the Proposed Changes Consultation Report [REP8-015] and in this Position Statement, support

Highways England's request to the Examining Authority [AS-067] to accept all of the proposed changes as part of the Application to be examined.

It is Highways England's understanding, based on the Examination Timetable, that the Examining Authority proposes to issue a Procedural Decision in respect of changes to the application proposed by the Applicant on 5 August 2019 [AS-066 and AS-067] on 27 September 2019. Highways England also understands that if any of the proposed changes are accepted, the Procedural Decision will specify the date on which amended Application documentation, accommodating each accepted change, is required to be submitted by Highways England to the Planning Inspectorate.

1 Introduction

1.1 The proposed changes

- 1.1.1 The A303 Amesbury to Berwick Down scheme ('the Scheme') is the subject of an application for development consent ('the Application') that was submitted by Highways England to the Secretary of State via the Planning Inspectorate ('the Inspectorate') on 19 October 2018.
- 1.1.2 The Application was accepted by the Inspectorate on 16 November 2018 and the examination of the Application is currently underway – having started on 2 April 2019, the examination will close on 2 October 2019.
- 1.1.3 Since the Application was submitted Highways England has continued to engage and negotiate with those with an interest in land affected by the Scheme (including those with an interest in land which is proposed to be subject to powers of compulsory acquisition ('Affected Persons')) and with other Interested Parties, such as Wiltshire Council in its capacity as the local highway authority and as the local planning authority, and the National Trust and English Heritage Trust.
- 1.1.4 In June 2019, Highways England proposed eight minor, non-material changes to the Scheme and these are each identified by a unique reference number with the prefix 'NMC' (for 'non-material change') followed by the identification number; i.e. NMC-01 to NMC-08.
- 1.1.5 In summary terms, the eight proposed changes are as follows:
- NMC-01 – existing A303 lay-by west of Winterbourne Stoke to be de-trunked
 - NMC-02 – Countess Roundabout to be de-trunked
 - NMC-03 – change to the proposed road classification of the former A303 west of Winterbourne Stoke
 - NMC-04 – turning head on old Stonehenge Road
 - NMC-05 - revised proposal for access to land next to the existing A360 north of Longbarrow
 - NMC-06 – public right of way to Stonehenge Visitor Centre
 - NMC-07 – additional private means of access
 - NMC-08 – revised private means of access off the new restricted byway south of Green Bridge No. 4
- 1.1.6 Full details of the eight changes, and the reasons why they are being proposed, were provided in the Proposed Changes Consultation Booklet (contained in the Proposed Changes Consultation Report [REP8-015 (Appendices A1 and A2)] and the Proposed Changes Application [AS-067],

issued on 6 September 2019 (Deadline 8) and on 5 August 2019 respectively.

- 1.1.7 Following the proposed changes consultation (which ran from Friday 26 July 2019 to 11:59pm on Monday 26 August 2019), Highways England carefully considered each of the proposed NMCs in light of the consultation comments received. Highways England's responses to the consultation comments received are set out in the (non-statutory) Proposed Changes Consultation Report [REP8-015].
- 1.1.8 Interested Parties' comments on the Proposed Changes Consultation Report were submitted at Deadline 8a, on 20 September 2019.

1.2 Purpose of this report

- 1.2.1 The purpose of this Deadline 9 submission (for 25 September 2019) is twofold:
- It responds to the comments received at Deadline 8a (see chapter 5 below); and
 - following comprehensive consideration of all of the comments received in response to the proposed changes consultation and further comments received at Deadline 8a, it sets out Highways England's definitive position on the changes requested (see chapter 6 below), in advance of the Procedural Decision on the proposed changes, which is due to be issued by the Examining Authority on 27 September 2019.

2 Comments on the Proposed Changes Consultation Report

- 2.1.1 Highways England carried out non-statutory consultation (as recommended in the ExA's NMC letter) on the proportionate basis described in the Proposed Changes Consultation Report [REP8-015].
- 2.1.2 The consultation period ran from Friday 26 July 2019 to 11.59pm on Monday 26 August, allowing consultees a period (exceeding 28 days to allow for the summer bank holiday period) within which to consider the non-material changes.
- 2.1.3 The Examining Authority invited the submission of comments at Deadline 8a (20 September 2019) on the Applicant's Proposed Changes Consultation Report [REP8-015]. The comments received at Deadline 8a can be found on the Planning Inspectorate's website at:
<https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a303-stonehenge/?ipcsection=docs&stage=4&filter1=Deadline+8a>

3 Overview of comments received at Deadline 8a

3.1 Deadline 8a Respondents

- 3.1.1 Table 3-1 below identifies the five submissions made to the Examining Authority at Deadline 8a (20 September 2019) in response to Highways England's Proposed Changes Consultation Report [REP8-015] (submitted at Deadline 8 on 6 September 2019).

Table 3-1: Respondents to Deadline 8a

Consultee name includes link to their submission on the Planning Inspectorate's website	Consultee Strand
Wiltshire Council	Prescribed Person s.42(1)(a), Affected Person s.42(1)(d), Local Authority s.42(1)(b)
Alistair Falconer Hall of Laws & Fiennes on behalf of Lincoln College	Affected Person s.42(1)(d)
HBMCE (Historic England)	Prescribed Person s.42(1)(a), Affected Person S.42(1)(d)
English Heritage Trust	Prescribed Person s.42(1)(a), Affected Person S.42(1)(d)
Waves Training Solutions Ltd on behalf of Mr F W G Whiting	Affected Person s.42(1)(d)

3.2 Comments received at Deadline 8a

- 3.2.1 The comments submitted by the five Deadline 8a respondents are summarised in Table 5-1 in Chapter 5 below (see columns 'Consultee' and 'Matter Raised' of Table 5-1).
- 3.2.2 Four of the five Deadline 8a respondents had previously responded to the proposed changes consultation (i.e. they submitted responses to Highways England which were reported in the Proposed Changes Consultation Report [REP8-015]). At Deadline 8a none of these four respondents had changed their positions in respect of any of the proposed changes on which they had previously commented.
- 3.2.3 Only one of the five Deadline 8a respondents, Waves Training Solutions Limited on behalf of Mr FWG Whiting, had not previously responded to the proposed changes consultation. Mr Whiting's Deadline 8a comments related to NMC-01 (the proposed closure of the lay-by) and NMC-03 (the proposed change to the re-classification of part of the existing A303). Mr Whiting's comments, and Highways England's related responses, are set out in Table 5-1 in Chapter 5 below.

4 Current position on requests for ‘additional land consent’ for NMC-06

- 4.1.1 As previously explained in the Proposed Changes Application [AS-067] and, more particularly in section 3.3 of the Proposed Changes Consultation Report [REP8-015], Highways England sought ‘additional land’ (as defined in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010) to facilitate the delivery of NMC-06 (public right of way to Stonehenge Visitor Centre).
- 4.1.2 The five affected persons with an interest in the additional land required for NMC-06 are listed in the ‘consultee’ column in Table 4-1 below. At the time of writing the Proposed Changes Consultation Report [REP8-015], Highways England had received consent to acquire the necessary land (or rights over land) from two of the five affected persons – namely from Wiltshire Council and from BT Openreach.
- 4.1.3 The remaining three parties – English Heritage, Historic England and the Guinness Family – had either refused to give consent (English Heritage) or declined to provide a definitive response within the relevant timeframe.
- 4.1.4 At the time of writing this Position Statement, it has not been possible to secure the outstanding consents, such that the position in relation to the three above-mentioned parties, and the additional land required for NMC-06, remains the same as previously reported.

An overview of the position in relation to additional land consents is provided in Table 4-1 below.

Table 4-1: Responses to Highways England’s requests for consent to inclusion of additional land for NMC-06

Consultee	Consent granted / not granted
Wiltshire Council	Consent granted
BT Openreach	Consent granted
English Heritage	Consent not granted
HBMCE (Historic England)	Consent not granted
Guinness Family	Consent not granted

- 4.1.5 In consequence of the insufficiency of additional land consents outlined above, Highways England is not in a position to deliver either NMC-06 Option A or Option B as presented in the Consultation Booklet and the Proposed Changes Application [AS-067].

- 4.1.6 Therefore, Highways England seeks to move forward on the basis of the proposed '**substitute solution**' previously described in Chapter 5 of the Proposed Changes Consultation Report [REP8-015].
- 4.1.7 The substitute solution would deliver a proposed shared-use cycle track for pedestrians and cyclists – which would equate, in effect, to NMC-06 Option B – through a combination of works provided pursuant to the DCO and works carried out by Wiltshire Council pursuant to its powers as the local highway authority. This potential substitute solution is described in more detail in Chapter 5 below.
- 4.1.8 The substitute solution would not require any additional land consents. In this context, Highways England's request to the Examining Authority for proposed NMC-06 comprises only the part of NMC-06 Option B which runs north/south alongside the A360 (to Airman's Corner), as this, if accepted by the Examining Authority, could be delivered through the DCO, thereby providing part of the substitute solution.

5 Highways England's responses to comments received at Deadline 8a

5.1.1 This chapter sets out Highways England's responses to the comments received at Deadline 8a for each of the non-material changes in the table below.

