

A303 Amesbury to Berwick Down

TR010025

Deadline 10

**8.64 - Comments on any further information received by
the ExA and received to Deadline 9**

APFP Regulation 5(2)(q)

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

October 2019



Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure)**Rules 2010****A303 Amesbury to Berwick Down****Development Consent Order 20[**]**

Comments on any further information received by the ExA and received to Deadline 9

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1 Introduction

1.1 Purpose of Report

1.1.1 This report provides Highways England's responses to representations by Interested Parties (IPs) submitted at deadline 9.

1.2 Structure of this document

1.2.1 This report is structured by Interested Party. It presents matters they have raised from their representations and the associated responses from Highways England. The Table of Contents provides the complete listing of the representations received and included in this report.

1.2.2 The matters raised and responded to in this report are from:

- Comments on the Applicant's Comments on information received at deadline 7, submitted at deadline 8 [REP8-013];
- Comments on the draft DAMS submitted at deadline 8 [REP8-008];
- Comments on the OEMP submitted at deadline 8 [REP8-006];
- Comments on the draft DCO submitted at deadline 8 [REP8-004];
- Comments on the Written Summaries of Oral Submissions submitted at deadline 8 by the Applicant;
- Comments on the Examining Authority's dDCO [PD-018];
- Comments on the Examining Authority's Report on the Implications for European Sites (RIES) [PD-019];
- Comments on Land Acquisition and Temporary Possession Negotiations; and
- Additional submissions.

1.3 The Examination Library

1.3.1 References set out in square brackets (e.g. [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be viewed at the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-000484-Stonehenge%20-%20Examination%20Library%20Template.pdf>

2 Wiltshire Council (REP9-032, REP9-033 and REP9-034)

2.1	Additional Submission	
	Matter Raised	Highways England's Response
2.1.1	<p>The Council has reviewed the (Rev 4) Draft Detailed Archaeological Mitigation Strategy (DAMS) [REP8-009].</p> <p>Since the Deadline 8 submissions, the Council has been in intensive discussions with HE to finalise the core documents for submission at Deadline 9 (25th September). The Council and HE are very close to agreeing the few outstanding items on the DAMS.</p> <p>The Council hopes that these items can be satisfactorily resolved by the close of the Examination so that a final version of the DAMS can be submitted to the ExA prior to Deadline.</p> <p>The Council will update the ExA on the Council's final position prior to Deadline 10.</p>	<p>The Applicant agrees that it has been in intensive discussions with Wiltshire Council.</p> <p>The issues that Wiltshire Council have raised with the Applicant regarding the wording of the DAMS have been satisfactorily resolved between both parties.</p> <p>A final version of the agreed DAMS is to be submitted by the end of the Examination. The Applicant understands that final version to be agreed with the Council.</p>
2.1.2	<p>Since the Deadline 8 submissions, the Council has been in intensive discussions with HE to finalise the core documents for submission at Deadline 9 (25th September). The Council and HE are very close to agreeing the few outstanding items on the DAMS.</p> <p>The Council hopes that these items can be satisfactorily resolved by the close of the Examination so that a final version of the DAMS can be submitted to the ExA prior to Deadline.</p>	<p>The Applicant agrees that it has been in intensive discussions with Wiltshire Council.</p> <p>The issues that Wiltshire Council have raised with the Applicant regarding the wording of the DAMS have been satisfactorily resolved between both parties.</p> <p>A final version of the agreed DAMS is to be submitted by the end of the Examination. The Applicant understands that final version to be agreed with the Council.</p>
2.1.3	<p>The Council considers that the use of the word "improved" at Reference 38 within Schedule 3, Part 3 is misleading as there will be no junction from the improved A303 with Allington Track. The Council believes that the wording should be amended as follows: "...410m south east of existing junction of the A303 with Allington Track".</p>	<p>After further discussion, the Applicant has agreed to amend the description of reference 38. This will appear in the final version of the DCO, incorporating the Applicant's proposed changes, following the Examining Authority's procedural decision on 27 September 2019 to accept those changes.</p>

2.1.4	<p>Furthermore, it is the Council's understanding that within the dDCO to be submitted at Deadline 9, Article 39 (2) will now read: "<i>Where the undertaker proposes to close the tunnel it must, except in an emergency, and subject to any tunnel closure management plan produced in accordance with paragraph 4 of Schedule 2-</i>". Whilst this amendment is broadly welcomed by the Council, the Council considers that instead of "<i>produced in accordance with paragraph 4 of Schedule 2</i>" it should be "<i>produced in accordance with the OEMP</i>". This is because the TCMP comes from the OEMP and not the plans as set out in paragraph 4 of Schedule 2.</p>	<p>After further discussion, the Applicant understands that Wiltshire Council is content with the drafting of article 39 as it appeared in revision 7 of the draft DCO [REP9-004].</p>
2.1.5	<p>Finally, the Council is supportive of all of the ExA's proposed changes to the dDCO as outlined within PD-018. The Council notes that not all of these have been incorporated into the latest draft prepared by HE and it is the Council's position that they should.</p>	<p>Please see the Applicant's 'Explanation of Amendments to Rev 7 of the Draft DCO and Comments on the Examining Authority's draft DCO' [REP9-024], section 3, for further details as to the reasons why the Applicant has not included all of the proposed amendments.</p> <p>The Applicant has agreed with the Council the approach to the definitions of commence and preliminary works, such that erection of construction of plant and equipment for the preliminary works is removed from the definition of preliminary works and inserted in the preliminary works OEMP (item PW-G1). This is to reflect the fact that erection of construction plant and equipment for the preliminary works does not (i) constitute a preliminary work in itself, but forms part of each category of preliminary works or (ii) require its own preliminary works CEMP, as each category of preliminary works does.</p>
2.1.6	<p>The Council is grateful that the ExA has taken on board its previous representations and included a new category (k) in sub-paragraph (1) of Requirement 1 to state: "<i>(k) the erection of construction plant and equipment</i>". This change is fully supported by the Council.</p>	<p>Please see above. This position has been agreed with the Council.</p>
2.1.7	<p>Wiltshire Council is fully supportive of the inclusion of a new Requirement 12 regarding permitted development rights. It is the Council's position that both Part 9 Class B (development relating to roads) and Part 16 Class D (communications) should be included</p>	<p>Please see the Applicant's 'Explanation of Amendments to Rev 7 of the Draft DCO and Comments on the Examining Authority's draft DCO' [REP9-024], section 3, in respect of the proposed requirement 12. In summary, the Applicant does not enjoy Class D Part 16 permitted development rights and any person who does would have no connection with the Scheme. It is not</p>

	<p>here. However, the Council notes that HE have indicated that they are not a driver information system licensee and therefore the permitted development rights afforded in Part 16 Class D are not available to them. Whilst this may describe the current status of HE, without the inclusion of Part 16 Class D in this requirement, HE may become a licensee for this apparatus in the future and therefore the protection sought for this location would be lessened.</p>	<p>justified or reasonable to take the opportunity of the Applicant's DCO application to amend the permitted development rights regime that applies within every other WHS in the UK; this would be the effect of the requirement drafting in the ExA's DCO, rather than simply applying to the Applicant. The Applicant is unaware of any prospect of it becoming a licensee under this little-used regime, therefore any requirement or article provision applying to the Applicant would be unnecessary.</p> <p>Should it be desirable for those permitted development rights to be curtailed in the WHS, the appropriate mechanism would be for Wiltshire Council to make a direction under article 4 Town and Country Planning (General Permitted Development) Order 2015 to that effect. This would allow Wiltshire Council, as planning authority, to properly exercise control over such development under its planning functions rather than writing it into a statutory instrument which is outside of the planning authority's control.</p>
<p>2.1.8</p>	<p>Wiltshire Council welcomes the queries posed to Highways England (HE), which the Council considers addresses the specific points where there has been, and in some cases still is, some uncertainty that the Scheme can be completely Habitats Regulation Assessment (HRA) compliant.</p> <p>The Council considers that this will enable the Secretary of State (SoS) to be fully informed as to what the issues are that need to be addressed in order to make the Scheme HRA compliant. As such, the SoS will be able to make a well-informed decision as to whether the Scheme will be compliant with the Habitats Regulations in both its construction and operational phases.</p>	<p>As stated in the Applicant's response [REP9-031] to the ExA's Rule 17 request [PD-017], to provide sufficient certainty that stone curlew breeding plots will be provided and maintained, a new requirement (Requirement 12) has been included in the latest draft of the dDCO. The rationale behind, and operation of, the requirement is explained in that response. RSPB and Natural England have confirmed they are content with the Applicant's approach. As such, the Applicant considers that there is no uncertainty, as referred to. Indeed, the Statement of Common Ground [REP7-015] (a further version of which will be submitted before the end of the examination) between it and Wiltshire Council confirms that there are no outstanding matters between the parties in respect of biodiversity issues.</p> <p>As Stated by Wiltshire Council, ultimately this is a matter for the Secretary of State to determine, drawing upon the advice of the government's statutory advisor on internationally important wildlife sites: Natural England. Natural England has already made clear it considers that the measures set out by Highways England are sufficient to conclude no adverse effect on the integrity of European sites as a result of the Scheme (see the Statement of Common Ground between the parties [AS-106]. As Wiltshire Council has stated, information has been submitted throughout the Examination to provide as much clarity as possible regarding the mitigation measures that will be undertaken. Compliance with the Habitats Regulations is assured by the</p>

		<p>measures secured through the dDCO, including via the OEMP and other requirements in Schedule 2.</p> <p>In correspondence subsequent to deadline 9, the Applicant understands Wiltshire Council to now be satisfied in respect of all matters relating to the Habitats Regulations, including in respect of the securing of the provision of stone curlew breeding plots.</p>
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3 National Farmers Union (REP9-041)

3.1	Comments on the OEMP and dDCO	
	Matter Raised	Highways England's Response
3.1.1	<p>The NFU thanks HE for including the wording as drafted in the draft DCO at 15(3) the notice required under paragraph (2) must indicate the nature of the survey or investigation that the undertaker intends to carry out. The NFU believes that Article 15 at 15(3) should also state that the notice must indicate the following:</p> <p>Who will be taking entry The date of entry and for how long The type of equipment if any will be used.</p> <p>The NFU set this out in the submission on the 6th September 2019. Highways England (HE) following a conference call on 20th September 2019 have stated that they would like to see the ALO take on the role of supplying the above information and for the wording not to be changed in the draft DCO. HE has stated the OEMP will have the following wording:</p> <p>“The ALO will provide preconstruction survey information to landowners including company name, survey type and equipment to be used, an estimate of how long the surveys are expected to take, where surveys are to take place on land outside of the Order Limits and why such surveys are required on land outside the Order Limits”.</p> <p>The NFU believes strongly that the wording in the draft DCO should be changed to state that the above information will be provided in the notice. We would expect the ALO as part of its role to have a meeting with a landowner to discuss the notice and the information as set out above. It is particularly important that the landowner is</p>	<p>The Applicant has carefully considered the National Farmers Union's submissions on this topic and has responded to each of them in addition to maintaining an ongoing dialogue through the examination period (and before). The Applicant's responses and submissions on the National Farmers Union's proposals for article 15 can be found at paragraph 39 of [REP6-035], agenda item 3.9 of the Applicant's summary of the first DCO ISH [REP4-029] and in the Applicant's summary of the second DCO ISH under agenda item 3.5(ii) [REP8-019].</p> <p>The Applicant considers each of the National Farmers Union's concerns to have been addressed so far as it is reasonable to do so:</p> <p><i>Who will be taking entry</i> – this is already accounted for in article 15(4)(a) which requires any person entering land under this article to produce written evidence of their authority to do so. It is also included in Table 2.1 of the OEMP [REP9-014].</p> <p><i>The date of entry and for how long</i> - the earliest date of entry would be clear from the notice given under article 15(2), as not less than 14 days' notice must be given. The Applicant considers it to be impractical to provide a binding duration for the period of surveys conducted under article 15; the practical effect of a requirement to do so would be to lead to prudent and conservative durations being provided which are unlikely to be of assistance to the recipient in planning their use of land. However, the Applicant has committed in Table 2.1 of the OEMP [REP9-014], to requiring the Agricultural Liaison Officer to provide an estimate of the duration of surveys.</p>