Table 5-1: Highways England's responses to comments received

Consultee	Matter Raised	Highways England's Response
General		
Wiltshire Council	The Council wishes to also draw HE's attention to its 'Response to Deadline 6 Submissions' [REP7-043], and specifically section 3, Comments on (Rev 4) Development Consent Order, which outlines some further changes to the dDCO, which will be required should the ExA accept the proposed changes.	The Applicant has considered and responded to the Council's deadline 7 submission [REP7-063], and as noted in its additional submission 'Shared Use Cycle Route Clarification Note' [AS-107], should NMC-06 be accepted into the examination, it intends to amend reference UA in DCO Schedule 3 to make it clear that it is a shared use cycle track, creating a right of way for pedestrians (including walkers, wheelchairs, mobility scooters and powered wheelchairs) or pedal cyclists, with no right of way for motorised vehicles or for equestrians.
NMC-01		
Mr F W G Whiting	The proposed re-categorisation of the lay-by is welcomed in that it will be "...transformed into a sloping grassed verge that will no longer be accessible to vehicles".	Thank you for your support of this NMC.
Mr F W G Whiting	Clarification is however requested on the following points: It would aid transparency if the nature of the "transformation" is detailed precisely. For example, is this transformation the complete filling-in of the lay-by or simply the recategorization of the land area. This is important as the reason for this area being	Thank you for your comment. The precise works for the lay-by closure are subject to detailed design. However, the "sloping grassed verge" discussed in the Proposed Changes Application [AS-067] will be carefully positioned to restrict vehicular access to the entire lay-by area.

Consultee	Matter Raised	Highways England's Response
	brought under scrutiny is in order to prevent it from becoming a focus point for unlawful and antisocial activity. Reassurance is required that the detail behind the "transformation" prevents such activity occurring.	
Mr F W G Whiting	Clarification is requested as to how this area will "no longer be accessible to vehicles". Prevention of access can be achieved in a number of ways ranging from the erection of signage to the building of fencing and walls. Clarification is requested as to how vehicles will be prevented from obtaining access to this area.	As described above, the prevention of access will be achieved by incorporating a sloping grassed verge together with any other measures considered reasonably necessary to achieve that objective, developed in consultation with Wiltshire Council.
Mr F W G Whiting	It is stated that the lay-by will be handed over to the responsibility of Wiltshire Council. Clarification is requested as to the point in time when this hand over will take place. i.e. Will the transformation be resourced within the Highways England budget for the road scheme or will the responsibility for funding and completion of the works be the responsibility of Wiltshire Council? It is suggested that all these works should be completed by Highways England.	<p>As detailed in Agenda Item 3.1 of the written summary of oral submissions presented at the Issue Specific Hearing on Traffic and Transportation matters held on 22 August 2019 [REP8-017, at page 1-2], the change to the lay-by would not occur until the new dual carriageway is in place and the tunnel is open to traffic.</p> <p>The works to transform the lay-by would be completed by Highways England as part of the scheme, with responsibility for the former A303 (including the lay-by) being transferred to Wiltshire Council upon scheme completion.</p>
Mr F W G Whiting	As stated previously, it is believed that a far more cost-effective method (both short term and long term) of managing this area would simply be to return it to agricultural land and return it to the ownership of the original landowner.	The lay-by area will be maintained in public ownership. The existing highway boundary will be retained and this will ensure that should the future aspirations of Winterbourne Stoke Parish Council to establish a new cycle track through its wider area come to fruition, part of that facility could be implemented within the lay-by area. This was discussed in the Issue Specific Hearing on Traffic and Transport matters held on 22 August 2019 [REP8-017, at page 1-2]. Please also refer to Highways England's response to Winterbourne Stoke Parish Council's comments on NMC-01, as set out in section 4.3.1 of chapter 4 of the Proposed Changes Consultation Report [REP8-015], which explains that the closure and transformation of the lay-by, as proposed in NMC-01, would not preclude proposals put forward by Winterbourne

Consultee	Matter Raised	Highways England's Response
		Stoke Parish Council from being implemented, in the event that such proposals were developed, agreed and subsequently taken forward in relation to this area.
HBMCE (Historic England)	HBMCE notes the response of Highways England to our position. As we do not object to this amendment on heritage grounds and due to the provisions for our engagement and consultation in the OEMP and Requirement 8 of the dDCO, we do not have any further comment to make on this proposed amendment.	Thank you for your comment.
NMC-02		
HBMCE (Historic England)	HBMCE notes the response of Highways England to the consultation responses but does not have any further comment to make on this proposed amendment.	Thank you for your comment.
Wiltshire Council	The Council, at the Traffic and Transportation Issue Specific Hearing on 22nd August, raised concerns in response to the detail of the proposals for the de-trunking of the existing trunk road at Countess Junction. Subsequently, the Council has liaised with HE with a view to establishing a drawing which, in the parties' views, shows an area for de-trunking which provides for the north-south footways on both east and west sides of the junction to be included within highways which will be vested in the Council; the de-trunking will follow a process in accordance with the provisions of the Side Agreement currently in draft. The extent of the de-trunking has been subject to the two	Thank you for your comment.

Consultee	Matter Raised	Highways England's Response
	<p>authorities agreeing on the current boundary between Wiltshire Council and HE on both the south and north sides of the junction, this is in the absence of any known definitive records held by either party.</p> <p>The Council is now satisfied that the extent of the de-trunking proposals, as shown in Figure 5.1 of the Proposed Changes Consultation Report (Non-Statutory) submitted by HE, is acceptable in all regards</p>	
NMC-03		
Mr F W G Whiting	<p>The proposed declassification of the existing A303 from its current road status to an unclassified road does very little to allay the concerns of the undersigned as to future usage of the de-trunked A303. Previous correspondence have listed, at length, the impact of leaving this road freely accessible to all road users. In effect, if the plans are to remain unchanged, this length of road will become the focus of all the antisocial and unlawful activity that currently exists on the roads and bye ways around Stonehenge that this road scheme is being used to prevent. All this current proposal achieves is to push that activity away from Stonehenge to impact on neighbouring landowners and specifically in the area of this de-trunked section of the A303. It is not disputed that access is required to be maintained along the existing A303 for the purposes of the maintenance of national infrastructure as well as</p>	<p>Please refer to Comments on Written Representations submitted at Deadline 3 [REP3-013], paragraph 6.7.25.</p> <p>The section of downgraded A303 west of Winterbourne Stoke to its junction with the existing bridleway BSJA3A will become a BOAT that MPVs including farm vehicles will be able to use without restriction. This proposal, alongside the proposed upgrade of bridleway BSJA3, is required to preserve a continuous Byway Open to All Traffic (BOAT) link between Berwick St James and Winterbourne Stoke. It is thus inappropriate to seek to block access to existing byway BSJA3 and the eastward extension to it proposed as part of the scheme. Also, as explained in the Consultation Report [APP-026] in Table 5-15 (WES#19), access to the existing BOAT BSJA3 will be provided by narrowing the old A303 and incorporating passing places. The remaining width of pavement will be removed and shaped to form a verge high enough to deter parking. Whether or not NMC-03 is accepted into the examination, Wiltshire Council as the ultimate highway and traffic authority in this area have adequate legal powers to address anti-social behaviour, should it occur.</p>

Consultee	Matter Raised	Highways England's Response
	for agricultural access. No other access is required along the de-trunked A303 and therefore this element of road should be gated from the point immediately west of the current access to Scotland Lodge Farm.	
HBMCE (Historic England)	HBMCE notes the response of Highways England to the consultation responses but does not have any further comment to make	Thank you for your comment.
NMC-04		
HBMCE (Historic England)	HBMCE notes the response of Highways England to our consultation response. Whilst not directly answering our query regarding the fencing and whether a widening of the fencing boundary is proposed across the whole of the PMA/restricted byway, we consider that there are appropriate provisions now included in the Deadline 8 OEMP which will enable this point to be addressed in greater detail at a subsequent stage. We note that the works will be covered by the respective design commitments.	Thank you for your comment.
HBMCE (Historic England)	With regard to the need for associated archaeological mitigation and whether it will be an extension to an existing site or a new site, we note Highways England's response that it will either form an extension to Site 56 or form a new site. Whilst we would have preferred to see clarity in Highways England's response, HBMCE considers that regardless of which option is taken forward the main issue is ensuring the archaeological response will be appropriate to	The Applicant can confirm that Site 56 (Site 56.8) would be extended to the south-east to include NMC-04 in the final DAMS submitted at the close of the examination, should the change be accepted by the Examining Authority.

Consultee	Matter Raised	Highways England's Response
	the impact of the proposed work and the significance of any archaeological remains potentially affected. Given the location and small scale of the works, we would recommend that Site 56 is extended to include for these additional works should the Examining Authority accept this particular change.	
NMC-05		
HBMCE (Historic England)	HBCME notes the response of Highways England to our consultation response and welcomes clarification of the site which the change will be dealt within.	Thank you for your comment.
NMC-06		
HBMCE (Historic England)	HBMCE notes the response of Highways England to our consultation response. Whilst noting that the dew pond is not a heritage asset that conveys an Attribute of OUV, it is a non-designated heritage asset, and we are therefore pleased that Highways England will seek to design the scheme around the dew pond so as to minimise the impact this could have. Careful consideration will be required as to the fencing element and the details of the provision of the route in this location, and we welcome the inclusion of reference to the Stakeholder Design Consultation Group (SDCG) in the development of these details which will be guided by the Design Commitments and Principles in the OEMP. In addition HBMCE will advise in our role	Thank you for your comment.

Consultee	Matter Raised	Highways England's Response
	as a statutory consultee, as adviser to the State Party, and as the Government's adviser on the historic environment.	
Wiltshire Council	The Council welcomes the report's clarification of the position now to be taken forward, if accepted by the Examining Authority (ExA). Option B, as identified by HE in their report as the preferred option, has the support of the Council.	Thank you for your support of this proposed NMC.
Wiltshire Council	The alternative arrangement, Option B [as detailed in paragraph 3.3.7 of REP8-015], whether undertaken through the DCO, or by landowner agreement, would result in an interface between a restricted byway and a cycle track at a point immediately adjacent to the southern boundary of the Visitor Centre overflow car park. There will presumably be a need for restrictive physical measures at this point to address the need to exclude motorised users from the restricted byway section of the route, and to allow movement onto and from the live A360 carriageway for north-south equestrian users. This feature will require particular care in terms of detail, and be subject to appropriate risk assessment measures.	The restrictive physical measures necessary to exclude motorised users from the restricted byway section of the route south of the Visitor Centre and to allow movement onto and from the live carriageway of the A360 for north-south equestrian users will be developed during detailed design. These measures will be informed by appropriate risk assessment and will be subject to agreement with Wiltshire Council.
Wiltshire Council	The report [REP8-015] does not appear to acknowledge that equestrians can, and do, choose to mix with visitor traffic on the C506, and provision is made for equestrian use of the C506 along its entire length to Byway 12. This is	It is acknowledged that all equestrians have rights of access on the A360 / B3086 / C506, as they do on most other highways. However, there are no other public rights of way, segregated from general vehicular traffic, available to equestrians commencing at Airman's Corner, such as byways open to all traffic, restricted byways or bridleways.