	<p>informed as to why the surveys are necessary as under the power, surveys are only authorised outside Order limits, where reasonably necessary</p>	<p><i>The type of equipment if any will be used</i> - as noted in the representation, this amendment has already been made to the DCO and is included in article 15(3). It is also covered in Table 2.1 of the OEMP.</p> <p>The wording relating to the OEMP quoted by the NFU is included in Table 2.1 of the OEMP [REP9-014] and is secured by requirement 4 of the DCO. The Applicant remains of the view that this is the appropriate place to secure such measures and they are no less enforceable for being included the OEMP rather than in article 15.</p>
<p>3.1.2</p>	<p>Further to the publication of the Examining Authority’s draft DCO on the 3rd September 2019 and the NFU checking the wording in detail of Article 15, the NFU as stated in the submission submitted on 6th September 2019 is very concerned that the following is included under Article 15:</p> <p>At 15 (1) (b) it is stated that <i>‘the undertaker where reasonable necessary may enter any land which is adjacent to, but outside the Order limits’</i>.</p> <p>The NFU after checking the wording of other DCOs believes that it is not normal for the DCO under the article covering ‘Authority to Survey and Investigate Land’ to include the above wording which allows for the surveys to take place on land which is adjacent to, but outside Order Limits. In conference calls with HE on Friday 20th and Monday 23rd September the NFU asked why it was necessary for any surveys to take place outside Order Limits and in particular what ecological receptors were so important on the A303 Stonehenge scheme for this wording to be necessary. HE have confirmed in an email dated 24th September that non- intrusive surveys may be necessary to take account of the presence of protected species that could potentially be disturbed. It is not at all clear to the NFU why protected species would be disturbed any more on this scheme than other schemes which have applied for a DCO.</p>	<p>The Applicant notes that this wording has been included in the DCO since submission [APP-020] and was mentioned in the Explanatory Memorandum [APP-021]. It has been the subject of the Examining Authority’s Written Questions (see the Applicant’s responses to DCO.1.36 [REP2-030] and DCO.2.22 [REP6-027]) and was discussed at the first DCO ISH (see agenda item 3.9 [REP4-029]). Those submissions explain why the power is needed and identify how the drafting differs from the precedent Silvertown Tunnel Order 2018 from which it is drawn. The Applicant would further note that the power to conduct surveys and investigations on adjacent land “where reasonably necessary” in accordance with article 15 is a lesser imposition on landowners than would be the case if instead the land were to be acquired, or rights acquired for those purposes.</p>

3.1.3	<p>Further as stated in the submission of the 6th September 2019 under Article 2: Interpretation, there is no meaning of the word “adjacent”. The NFU has asked HE to clarify what it means by adjacent and HE have confirmed on 24th September that the definition must take its ordinary meaning, as this is how it has been interpreted within previous referenced submissions by HE. The NFU has read all previous referenced submissions and has not been able to find anywhere where HE has defined adjacent.</p> <p>The Collins dictionary defines ‘adjacent’ as “being near or close, esp. having a common boundary; contiguous. Therefore the NFU would expect any surveys which are to take place if it could be proven that they were reasonably necessary outside Order limits, within 10m of the Order limits boundary.</p>	<p>As noted in the submission, “adjacent” would take its ordinary meaning in the context in which it is used in accordance with established principles of statutory interpretation and could only be undertaken outside of the Order limits “where reasonably necessary”.</p>
3.1.4	<p>The NFU even after further discussion with HE sees no reason as to why HE for this scheme should be allowed to undertake surveys and investigation work on land which is adjacent to, but outside of the Order limits. The NFU would like the Examining Authority to delete this wording. If the Examining Authority believe that HE have set out why it is so important to the scheme for surveys to be carried out adjacent to but outside Order limits then the NFU would like it to be stated in the DCO that adjacent is within 10m of the Order limits boundary. The NFU believes that it is critical that this is stated clearly so that there is no ambiguity over what is adjacent to the Order limits.</p>	<p>The reasons why the power is needed are as stated in the Applicant’s representations referred to above.</p>
3.1.5	<p>Further at 15 (1) (b) (iii) it is stated that without limitation on the scope of subparagraph (i) that the undertaker may investigate the nature of the surface layer, subsoil and groundwater and remove soil and water samples and discharge water from sampling operations on to the land.</p> <p>As highlighted in the submission by the NFU on 6th September 2019 the wording highlighted in bold above is not normally included in the article covering surveys and investigation in a DCO and as Article 15</p>	<p>With respect to the wording in article 15(1)(b)(ii) the Applicant has been clear that the particular requirements of the Scheme justify additional clarificatory wording around the scope of the surveying power sought. Please see the Applicant’s answer to Written Question DCO.1.36 [REP2-030] for further discussion on the precedents. In this case the Applicant has a requirement for surveys to be conducted in support of its Scheme and it follows that the powers it seeks must be sufficient to enable those necessary surveys to be conducted.</p>

is drafted for the A303, the discharge of water from sampling operations on to land could take place within and outside the Order limits. It is the discharging of water on to land that is of the greatest concern to the NFU.

As above under 2.2 the NFU sees no reason as to why HE for this scheme should be allowed to discharge water from sampling operations on to land within and outside of the Order limits. The NFU would like this wording to be deleted as requested on the 6th September 2019.

The NFU has requested further information from HE on the discharge of water from sampling operations on to land as to what this would entail. HE confirmed that the powers are being sought to facilitate that prior to taking a sample of groundwater it is good practice to remove the water that is in the borehole and allow the borehole to refill from the aquifer that is being monitored. It has been stated to us that typically three well volumes would be removed and for a borehole that is 50m deep where the water is 15 metres below ground level this would be 200 litres of water. In context this is like 2 mm of rain falling over an area of 10m x 10m. HE provided a picture highlighting the purging process and this is submitted with this submission.

If the Examining Authority do believe that it is necessary and appropriate to allow HE to discharge water on to land then the NFU believes that it is critical that it is stated what the maximum amount of water is and if this is as the example given then it should be stated that the maximum amount of water to be discharged on to land is 200 litres per borehole. Further it would need to state how many times this would be carried out per borehole.

It is also not clear as to whether the DCO powers will cover the boreholes which are already in situ. The boreholes are currently tested every quarter. These boreholes are not situated in locations which could be considered as adjacent to the Order limits.

The need for Highways England to have the ability to access adjacent land for surveys is set out in:

- The response to Written Question DCO.1.36 [REP2-030];
- The Summary of Submissions of the first DCO ISH (see agenda item 3.9 [REP4-029]);
- The response to Written Question DCO.2.22 [REP6-027].

To assist landowners and occupiers in dealing with such an eventuality, further changes have been made to the OEMP at deadline 9 to make clear that, alongside the information previously agreed to be given in, or in connection with, article 15 notices within the DCO and OEMP, the ALO will also be required to provide landowners with an explanation of why land outside the Order limits is required (in the context that Article 15 requires such use to be 'reasonably necessary').

The detail of how many boreholes will be sampled and how often will be agreed through the Groundwater Management Plan (see item MW-WAT10 of the OEMP). It is anticipated that sampling could continue to be once every 3 months, but that is not definitive at this stage in the process. Only the volume of water necessary to purge the borehole before sampling would be removed from the borehole. The volume of water depends on the borehole depth and the water depth will vary seasonally and therefore it is not realistic to state a maximum at this stage in the process. It is also not possible at this stage to say how many times this will occur.

However, the volumes are small and 200 litres is typical (but not definitive in every borehole) of a 50m deep borehole. This is equivalent to 2mm of rain over an area of 10 m x 10 m or 0.02 mm over a hectare so is inconsequential in terms of volume.

This process of removing and discharging small quantities of water is for the purpose of water sampling. This should not be confused with pumping tests which are carried out for a different reason (to investigate hydraulic

		<p>characteristics of the aquifer) and would not be covered by the wording of article 15 which refers to discharging from sampling operations.</p> <p>The arrangements for the existing boreholes will continue pursuant to the agreements and approvals in place for them - these will not be overridden by the DCO.</p>
<p>3.1.6</p>	<p>Compulsory Acquisition Hearing: Whether the Secretary of State could be satisfied that the land proposed to be acquired is no more than is reasonably necessary for the purposes of the proposed development. HE stated that they believe they have only highlighted the land that is required to be able to deliver the scheme and that once final design has been completed if it is shown that not all land is required then less land will be taken. The other re assurance given was that a step down in the rights needed could be considered. The NFU would like an assurance on this to be given by HE and for this somehow to be secured in the DCO.</p> <p>The NFU believes that HE has still not confirmed how it would carry out this negotiation with landowners on the final design and prove that no more land is being taken than is necessary.</p>	<p>For an explanation of the Applicant’s position in relation to the points raised here by the NFU, please refer to the Applicant’s written summaries of oral submissions put at the Compulsory Acquisition Hearings held on 9 and 10 July 2019 [REP5-002].</p> <p>The Applicant remains of the firm view that, in accordance with the advice in paragraph 25 of DCLG’s ‘<i>Guidance related to procedures for the compulsory acquisition of land</i>’, at this stage, all of the Order land is reasonably required for the Scheme and, given the “long, linear” nature of the Scheme, it is reasonable for the draft DCO to include provisions seeking authorisation for compulsory acquisition covering all the land required for the Scheme at the outset.</p> <p>The powers of acquisition and possession of land set out in the draft DCO have been carefully drafted so as to enable a flexible approach to be applied as appropriate. Therefore, where, as a result of the detailed design, it transpires that the Scheme could still be satisfactorily delivered with the use of less land, or through the exercise of a lesser power (e.g. acquisition of rights rather than outright acquisition of land, or temporary possession rather than compulsory acquisition), this ‘ratcheting back’ or ‘ratcheting down’ approach, which is embedded in the draft DCO will apply. This approach, together with sound reasoning in support of its application, was explained by the Applicant at the Compulsory Acquisition Hearing [see REP5-002]. It would not be in the interests of the Applicant to eschew the application of this approach to the exercise of the land use and acquisition powers in the DCO.</p> <p>The Applicant will continue to liaise with landowners and, wherever possible, will continue to seek to negotiate the acquisition of the land and rights over land required for the Scheme voluntarily rather than through compulsion.</p>

		<p>During the detailed design process, the Applicant will be in a position to discuss land take proposals with land owners and occupiers, as it becomes increasingly apparent what land is required and how it will be affected.</p>
<p>3.1.7</p>	<p>Role of the ALO: OEMP: Table 2.1: The NFU has been requesting that wording should be stated under the 'Role of the ALO' the times that the ALO is contactable. The wording requested is "The ALO (or their company) will be contactable from 7am to 7pm during the construction phase to landowners, agents and occupiers and will provide 24hr team or company contact details for use".</p> <p>HE has now confirmed that in the ALO section of the OEMP the following wording will be added: <i>The ALO will be contactable by all landowners and occupiers during the day time working hours defined by the contractor through a direct phone number. During out of hours times, contact will be made through the HE helpline, who will provide a suitable contact to deal with any issues.</i></p> <p>The NFU would like to see HE providing an emergency number for out of hours times that is specific to this project. It is not acceptable to give an emergency number which is the HE general emergency number for the whole of England. Landowners will need to speak to someone in an emergency who knows the scheme and different locations along the scheme.</p>	<p>Highways England can confirm that the following wording has been included within Table 2.1 of the OEMP (role of the ALO) submitted at deadline 9 [REP9-013].</p> <p><i>'The ALO will be contactable by all landowners and occupiers through a direct phone number during day time working hours defined by the contractor. During out of hours times, contact will be made through the Highways England helpline, who will provide a suitable contact to deal with any issues.'</i></p> <p>Highways England does not consider it necessary to provide a separate emergency number specific for the Scheme. As stated within the above inclusion, the Highways England helpline will provide a suitable contact to deal with any issues related to the Scheme.</p>