Consultee	Matter Raised	Highways England's Response
	<p>different from encouraging use of the C506 by equestrians.</p> <p>Paragraph 4.8.1 is perhaps misleading insofar as it states, "There are no existing public rights of way available to equestrians immediately north or west of Airman's Corner". This is not correct in the sense that all equestrians have rights of access on the A360 / B3086 / C506, such rights existing within the limits of the highways concerns.</p>	
Wiltshire Council	<p>The Council welcomes the fact that HE, even at this late stage, appear to acknowledge (paragraph 4.8.12) the importance of the application of the correct legal definitions for elements of highway to be provided as part of the Scheme. To this extent, HE's apparent acknowledgement that 'cycle track' is a correct term to apply to a highway to be used by cyclists (and also by pedestrians, as the case may be), and Option B would fall into this category. The Council would now wish to reiterate its position that the term be defined in the draft DCO (dDCO), as are, now, all the other classes of highway proposed in relation to the Scheme.</p>	<p>As noted in Highways England's additional submission 'Shared Use Cycle Route Clarification Note' [AS-107], should NMC-06 be accepted into the examination, it intends to amend reference UA in DCO Schedule 3 to make it clear that it is a shared use cycle track, creating a right of way for pedestrians (including walkers, wheelchairs, mobility scooters and powered wheelchairs) or pedal cyclists with no right of way for motorised vehicles or for equestrians. A new definition for the term "shared use cycle track", based on the definition of "cycle track" in section 329 Highways Act 1980 (but specifying rights of way for both pedestrians and pedal cyclists) has been included in revision 7 of the draft DCO (for submission at Deadline 9).</p>
Wiltshire Council	<p>The Council notes the intention (paragraph 4.8.13) to have a substitute reference to the current "UA" reference in the dDCO and Rights of Way drawings, and not as indicated at Appendix C to the AS-067 document submitted by HE. This will presumably refer to the route as a cycle</p>	<p>The substitute reference to the current "UA" reference in the dDCO and Rights of Way and Access Plans will be identified as a shared use cycle track, with rights of way for pedestrians (including walkers, wheelchairs, mobility scooters and powered wheelchairs) or pedal cyclists, in Schedule 3 Part 1 of the draft DCO.</p>

Consultee	Matter Raised	Highways England's Response
	track, thus helping avoid confusion over status in the future.	
English Heritage	At Deadline 8, EHT updated that it is understood that Option A cannot proceed as it is now understood that Wiltshire Council does not agree the option. EHT appreciates Highways England's efforts to reduce the impacts of concern to EHT, but considers that Option B provides only a relatively modest reduction in impacts and concerns in comparison to the original public right of way adjacent to the (A360 PROW) contained in the DCO application. EHT's objection is maintained.	Highways England notes the objection. However, the impact on the temporary overflow parking area is reduced compared with the Scheme's proposals as submitted in the original application, with Option B requiring a strip of land approximately 1m wide (compared with 11m originally) from the western edge of the Visitor Centre parking area. Subject to detailed design, it is envisaged that the shared use cycle track would be separated from the Visitor Centre by a fence similar in appearance to the existing fence alongside the Visitor Centre boundary with the A360 at present, providing a similar level of security and having a similar visual impact.
English Heritage	<p>EHT notes that HE in its proposed changes [Document REP8-015] now intends to promote a substitute solution, which delivers a non-motorised user facility equivalent to that proposed in NMC-06 Option B, which obviates the need for all land owner consents and, in part, relies on Wiltshire Council's highway authority powers over the C506.</p> <p>EHT's previous concerns have not all been addressed.</p>	<p>The 'substitute solution' described in section 5.7 of the Proposed Changes Consultation Report [REP8-015] will ensure continuity of the PRoW network for pedestrians (including walkers, wheelchairs, mobility scooters and powered wheelchairs) and pedal cyclists, providing an alternative to the busy section of C506 highway between Airman's Corner and the Visitor Centre which pedestrians and cyclists might otherwise use.</p> <p>English Heritage Trust's previous concerns are considered in the Proposed Changes Consultation Report [REP8-015] at paragraphs 4.8.20 to 4.8.23. Remaining concerns will be considered during detailed design. In particular, as set out in in paragraph 4.8.23 of the same report, as part of the Stakeholder Design Consultation Group, English Heritage will be consulted on Public Rights of Way within the WHS, including pedestrian, equestrian, cycling and non-motorised user provision, surfacing, materials, benches, gating, signage and fencing. This is outlined within Section 4.5 of the OEMP (refer to the OEMP [REP8-006] submitted at deadline 8).</p>
English Heritage	EHT is perplexed by the reference to in paragraphs 4.8.21 and 5.7.6 [Document REP8-015] that the impact on the overflow parking operation for the Visitor Centre would be	The Scheme, as submitted, placed the Order limits 11 metres to the east of the eastern highway boundary of the A360. Option B (or the 'substitute solution') would instead include a 2.5 metre width shared use cycle track, of which 1.5 metres would be placed on the existing highway verge until it departs from the A360 to pass the dew pond to the east. For the stretch

Consultee	Matter Raised	Highways England's Response
	<p>significantly less - the strip of land required in this area for the original DCO proposal is approximately 11 metres wide, whilst for Option B is approximately 1 metre wide.</p> <p>That does not accord with EHT's understanding. EHT has requested that HE provide drawings and information to support this statement and await HE's response.</p>	<p>alongside the A360 the shared use cycle track would extend to the east from the existing highway boundary of the A360 by approximately 1 metre. This Option (or the 'substitute solution') would therefore reduce the overall proposed land take from EHT's Visitor Centre, were this option (or the 'substitute solution') taken forward.</p> <p>The Applicant is providing drawings and information demonstrating the above to EHT as requested.</p>
English Heritage	<p>There is no acknowledgement in HE's assessment that Option B or the original DCO proposal for the A360 PROW severs the Dew Pond from the Visitor Centre and there will be a large amount of EHT land that forms part of the current Visitor Centre that will become inaccessible and unusable between the new A360 PROW and current A360 highway boundary.</p> <p>EHT responded to HE during their public consultation in August 2019 that EHT does not support Option B also because of the negative impact it has on the Dew Pond which in effect becomes severed from the Visitor Centre site. This would make it difficult to maintain and has a significant impact on the Visitor Centre complex in this area.</p>	<p>Maintenance access to the dew pond would be maintained across the proposed shared use cycle track between the Visitor Centre site and the area occupied by the dew pond, on a basis to be agreed with English Heritage and Wiltshire Council as accommodation works. The dew pond is already severed from the Visitor Centre by the current car park access road. It is not considered that the existing severance caused by the car park access road would be made any worse in heritage terms by the construction of the proposed shared use cycle track.</p>
English Heritage	<p>The A360 PROW would need to be fenced on both sides to prevent slips, trips and falls on the slope into the Dew Pond. However, the approach to fencing would need to be considered carefully.</p>	<p>The proposed shared use cycle track would be separated from the Visitor Centre by a fence similar to the fence alongside the A360 at present, providing a similar level of security and visual impact. Cumulative impacts are therefore not anticipated on the WHS. A similar fence will be provided along the DCO boundary with the dew pond unless it is deemed un-</p>

Consultee	Matter Raised	Highways England's Response
	<p>This means the fencing for Option B will be far more intrusive than Option A and EHT is concerned of the cumulative impact of this additional infrastructure within the World Heritage Site. If it wasn't fenced, this would mean users are not physically limited from straying on to EHT private land and encourage users to do so, potentially taking over the land – the A360 PROW would in effect be very wide – a number of metres.</p>	<p>necessary during detailed design by the landowner or tenant, or by Wiltshire Council as the relevant local highway authority.</p>
English Heritage	<p>During the Stonehenge Environmental Improvement Project when the Visitor Centre was created, great lengths were taken to ensure the new infrastructure was minimised and (particularly the car park access road) worked with the contours of the landscape particularly the Dew Pond. The proposed route of Option B detracts from the design ethos of the site.</p>	<p>The proposed shared use cycle track is aligned in part with the A360, then diverts around the dew pond to align with the access road to the Visitor Centre, so as to preserve this landscape feature (i.e. the dew pond), and then diverts back to align with the A360 on the edge of the WHS. In land use terms, Option B is located in an area of the WHS which already consists of transport access and roads, and in landscape terms in an area where the inter-visibility with vehicles on the A360, accessing the Visitor Centre and at Airman's Corner are already notable influences. The design of Option B will follow the existing contours across this western part of the WHS, so as to achieve integration with the landform, which in combination with improved connectivity is one of the overall aims of the design vision, as stated in the Outline Environmental Management Plan [REP8-007]. The requirement for sustainable and managed public access is reflected in the aims and policies of the WHS Management Plan (page 81). The Applicant therefore considers that Option B - with its alignment between the A360 and the access road to the Visitor Centre, its integration with the land contours and avoidance of the dew pond, and its function of improving access to the WHS - will not detract from the design ethos of the site.</p>
NMC-07		
Lincoln College	<p>I understand a written statement of the objection [to the proposed new accesses included in NMC-07] was provided at yesterday's hearing and</p>	<p>The Applicant's written summary of its oral submission put at the Issue Specific Hearing on matters of Traffic and Transportation was submitted at deadline 8 [REP8-017].</p>