4 Historic England (REP9-038)

4.1 Additional Submission		
	Matter Raised	Highways England's Response
4.1.1	HBMCE understands that Highways England will address our concern regarding the protection of scheduled monuments within land considered 'adjacent' to the Scheme in a Deadline 9 submission of the DAMS.	The wording was updated at paragraph 5.2.5 in the DAMS submitted at deadline 9 [REP9-017] as agreed with Historic England.
4.1.2	We consider it is necessary that prior to the approval of the SSWSIs for the areas surrounding the tunnel portals, the location of the portals are confirmed. This will ensure that intrusive mitigation would not be conducted in areas where archaeological remains might otherwise be preserved.	The Applicant agrees with this approach. The DAMS has been updated to address this point in the final DAMS submitted by the end of the Examination.
4.1.3	The HIA follows the model set out in Appendix 4 of ICOMOS 2011 closely. It should be noted that in the section dealing with mitigation, there is a slight divergence because the Scheme has adopted the approach of embedding mitigation in its design. Consequently the effect of that mitigation is not separately assessed.	<p>The Applicant agrees that it has adopted the approach of embedding mitigation as part of its approach to good design. Embedded mitigation comprises those measures that have been incorporated into the design of a particular development to prevent, reduce and offset any significant adverse effects. The approach follows current best practice and demonstrates the purpose of EIA, its use early in the design process and its iterative nature (to encourage the incorporation of such measures early on in the design process and to consider alternatives), how the design of a project has evolved, and how the Applicant has 'designed out' significant effects wherever possible. The approach allows the ES to focus on the effects of the project in question and those additional mitigation measures required to address potential significant effects, and avoids reporting on unrealistic and unlikely effects.</p> <p>The effects of the embedded mitigation form part of the Scheme's outline design. Embedded mitigation measures are set out in the HIA [APP-195; Section 8.2, <i>Iterative design and embedded mitigation</i> and Table 9: <i>Design</i></p>

		<p><i>changes to the Scheme within the WHS in response to cultural heritage concerns</i>]. Consequently, we agree with Historic England’s point that we do not assess the embedded mitigation separately, as it is assessed as part of the Scheme, but we emphasize that it has been embedded in the Scheme design in response to cultural heritage concerns and in order to reduce significant effects on the Historic Environment. As stated above, the application of the approach to embedded mitigation by the Applicant demonstrates its commitment to good design and reflects current best practice for undertaking EIA.</p> <p>We note that in any event, Historic England has endorsed the methodology of the HIA (see its conclusion at paragraph 2.2 of its response) and the HIA conclusions (see paragraphs 2.2.7 to 2.2.10), despite some differences between Historic England and Highways England in approach.</p>
<p>4.1.4</p>	<p>HBMCE considers that Highways England should be in a position to address our concerns in relation to this document, but we will need to review the final version before this can be confirmed.</p> <p>HBMCE has continued to provide detailed advice to Highways England regarding the development of the DAMS since its first iteration in March 2019³². The latest version submitted at Deadline 8 has dealt with many of the gaps we highlighted and changes requested. As such, we can confirm our opinion that the document has been considerably improved through productive and collaborative discussion and we have welcomed the positive approach from Highways England to our advice. The submissions below focus primarily on Sections 3, 4, 5 and 6 of the DAMS and associated key points that have either been subject to detailed discussion, or on which continued work has been progressing in order to enable us to finalise our position.</p>	<p>The Applicant welcomes Historic England’s comments and its positive collaborative approach to working with the Applicant to finalise the DAMS.</p> <p>The issues that Historic England have raised with the Applicant regarding the wording of the DAMS have been satisfactorily resolved between both parties.</p> <p>A final version of the agreed DAMS is submitted at the end of the Examination.</p>

4.1.5	<p>The Scheme has developed its own Scheme specific research questions and we have highlighted the particular importance of drawing these out in the same way as the established research questions within the text. We understand that a further version of the DAMS is to be submitted at Deadline 9 in which Highways England have addressed this point.</p>	<p>The Applicant has taken on board Historic England's comment, with regards to drawing out the Scheme specific research questions, in the DL9 submission of the DAMS [REP9-017; see for example paragraphs 4.5.30-4.5.31]. A final version of the agreed DAMS is submitted at the end of the Examination.</p>
4.1.6	<p>HBMCE considers that the ploughzone resource within the SAAS WHS from the period of OUV (APP-195: 5.10.18) has potential to contribute to Attributes conveying OUV and to international research agendas. Consequently we consider that its value is high.</p>	<p>As stated by Historic England in its deadline 9 submission [REP9-038; para 2.2.5]:</p> <p><i>'This is inevitably a matter of professional judgement since there is no specific guidance in ICOMOS 2011 to indicate how such material should be valued.'</i></p> <p>The Applicant stands by its HIA [APP-195] and its assessment of value and of Scheme impact on the ploughzone resource within the SAAS WHS. The Applicant does not agree that these remains are of high value but affirms its position that these are considered of medium value (see HIA [APP-195]; para. 6.10.33). The archaeological remains that will be removed by the construction of the Scheme do not 'make a significant contribution to the OUV of the WHS' such that the integrity of the WHS would be diminished by the removal of these remains.</p> <p>The Applicant notes that, in any event:</p> <p>(1). Historic England considers the HIA to be a thorough assessment of the Scheme impact on attributes (paragraph 1.7.2 of its deadline 9 submission), and to employ a precautionary approach (paragraph 2.2.8). Historic England has confirmed the methodology of the HIA; see paragraph 2.2 where it states: <i>"the Assessment does conform to the relevant guidance, and that the reference to different elements of guidance is methodologically consistent."</i> Historic England has also confirmed its agreement with the conclusions of the HIA [REP9-038; paragraphs 2.2.7-2.2.10] where they state at paragraph 2.2.10 that:</p> <p><i>"despite differences of opinion between Highways England and HBMCE regarding the assessment of individual aspects of the Scheme, in relation to</i></p>

		<p><i>the overall assessment HBMCE broadly concurs with the assessment in the HIA</i>"; and</p> <p>(2). The approach to mitigation of the ploughzone resource as set out in the DAMS is agreed with Historic England.</p>
4.1.7	The challenge for the OWSI is to implement a strategy for investigation of this resource that is appropriate for the variation in its makeup, condition, density and distribution, and clearly justified in relation to its significance.	The Applicant agrees with this point and has put forward an appropriate strategy for the investigation of the ploughzone resource within the DAMS as submitted at deadline 9 [REP9-017; paragraphs 6.3.11-6.3.20] as agreed with Historic England.
4.1.8	HBMCE has recommended that Highways England explore what potential there might be to analyse the spatial distribution of the material from the evaluation stage test pitting exercise and compare this with, for example, other elements within the SAAS WHS that convey Attributes of OUV.	The Applicant notes this comment and will take this on board as it develops its statistical analysis that will feed in to the preparation of SSWSIs and Method Statements for the Preliminary Works. The Applicant notes that Historic England will be consulted on the preparation and approval of those documents, under the provisions of the DAMS.
4.1.9	<p>HBMCE's position remains as set out in our response to the Examining Authority's question HW.2.2⁴⁰. We have continued to discuss with Highways England how the relationship between the DAMS and Article 16 of the dDCO can be clarified to ensure that there is no confusion between how remains less than 100 years old will be treated in comparison with significantly older burials. Regardless of their age it is essential to ensure that human remains are always treated with respect, employing high standards and best practice.</p> <p>It would appear that that the provisions for the treatment of human remains have been dealt with through Article 16 of the dDCO in conjunction with the provisions of the DAMS. We will need to review the final versions of the dDCO and the DAMS, submitted at Deadline 9, before this can be confirmed.</p>	<p>The Applicant has set out a Strategy for the Recovery of Human Remains in the DAMS, which Strategy has been updated throughout the course of the Examination further to comments received by consultees [REP9-017; paragraphs 6.3.76-6.3.88]. The Strategy provides a clear protocol for the treatment of human remains, notwithstanding their age, if and when they are discovered during the construction and operation of the Scheme. The Applicant agrees with Historic England's comment that <i>'Regardless of their age it is essential to ensure that human remains are always treated with respect, employing high standards and best practice'</i> and this is reflected in the Scheme mechanisms for the treatment of human remains.</p> <p>The Applicant has set out the provisions with regards to the removal of human remains in Article 16 of the DCO and in conjunction with the Strategy as set out in the DAMS [REP9-017; paragraphs 6.3.76-6.3.88 – and in particular paragraphs 6.3.77 and 6.3.79].</p> <p>A final version of the agreed DAMS and the DCO are submitted at the end of the Examination.</p>

4.1.10	<p>As noted in the dDCO section above, we have raised the issue of unintended consequences for works to “buildings”, which as defined encompass scheduled monuments. There is a real risk in our opinion that works to such monuments outside of the Order limits could be conducted without having been properly assessed.</p> <p>The Stonehenge scheduled monument includes the line of the Avenue which is crossed by the Scheme. As a consequence the monument is both within and “adjacent” to the Scheme. There are numerous other monuments which lie “adjacent” to the Order limits and there is a need to ensure they are appropriately safeguarded. We have discussed the matter with Highways England given that there will be a need for ground movement/vibration monitoring at the Stonehenge monument itself during the construction of the tunnel.</p> <p>HBMCE considers that for the protection of scheduled monuments outside the Order Limits but considered ‘adjacent’ to the Scheme, works under Articles 14, 15 and 29 should be subject to the requirement under the Ancient Monuments and Archaeological Areas Act 1979 to obtain Scheduled Monument Consent.</p> <p>We understand that Highways England will be making a change in the DAMS to be submitted at Deadline 9 to address this point.</p>	<p>This change was made in revision 7 of the draft DCO [REP9-003], see article 3(1)(h). and in the DAMS submitted at deadline 9 [REP9-017; paragraph 5.1.3].</p>
4.1.11	<p>Limits of Deviation (Archaeological Remains)</p> <p>We have highlight to Highways England the need to ensure that any archaeological mitigation work at either end of the tunnel will not be undertaken in advance of the detailed design stage having confirmed the precise location of the tunnel portals. This is to ensure that archaeological mitigation would not be conducted in areas where archaeological remains might otherwise be preserved.</p> <p>HBMCE considers therefore that prior to the approval of the SSWSIs for the areas surrounding the tunnel portals the location of the portals should be confirmed.</p>	<p>The Applicant agrees with Historic England’s comments. The final DAMS submitted at the end of the Examination includes the following caveat at para. 5.2.4:</p> <p><i>“No archaeological mitigation works shall take place in the footprint of the scheme between chainages 7+200 and 7+400 at the western portal and between chainages 10+400 and 10+430 at the eastern portal (under Article 7(7)(b) of the DCO) until the tunnel portal locations are confirmed by the Authority.”</i></p>

	We consider that Highways England should be in a position to address our concerns in relation to the DAMS and/or OEMP but we will need to review a final version of these documents before this can be confirmed.	
4.1.12	We have advocated that Highways England move beyond dependency on the existing Research Framework for the Stonehenge and Avebury and Associated Sites WHS ('SAARF', Leivers and Powell 2016) and the South West Archaeological Research Framework (SWARF) (Webster, 2008). Indeed, the scheme is an opportunity to feed into development and enhancement of the SAARF and SWARF rather than being determined by the questions outlined in those (and other) research frameworks.	The Applicant has taken on board Historic England's comment with regards to moving beyond the established research frameworks including SAARF (Leivers and Powell 2016) and SWARF (Webster 2008) in the development of Scheme specific research questions, see for example paragraph's 4.5.30-4.5.32; 4.6.21-4.6.24; 4.8.14; 4.8.18 of the deadline 9 DAMS [9-017]. The Applicant agrees that the Scheme provides an opportunity to feed into the development and enhancement of the established research frameworks [REP9-017; para. 2.3.1 (c)]. A final version of the agreed DAMS is submitted at the end of the Examination.
4.1.13	<p>Public right of way proposals in the vicinity of Stonehenge Visitor Centre (NMC-06)</p> <p>Our understanding at the time of writing this submission is that subject to clarification of details on the parcels of land 08-04, 08-12 and 07-09, the only issue which remains is in relation to 14-07. This relates to the acquisition of land for the proposed public right of way which will cut through the Stonehenge Visitor Centre car park.</p> <p>This has been the subject of on-going discussions, more recently seen through the response provided by the English Heritage Trust to the Non Material Change - NMC-06⁷. However the Trust maintained its objection with regard to this route.</p> <p>In view of the on-going discussions, HBMCE is unable to provide a final view on the compulsory acquisition of the parcel of land identified as 14-07, until such time as matters have been resolved between the English Heritage Trust and Highways England.</p>	<p>The compulsory acquisition requirements for land parcels 08-04, 08-12 and 07-09 will be clarified at the detailed design stage, once the proposal for a shared use cycle track to the west of the Stonehenge Visitor Centre site has been further developed.</p> <p>With respect to land parcel 14-07, the width required to provide the new shared use cycle track would be reduced (in comparison with the original DCO proposal for a new restricted byway at this location), from 11 metres to 1 metre over the length of the shared use cycle track proposed to run adjacent to the Visitor Centre's overflow parking area, alongside the A360. This is confirmed following the ExA's acceptance of the proposed non-material change referenced NMC-06 Option B (as amended in Chapter 5 of the Applicant's Proposed Changes Consultation Report [REP8-015] and confirmed in the Applicant's Proposed Changes Position Statement [REP9-027]. As Highways England was unable to secure all the consents necessary to use and acquire the additional land necessary to deliver Option B in full, a 'substitute solution', has been accepted by the ExA. In collaboration with Wiltshire Council, this would deliver a shared use cycle track equivalent to that proposed in NMC-06 Option B, but without the need for additional land consents.</p>