Consultee	Matter Raised	Highways England's Response
	would be grateful if you could supply me with a copy.	
Lincoln College	<p>NMC-07 proposes new accesses from Equinox Drive to a block of land owned by the College known as Earl's Farm Down. The new access is necessary due to HE's proposal to re-align Byway AMES 1. AMES 1 currently provides the tenant farmer's key access to that part of the land and is the only suitable access point for larger equipment such as combine harvesters and articulated lorries. The proposal to re-align AMES 1 will remove this access.</p> <p>The proposals in NMC-07 have been discussed with HE at length over several months by the tenant farmer, his agent and me. We have discussed the vital importance of the access and the proposals in NMC-07 have been agreed as a workable solution. The College is fully supportive of the proposed new access and wishes to support the tenant farmer in minimising the negative effects of the A303 scheme as much as possible. I consider providing a new access to be essential.</p>	As set out in the Proposed Changes Consultation Report [REP8-015] para 4.9.3, in the absence of sufficiently persuasive supporting evidence provided by the landowner or long-term tenant, PMA 42 is to be removed from the NMC-07 proposal. A similar, suitable access is to be provided at PMA 41, also included in NMC-07, which will accommodate combine harvesters and articulated lorries.
HBMCE (Historic England)	HBMCE notes the response of Highways England to the consultation responses and the subsequent withdrawal of proposed amendment PMA 42. We welcome confirmation that the DAMS will be updated to	<p>Thank you, your comment is noted.</p> <p>If the proposed change is accepted by the Examining Authority, the final DAMS will be updated to ensure archaeological remains are protected with regards to the new PMA 41 off</p>

Consultee	Matter Raised	Highways England's Response
	protect archaeological remains in relation to PMA 41 and look forward to seeing the provision in the DAMS which secures this under the relevant Archaeological Mitigation Action Area.	the link road between Allington Track and Amesbury Road (Site 33) should the proposed change be accepted by the Examining Authority, in the DAMS submitted by deadline 10.
NMC-08		
HBMCE (Historic England)	HBMCE notes Highways England's comments on our consultation response and that they have clarified the position with regard to the impact of this amendment to the proposal. We welcome the clarification that the DAMS will be updated in relation to Site 39 under the Archaeological Mitigation Action Areas should this change be accepted.	Thank you for your comment. The final DAMS will be updated should the proposed change be accepted by the Examining Authority, in the DAMS submitted by deadline 10.

6 Highways England's final position in relation to the individual NMCs

6.1.1 Highways England has given careful consideration to the responses to the proposed changes consultation (as reported in the Proposed Changes Consultation Report [REP8-015]) and to comments received at Deadline 8a in relation to the Proposed Changes Consultation Report. That consideration has informed Highways England's final position in relation to each of the proposed changes. The following sections of this chapter now confirm exactly what is requested in respect of each proposed non-material change.

6.2 Proposed Change NMC-01: Existing lay-by west of Winterbourne Stoke to be de-trunked

6.2.1 NMC-01 remains as originally proposed. The existing lay-by on the north side of the A303 to the west of Winterbourne Stoke would be de-trunked and recategorised as a local (non-trunk) road and responsibility for it would be transferred to Wiltshire Council. The lay-by itself would be transformed into a sloping grass verge and would no longer be accessible to vehicular traffic.

6.2.2 An 'after' sketch, showing NMC-01 as proposed, is provided at Figure 6-1 below, showing how the DCO De-Trunking Plans would be amended if the Examining Authority accepts this change. As Figure 6-1 shows, the black diagonal hatching would extend to cover the lay-by, representing the proposed de-trunking of the lay-by.

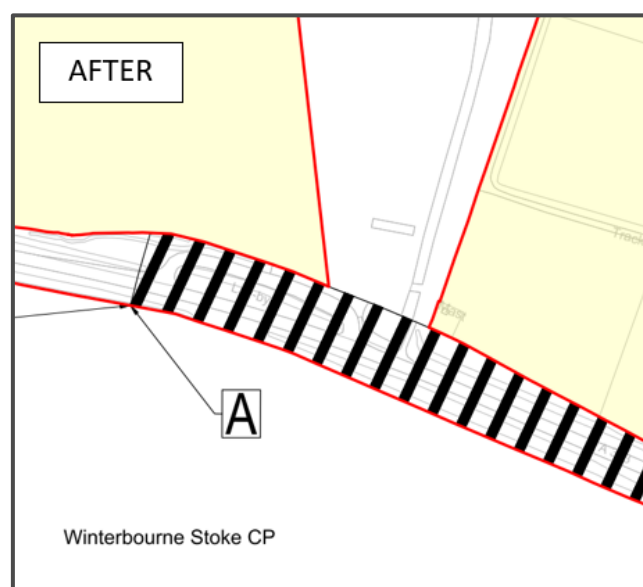
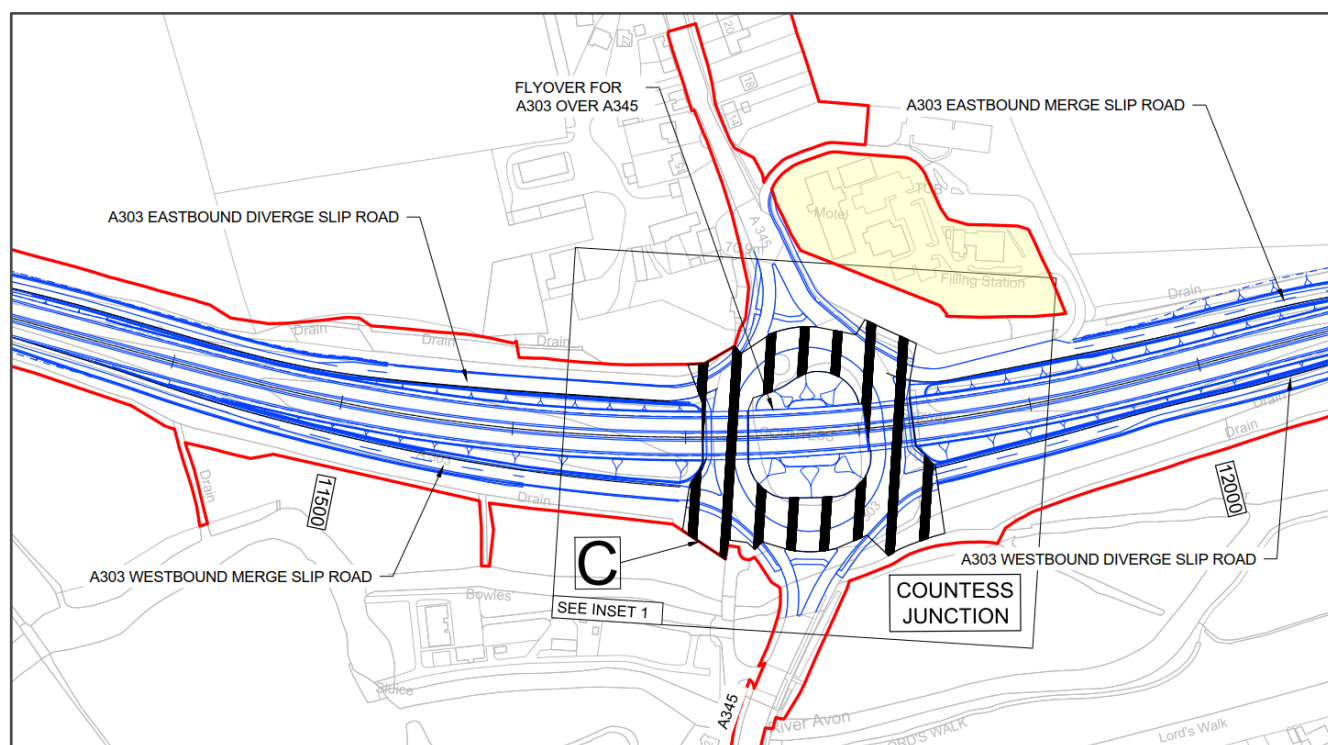


Figure 6-1: 'After' excerpt from De-Trunking Plans showing NMC-01 proposal

6.3 Proposed Change NMC-02: Countess Roundabout to be de-trunked

- 6.3.1 As previously explained in the Proposed Changes Consultation Report [REP8-015], Highways England has amended NMC-02 to reflect comments received from Wiltshire Council regarding the extent of the de-trunking at Countess Roundabout.
- 6.3.2 The boundaries of the proposed de-trunking at Countess Roundabout, as shown in the sketches in Figure 6-2 below, include highway verges as agreed between Wiltshire Council and Highways England. Wiltshire Council's support for NMC-02 in its revised form is confirmed in comments received at Deadline 8a, as reported at item 9 in Table 5-1 in Chapter 5 to this Statement.
- 6.3.3 The revised form of NMC-02 includes de-trunking (represented by black diagonal hatching, as shown in the revised 'Legend' in Figure 6-2 below) up to the boundaries shown in the 'after' sketches in Figure 6-2 below, which would be shown on a new 'Sheet 3' to be added to the De-Trunking Plans (and related Key Plan) [APP-015] (again, as indicated in Figure 6-2 below).