		<p>The Proposed Changes Position Statement issued at deadline 9 [REP9-027] confirms the proposed way forward in relation to the acquisition and use of land within plot 14-07 which will be required to deliver the north/south element of NMC-06 Option B. Please refer to paragraph 6.7 and Figure 6-6: Revised excerpt from General Arrangement Drawings, Sheet 14 [within REP9-027] showing the part of Option B that would be located within the Order limits and delivered pursuant to the DCO.</p> <p>Whilst the Applicant's preference would be to acquire the reduced area of land in plot 14-07 by agreement, in the absence of agreement with English Heritage Trust, the DCO, if made by the Secretary of State for Transport, will enable the Applicant to acquire that land compulsorily for the purposes of delivering the Scheme.</p>
<p>4.1.14</p>	<p>Visual impact</p> <p>Whilst we have agreed with Highways England that P-PWS08 will be amended to make specific reference to the tunnel canopies and their role in the design to minimise the visibility of the cutting, tunnel portal and tunnel structures, we remain concerned by the level of flexibility that the dDCO currently allows in this regard.</p>	<p>As agreed with Historic England, Design Principle P-PWS08 has been amended in the OEMP submitted at deadline 9 [REP9-013] to include the principle that tunnel canopies will be designed to minimise the visibility of tunnel supports and buildings from within the WHS.</p> <p>As noted in the question, P-PWS08 is one of a number of Key Principles based upon respecting and responding to the historic landscape and achieving integration and connectivity of the Scheme. It is P-PWS08 that is the key control on the design of the canopies, such that specific lengths are not required. This key principle is illustrated in the fourth and fifth images of the Illustrated Examples of Key Design Elements found at Appendix A.4 of the OEMP [REP9-013, a final version of which is submitted at the end of the Examination] showing the Tunnel West Portal and the Tunnel East Portal.</p> <p>See also the response to Item I below which confirms that the minimum cut and cover is secured at D-CH6 (A cut and cover tunnel extending westwards from the bored tunnel to at least chainage 7+200m) and 7 (A cut and cover tunnel length extending eastwards from the bored tunnel to at least chainage 10+485m) of the OEMP.</p> <p>The Applicant considers that the suggested concern over the canopies is not justified. This is because the LoD for the works comprising the canopies have been assessed in the EIA and the referenced design principle in the OEMP</p>

provides an appropriate control on the design, and therefore visual impact, of the canopies.

With regard to extending the tunnel generally, as the canopies form a part of this structure, the Limits of Deviation (up to 200m westwards extension and up to 30m eastwards extension), would not have an impact in terms of visual and cultural heritage effects, sufficient to change the significance of effects assessed in the Environmental Statement. For the landscape and visual assessment, the increased extent of the tunnel would be marginally more beneficial as it would slightly increase the extent of the retained pattern, integrity and connectivity of the landscape and further reduce the perception of vehicles within the WHS. The longer tunnel option would also slightly reduce the impact to the landform within the WHS as the cutting approach to the western and eastern portals would be shorter.

The longer tunnel option would retain the large-scale improvement to the landscape character as per the Scheme design, as it would restore physical connectivity of the landscape. However, the 200m westward move of the western portal would not raise the magnitude of beneficial impact (change) assessed in the EIA landscape and visual assessment (Chapter 7 of the Environmental Statement [APP-045]), to any higher rating than that assessed for the DCO application. As such, the effect of the 200m move would retain the moderate beneficial effect to the landscape character.

The 30m eastward move of the eastern tunnel portal would also be marginally more beneficial for the same reasons as set out above. Similarly, a 30m move would not be sufficient enough to alter the predicted large beneficial effect in landscape terms from the tunnel.

Visually, the 200m westward move of the portal at the western end would slightly reduce the visibility of retaining walls forming the retained cutting approach from within the WHS where visual receptors could obtain a view along the length of the Scheme. The 200m longer tunnel would also retain marginally more of the existing landform within the composition of these views. However, for receptors further from the portal, the overall composition