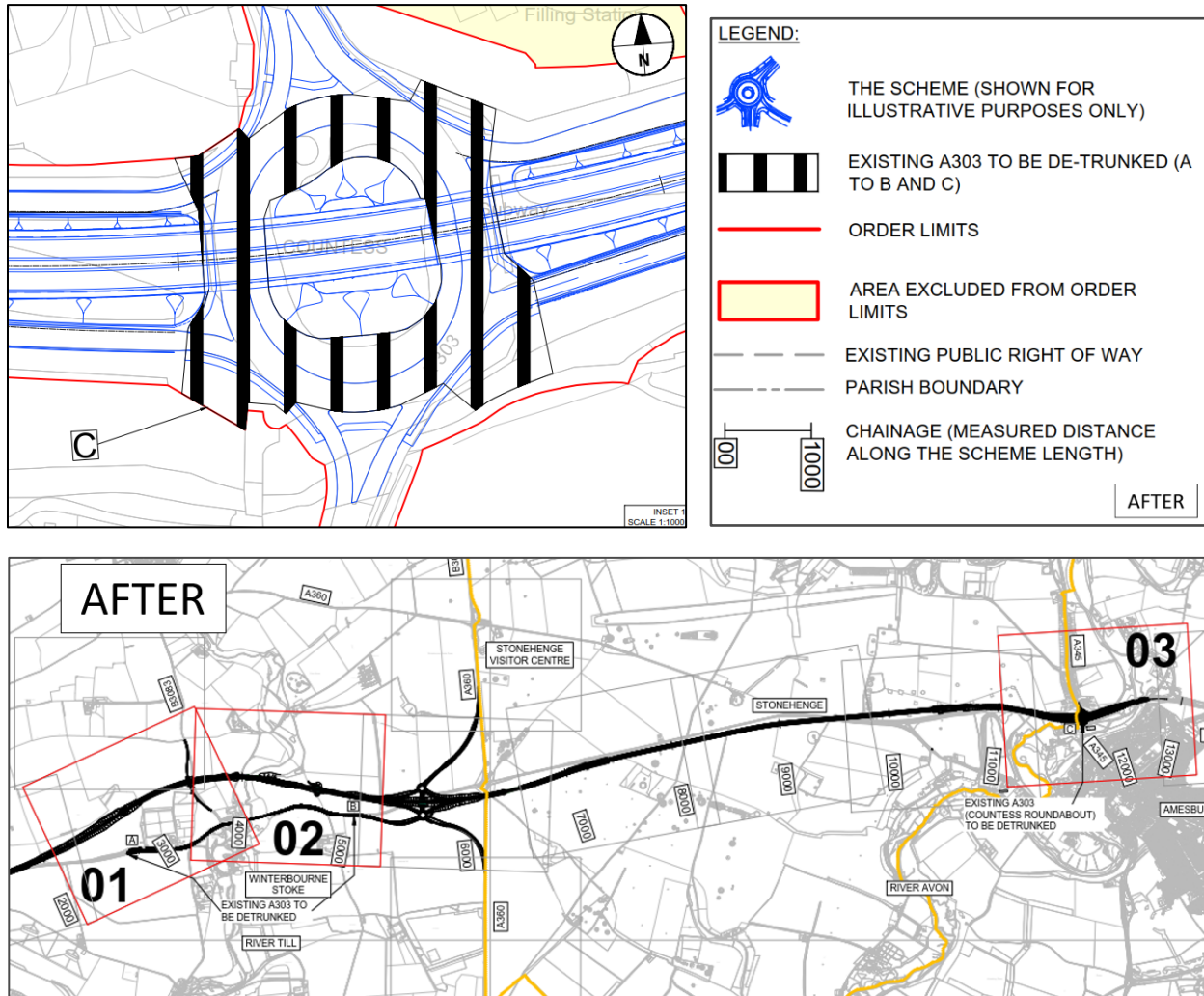


Figure 6-2: Revised 'after' excerpts from De-Trunking Plans showing NMC-02 proposal as revised post-consultation

6.4 Proposed Change NMC-03: Change to the proposed road classification of the former A303 west of Winterbourne Stoke

- 6.4.1 NMC-03 remains as originally proposed, such that the existing A303 between Winterbourne Stoke and Berwick Down would be declassified, changing its current trunk road status to a declassified road.
- 6.4.2 'After' sketches, showing NMC-03 as proposed, are provided at Figure 6-3 below, showing how the DCO Classification of Roads Plan [APP-016] would be amended if the Examining Authority accepts this change. The pink line with black dashes overlaid in Figure 6-3 shows the length of the existing A303 west of Winterbourne Stoke which would become an unclassified road.

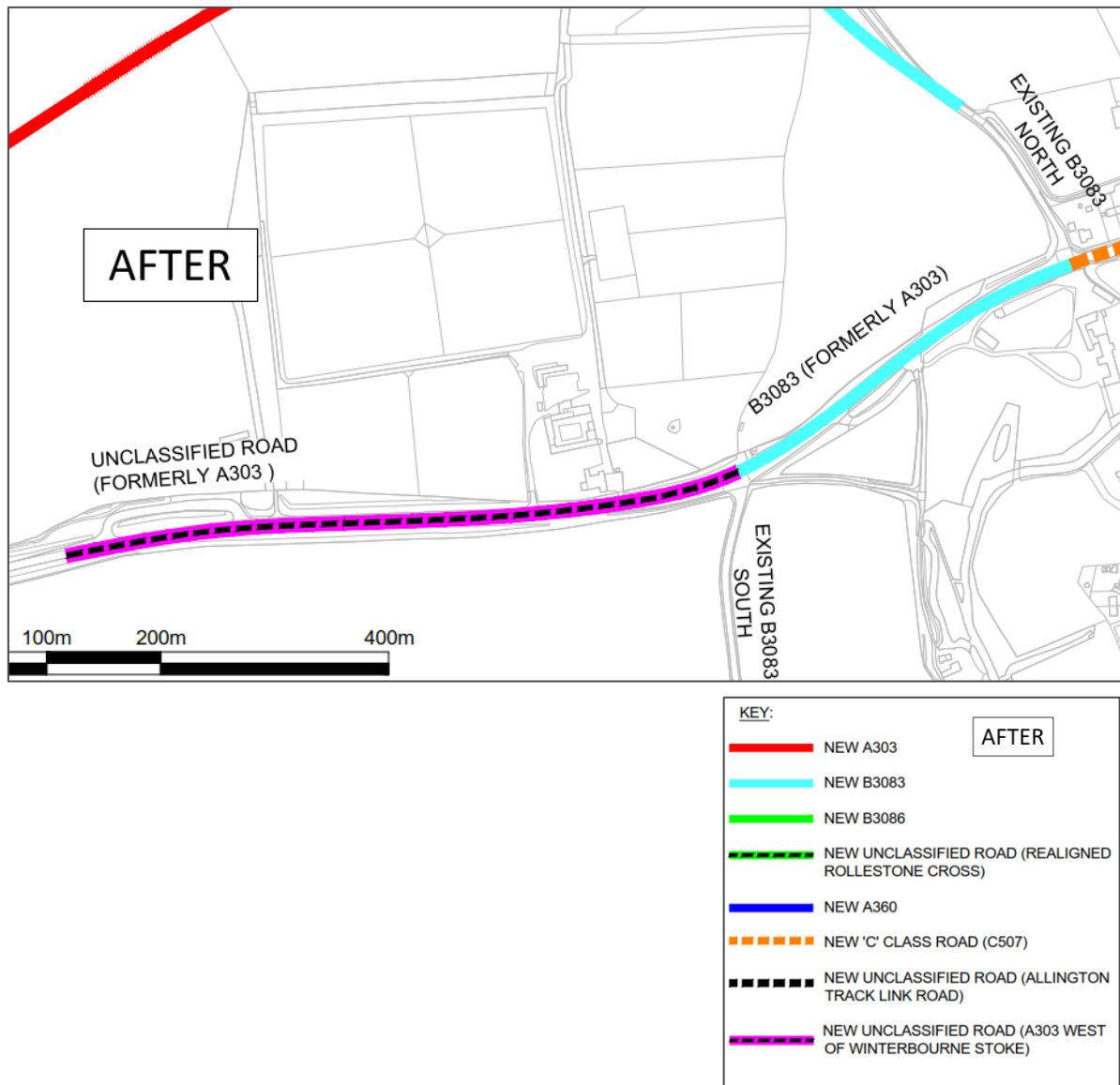


Figure 6-3: Revised ‘after’ excerpts from Classification of Roads Plan showing NMC-03 proposal

6.5 Proposed Change NMC-04: Turning head on the old Stonehenge Road

6.5.1 NMC-04 remains as originally proposed. A new turning head, providing space to allow vehicles to turn around, would be constructed immediately south-east of the point where it is proposed that the existing Stonehenge Road would terminate (with the remainder of its existing length, north-west of Footpath AMES13, being converted to a new restricted byway). ‘After’ sketches, showing NMC-04 as proposed, are provided at Figure 6-4 below, showing how the the General Arrangement Drawings [APP-012] would be amended if the Examining Authority accepts this change. As Figure 6-4 shows, a new turning head would be created immediately south-east of the

point where it is proposed that the existing Stonehenge Road would be converted to a new restricted byway (and private means of access).

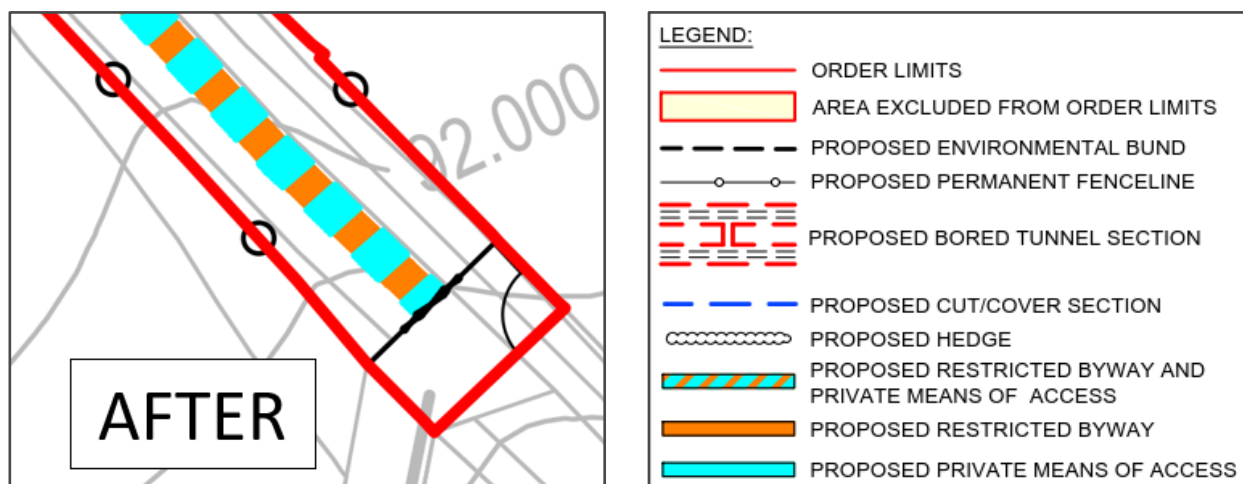
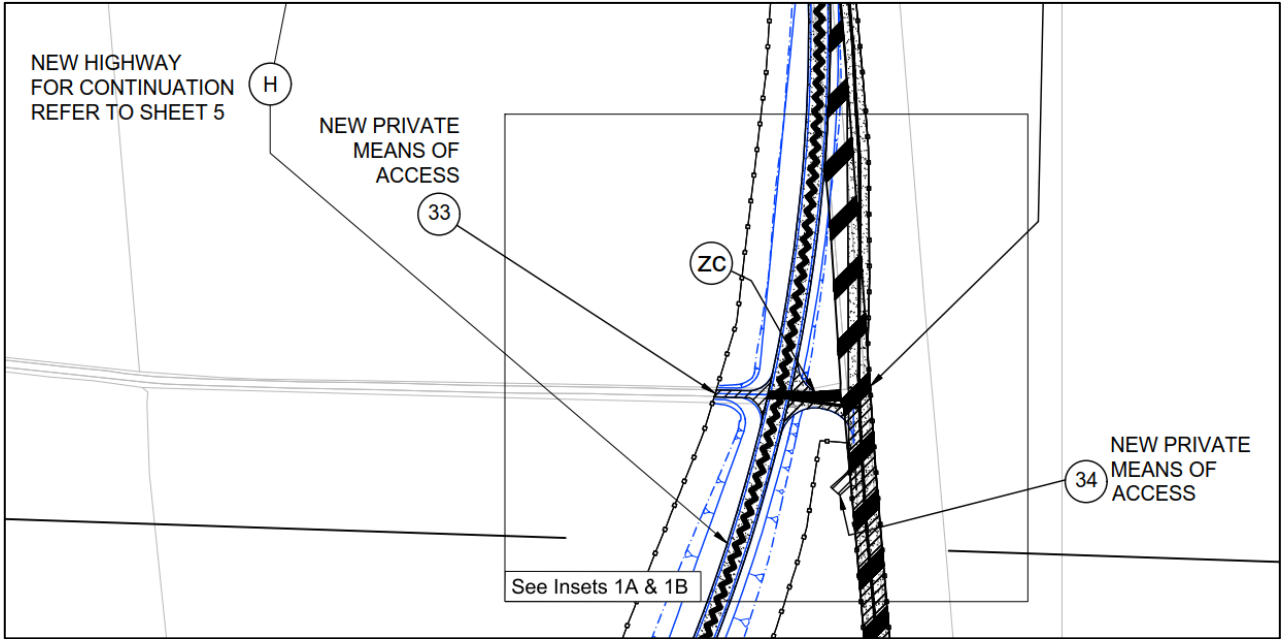


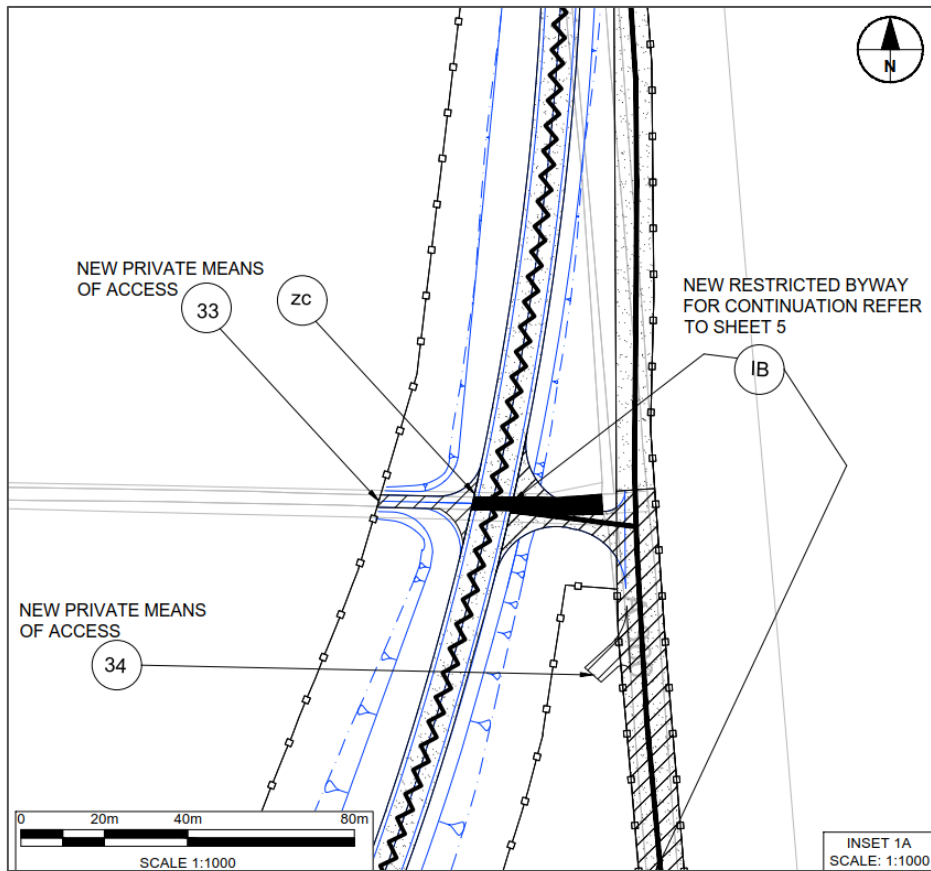
Figure 6-4: Revised 'after' excerpts from the General Arrangement Drawings showing NMC-04 proposal

6.6 Proposed Change NMC-05: Revised proposal for access to land next to the existing A360 north of Longbarrow

- 6.6.1 NMC-05 remains as originally proposed, such that the proposed new link between the realigned A360 and the new restricted byway north of Longbarrow roundabout would be moved northwards by approximately 45 metres.
- 6.6.2 'After' sketches showing NMC-05 as proposed are provided in Figure 6-5 below, showing how the Rights of Way and Access Plans [APP-009] would be amended, if the Examining Authority accepts this change. As Figure 6-5 shows, the revised field access proposal would provide an alignment capable of accommodating manoeuvres made by large agricultural vehicles.



Sheet 14 of 15, Inset 1A - Excerpt showing revised proposal with new field access on a more direct alignment (similar to the stopped up access) and leading more directly to PMA 33



Sheet 14 of 15, new Inset 1B - Excerpt showing revised proposal with new field access on a more direct alignment (similar to the stopped up access) and leading more directly to PMA 33

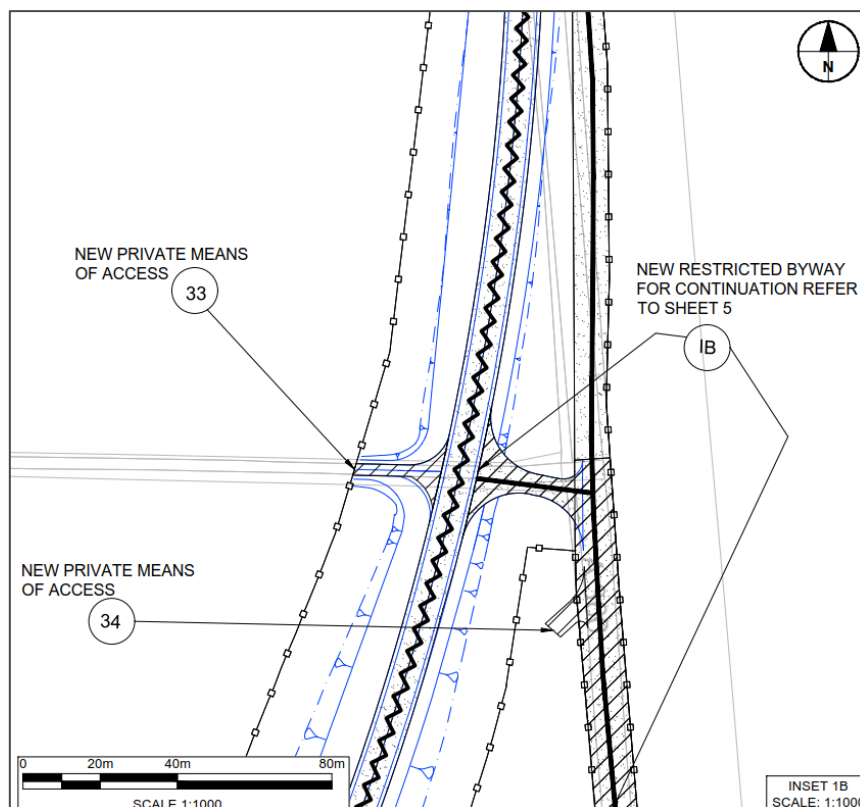


Figure 6-5: Revised 'after' excerpt from Rights of Way and Access Plans, Sheet 14, including Insets 1A & 1B

6.7 Proposed Change NMC-06: Public right of way to Stonehenge Visitor Centre

- 6.7.1 The proposed changes consultation included two options (NMC-06, Options A and B) to replace the non-motorised user route alongside the A360 past the Stonehenge Visitor Centre as originally proposed in the DCO application.
- 6.7.2 Following extensive consideration of the consultation feedback received, and having sought, unsuccessfully, to secure the relevant affected parties' consent to the use and acquisition of additional land required to facilitate NMC-06 (as explained in Chapter 4 above), Highways England accepts that it is not in a position either to request or to deliver either NMC-06 Option A or NMC-6 Option B.
- 6.7.3 Instead, a 'substitute solution', which would deliver a non-motorised user facility (in the form of a shared use cycle track) equivalent to that proposed in NMC-06 Option B, could potentially be delivered without the need for the outstanding additional land consents.

6.7.4 The substitute solution would include the north-south length of NMC-06 Option B which runs from the south of the Visitor Centre site to the Airman’s Corner roundabout (where the A360 meets the C506). This part of the substitute solution is, subject to the Examining Authority’s acceptance, deliverable within the Order limits of the original draft DCO, as shown below in Figure 6-6. As such, it does not require additional land.

6.7.5 The substitute solution would also include the west-east length of Option B which runs from the east of the Airman’s Corner roundabout westwards along the C506 towards the entrance to the Visitor Centre. The west-east element of the substitute solution would need to be delivered outside of the DCO (as explained further below).

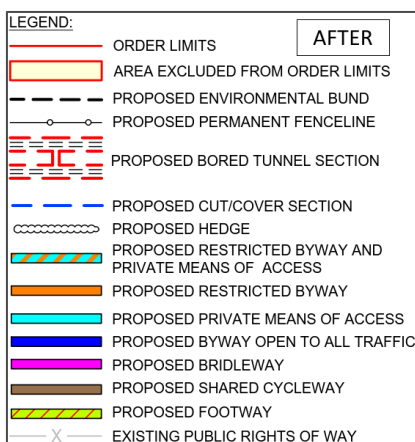
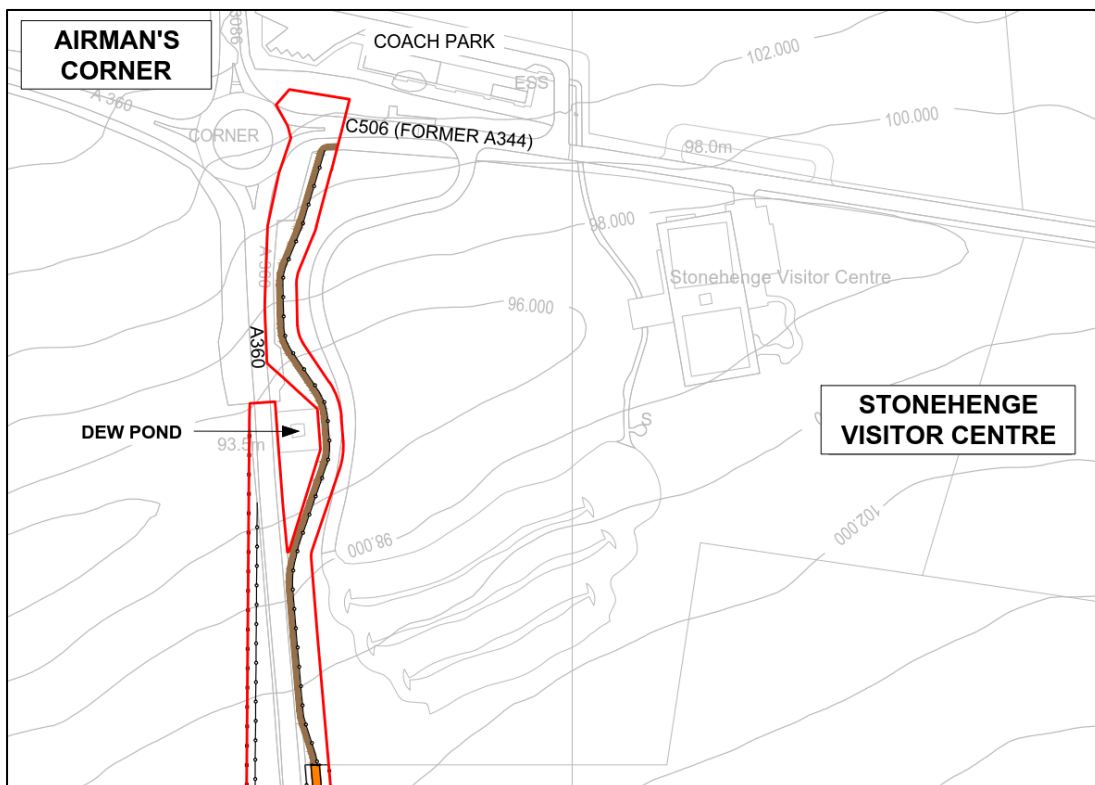


Figure 6-6: Revised excerpt from General Arrangement Drawings, Sheet 14 showing the part of the substitute solution within Order limits

- 6.7.6 The substitute solution would have a reduced impact on the area occupied by the Stonehenge Visitor Centre compared with the proposals for a restricted byway set out in the draft DCO. The impact on the overflow parking operation for the Visitor Centre would be significantly less - the strip of land required in this area for the original DCO proposal is approximately 11 metres wide, whilst for the substitute solution it would be approximately 1 metre wide.
- 6.7.7 The reduction in proposed land take arises because the Scheme, as originally submitted, placed the Order limits 11 metres to the east of the eastern highway boundary of the A360. NMC-06 Option B, which forms the basis of the substitute solution, would instead include a 2.5 metre width shared use cycle track, of which 1.5 metres would be placed on the existing highway verge until it departs from the A360 to pass to the east of the dew pond. For the length alongside the A360 the shared use cycle track would extend to the east from the existing highway boundary of the A360 by approximately 1 metre.
- 6.7.8 In comparison with the original DCO proposal, the substitute solution would reduce the area of land proposed to be acquired from English Heritage and therefore there would be a reduced impact on the Stonehenge Visitor Centre, were the substitute solution to be taken forward.
- 6.7.9 In the event that the substitute solution (as an alternative to NMC-06 Options A and B, which are not deliverable) was not accepted by the Examining Authority, Highways England understands that the default position would be the original DCO proposal – i.e. the new restricted byway proposal within the 11-metre wide corridor on the east of the A360.
- 6.7.10 However, English Heritage continues to maintain its objection to the alignment of the proposed public right of way, whether NMC-06 Option B or the substitute solution is taken forward, for reasons which include the negative impact of this route on the setting of the dew pond, the possible increase of intrusive fencing, the adverse impact on the design ethos of the Visitor Centre site and the proximity of Option B to the Visitor Centre car park access road.
- 6.7.11 Highways England has responded to these concerns in the Proposed Changes Consultation Report [REP8-015] at paragraphs 4.8.20 to 4.8.23. Highways England's further consideration of and additional responses to these concerns are set out in items 22 to 27 of Table 5-1 in Chapter 5 above.
- 6.7.12 As explained in Highways England's above-mentioned further responses, Highways England is of the view that English Heritage's remaining concerns are capable of being addressed during the detailed design process. As part of the Stakeholder Design Consultation Group, English Heritage will be consulted on Public Rights of Way within the WHS, including pedestrian, equestrian, cycling and non-motorised user provision, surfacing, materials, benches, gating, signage and fencing. This is outlined within Section 4.5 of the OEMP (please refer to the OEMP submitted at deadline 8).

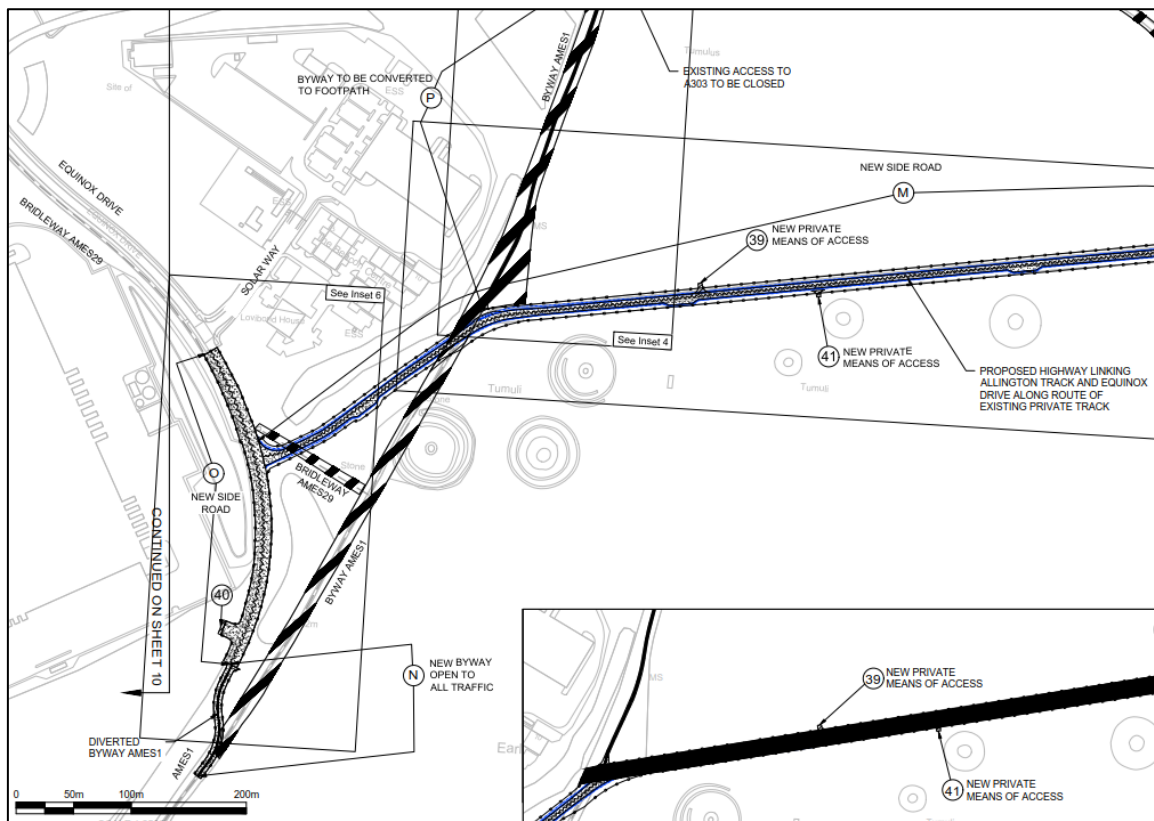
- 6.7.13 Highways England notes that English Heritage stated in its consultation response that the proposals in NMC-06, whilst not accepted, were preferable to the restricted byway proposal in the original Application.
- 6.7.14 As regards the remaining west-east element of NMC-06, which requires use of the highway verge outside the DCO boundary along the south side of the C506 (former A344), the substitute solution which Highways England wishes to pursue in the absence of written agreement from English Heritage, Historic England and the Guinness family, would need to be taken forward outside the DCO. Wiltshire Council has confirmed its willingness to address the issue of the provision of the west-east element of the proposed shared-use facility for pedestrians and cyclists (as proposed in NMC-06 Options A and B) and this is recorded in a Side Agreement with Highways England.
- 6.7.15 Please refer to paragraphs 20 to 38 and paragraphs 47 to 49 of Wiltshire Council's response to the proposed changes consultation [REP8-015 Chapter 4 and Appendix G)] for evidence of Wiltshire Council's support for this collaborative approach to the delivery of the substitute solution which would mirror the proposal in NMC-06 Option B.
- 6.7.16 In this scenario, there is potential for the west-east element of NMC-06 to be delivered in collaboration with Wiltshire Council through the exercise of the Council's local highway authority powers. This, in combination with the delivery pursuant to the DCO, of the north-south element of NMC-06 Option B – if that part of NMC-06 was accepted by the Examining Authority in its Procedural Decision on the Proposed Changes Application – could deliver a shared-use facility for pedestrians and cyclists equivalent to the proposal in NMC-06 Option B. This alternative delivery strategy is referred to in this Statement as the substitute solution.
- 6.7.17 In conclusion, if the Examining Authority accepts the north-south element of the substitute solution, the 'after' sketches for this are as shown in Figure 6-6 above.

6.8 Proposed Change NMC-07: Additional private means of access

- 6.8.1 NMC-07 originally comprised proposals for two replacement private means of access – PMA 41 and PMA 42. Following consideration of the consultation responses received from parties affected by the NMC-07 proposals, as set out in Chapter 4 of the Proposed Changes Consultation Report [REP8-015], Highways England revised NMC-07 by withdrawing proposed PMA 42. The revised form of NMC-07, the Examining Authority's acceptance of which is now sought, comprises only PMA 41.
- 6.8.2 As previously explained (in the Proposed Changes Consultation Report [REP8-015]), PMA 41 would replace the existing access which would be lost as a consequence of the stopping up of byway open to all traffic AMES1. PMA 42 would have provided an additional means of access to land served

by PMA 41, but is not an essential replacement for the existing access which would be lost as a consequence of the stopping up of AMES1, given that PMA 41 is capable of providing that replacement.

- 6.8.3 All other accesses to Earls Farm Down will be retained, including the existing unrecorded access at the north-east corner of the field onto the existing Allington Track.
- 6.8.4 ‘After’ sketches, showing NMC-07 as now proposed (i.e. featuring new PMA 41 only), are provided at Figure 6-7 below. The sketches show how the Rights of Way and Access Plans [APP-009] would be amended to include PMA 41, if the Examining Authority accepts this change. As Figure 6-7 shows, PMA 41 would provide access to the field lying to the south of the proposed new alignment of the Allington Track.



Sheet 11 of 15, Inset 5

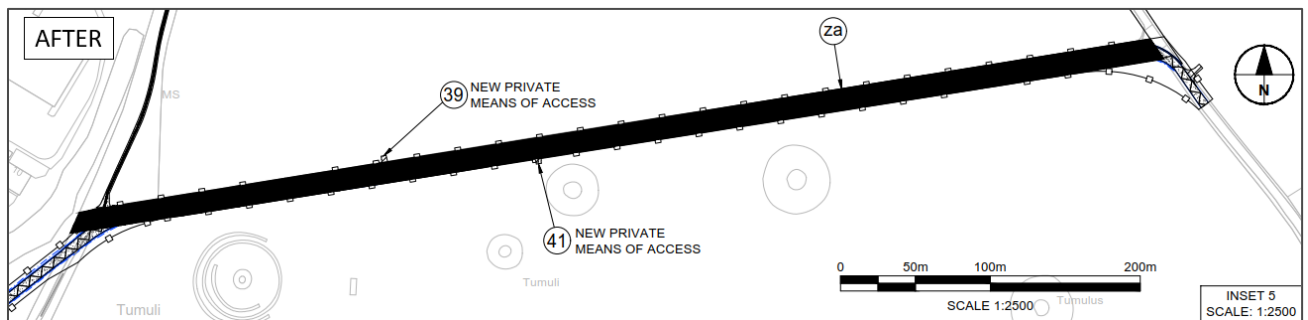


Figure 6-7: Revised excerpt from Rights of Way and Access Plans showing PMA 41 only (with PMA 42 removed)

6.9 Proposed Change NMC-08: Revised private means of access off the new restricted byway south of Green Bridge No.4

- 6.9.1 NMC-08 remains as originally proposed: a revised private means of access (slightly longer in length than originally shown in the DCO Application) is proposed to extend from the south side of the new restricted byway to the south of Green Bridge No. 4.
- 6.9.2 An 'after' sketch, showing NMC-08 as proposed, is provided at Figure 6-8 below, and shows how the Rights of Way and Access Plans [APP-009] would be amended if the Examining Authority accepts this change.

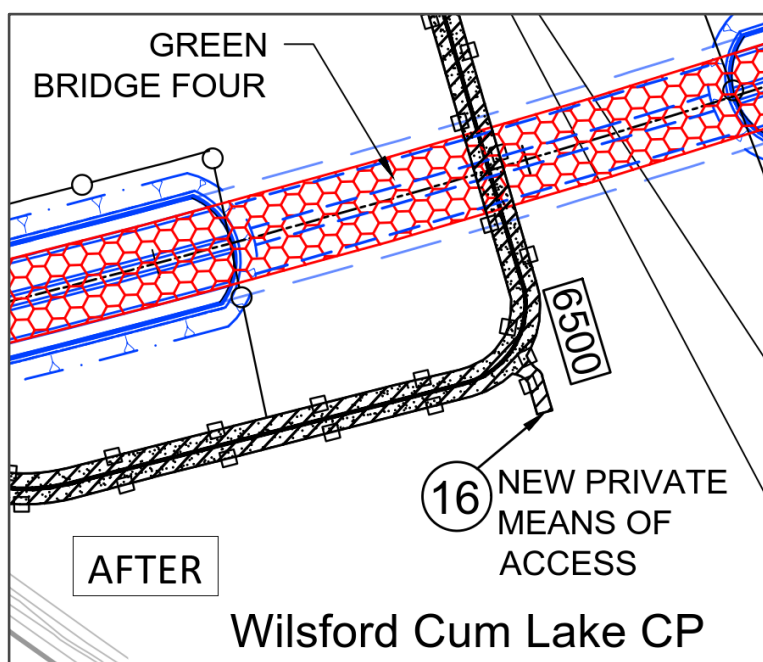


Figure 6-8: Revised excerpt from Rights of Way and Access showing the extension to PMA16

7 Conclusion

- 7.1.1 Highways England has given careful consideration to the feedback received through the proposed changes consultation process and to further comments on the proposed changes received at Deadline 8a.
- 7.1.2 Where modifications to the proposed changes have been sought by consultees – in relation to NMC-02, NMC-06 and NMC-07 – Highways England has responded by engaging further with the relevant parties in relation to their requests, and then amending the proposed changes. In doing so, Highways England has endeavoured to balance any competing or conflicting concerns (e.g. in relation to NMC-06 and NMC-07) with fairness and transparency.
- 7.1.3 The definitive NMC proposals are presented and explained in Chapter 6 above. Highways England respectfully requests the Examining Authority's acceptance of all of the proposed changes as described in Chapter 6.
- 7.1.4 Highways England appreciates that the position in relation to NMC-06 is complex. Notwithstanding English Heritage's position and the absence of additional land consents, there is a degree of support for the amended DCO proposal in the form of NMC-06 Option B – and for most (though not all) consultees, Option B was considered preferable to the original DCO proposal. For this reason, and given the position in relation to outstanding additional land consents, Highways England seeks the Examining Authority's acceptance of the north-south element of the substitute solution as described in Chapter 6.
- 7.1.5 As explained above, the substitute solution would enable the delivery of a shared-use cycle track (for pedestrians and cyclists) equivalent to the proposal in NMC-06 Option B, albeit that the delivery method would differ, in that whilst the north-south element could be delivered through the DCO (if accepted by the Examining Authority), the west-east element would be delivered outside the DCO, in collaboration with Wiltshire Council.
- 7.1.6 Having considered the consultation responses and the comments received at Deadline 8a in detail, Highways England notes that none of the consultees expressed a view that the proposed changes were material, as opposed to non-material. This reflects and corroborates the impression gained by Highways England in the Issue Specific Hearing No. 9 held on 22 August 2019, in which the proposed changes were discussed. As such, Highways England concludes that its findings on the matter of materiality or non-materiality, as set out in the Proposed Changes Consultation Booklet (in the environmental appraisal sections of each NMC-related chapter), are accepted.
- 7.1.7 Highways England also notes that a significant majority of the persons consulted on the proposed changes did not respond to the consultation, notwithstanding either the targeted nature of the consultation or the breadth

of its range. Highways England therefore concludes that those persons do not consider the proposed changes to be material in nature (either individually or cumulatively) and nor do they oppose the proposed changes.

- 7.1.8 As such, Highways England believes this Position Statement supports its request to the Examining Authority to accept all of the proposed changes – as identified in Chapter 6 above – as part of the Application to be examined. Highways England draws this conclusion from the evidence that each of the NMCs would, on balance, bring a small but significant benefit to a particular aspect of the Scheme, which, in combination, would help Highways England to deliver an optimal Scheme.

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