		<p>of the view would remain as per the EIA, with the immediate improvement to the view being the reduction in vehicles from within the WHS.</p> <p>At the eastern end of the tunnel, the 30m eastward move of the portal would not change the overall composition of the view for receptors, due to intervening landform and distance from the Scheme.</p> <p>From a heritage perspective, moving the portals to the extents permissible with the Limits of Deviation would result in negligible positive change and improvement (very minor changes to key archaeological settings) to five discrete designated assets in the vicinity of the western portal approaches. There would not be any additional cumulative or in combination effects from the construction of the tunnel Limits of Deviation. The effects on the Attributes that convey OUV, the Integrity and Authenticity of the WHS would remain unchanged from those set out in the HIA [APP-195]. The Scheme (with or without implementation of the tunnel Limits of Deviation) is assessed to have a Slight Beneficial effect on the Integrity of the WHS as a whole and a Slight Beneficial effect on the Authenticity of the WHS as a whole. Overall, the Scheme (with or without implementation of the tunnel Limits of Deviation) is assessed to have a Slight Beneficial effect on the OUV of the WHS as a whole.</p> <p>Therefore, the Applicant considers that whilst the flexibility of the Limits of Deviation will not result in any change in significance to predicted visual and cultural heritage effects, constructing the tunnel to the extent of the Limits of Deviation can only be beneficial in terms of its impact.</p>
4.1.15	<p>Design of PRowS</p> <p>We have worked with Highways England and other members of HMAG to start to identify the mechanisms for detailing the surfacing of NMUs and PRowS across the Scheme, including the former A303. Surfacing of routes must take account of the need for them to be well drained to avoid constant need for maintenance but avoiding incorporating unsympathetic bound surfaces including in close proximity to scheduled monuments within the SAAS WHS.</p>	<p>Highways England acknowledges that the detailed design of PRowS will need careful consideration, mindful of the heritage, agricultural and highway needs that will need to be taken into account.</p> <p>This is why the OEMP [REP9-013] provides for:</p> <ul style="list-style-type: none"> • Consultation on PRowS to be undertaken with SDCG (para 4.5.3(c)); • Commitment D-CH26 sets the parameters of the design for bound and unbound surfaces including widths, suitable drainage and for

	<p>This remains an area where there will be need for very detailed discussion to achieve the right balance between competing factors and users as well as successful landscape integration.</p>	<p>surfacing to be visually recessive and sympathetically integrated within the WHS;</p> <ul style="list-style-type: none"> • Three design principles which relate to PROws. <p>The wording of all of these elements has been the subject of extensive discussion between the parties and it is considered reflects the appropriate approach to ensure that a design which balances all factors is able to be taken forward.</p>
<p>4.1.16</p>	<p>Article 7 – Limits of deviation</p> <p>Of the five particular points we raised on limits of deviations, only two are not yet satisfactorily addressed.</p> <p>The first is the inclusion of “convenient” and the ability for the undertaker to deviate within the limits of deviation if they consider it “necessary or convenient”. In our view the ability to exercise the limits of deviation on the basis of it being “convenient” is inappropriate in the SAAS WHS. We also note that the Examining Authority have themselves, in their own dDCO, agreed with HBMCE. The Examining Authority propose deletion of “convenient”, and we agree with this recommendation.</p>	<p>As is noted in the Applicant’s ‘Explanation of amendments to Rev 7 of Draft DCO & Comments on the Examining Authority’s draft Development Consent Order’ [REP9-024], the Applicant remains firmly of the view that it is appropriate that limits of deviation are exercisable when ‘necessary or convenient’, subject as it is to compliance with the detailed restrictions and controls contained in the draft DCO, the DAMS and the OEMP.</p> <p>The Applicant notes that it has throughout the examination (and before) stressed that flexibility is necessary to deliver the Scheme. This is a very different proposition from flexibility that may only be exercised where it is ‘necessary’ to do so.</p> <p>The Applicant is unaware of any precedent where the exercise of limits of deviation has to be demonstrated to be ‘necessary’ alone; the usual practice is for their exercise to be the sole preserve of the undertaker without qualification. Striking out ‘convenient’ would have a chilling effect on the ability of the contractor to develop the detailed design in such a way as to deliver better environmental outcomes, to deliver better value for money or take advantage of opportunities for efficiencies of design. Such outcomes are clearly ‘convenient’ but may not be ‘necessary’.</p> <p>The LoDs set out in chapter 2 of the ES [APP-040], have been considered in the assessment reported throughout the ES and so no further controls are necessary or appropriate. The Applicant’s response to DCO.1.25 [REP2-030] addresses the question “please explain with reference to the relevant ‘asset groups’, for Works 1E, 1F and 1G how the cultural heritage assessment in ES Chapter 6 and the Heritage Impact Assessment have specifically accounted</p>

for the LoD set out in the dDCO and shown on the tunnel limits of deviation plan." The response concludes that the significant effects are as reported in Chapter 6 and the HIA and are the same whether the limits of deviation are used or not.

The Applicant's response to Written Question LV.1.21 [REP2-033] addressed the question "How were the LoDs taken into account in assessing the extent of visibility, the landform gradients, and the loss of existing trees". In short, the maximum upwards and lateral deviations were assessed, rather than the downwards LoDs. This is because being positioned higher in the landscape would make the Scheme more likely to be visible. For the tunnel section with the WHS, the LVIA assessed the minimum length of cut and cover at the western and eastern portals, as the greater length of retained cutting would theoretically be visible.

That minimum cut and cover is secured at D-CH6 (A cut and cover tunnel extending westwards from the bored tunnel to at least chainage 7+200m) and 7 (A cut and cover tunnel length extending eastwards from the bored tunnel to at least chainage 10+485m) of the OEMP.

The Applicant further notes that the reason advanced in support of the deletion of "convenient" is on the basis of the appropriateness of a deviation for convenience alone in the World Heritage Site. This justification fails to appreciate the great care that has been taken in establishing, and assessing, the limits of deviation within the WHS and its setting.

For example, the default position across the scheme is that works may deviate by 0.5 meters upwards and downwards by 1 meter from the levels shown on the Engineering Sections Drawings. In respect of Work Nos. 1D(i), 1E, 1G(i) and (ii) and Work No. 6 the default is overridden and a far more stringent permitted deviation of 0.25 meters has been set.

Similarly, the deletion of "convenient" throughout article 7 does not just target the limits of deviation within the WHS, it has effect across the Scheme from the Allington Track diversion at the eastern most extent of Scheme to the new

		NMU routes to the west of Winterbourne Stoke at the western extent of the Scheme.
4.1.17	<p>Article 7 – Limits of deviation</p> <p>The second issue is that of vertical limits of deviation and the potential restriction of archaeological research that could take place in the World Heritage Site above the tunnel area⁹ which would be contrary to the aims and policies of the SAAS WHS Management Plan (see also section 4 below).</p> <p>Following further discussions with Highways England and the submission of additional information we understand that additional clarification will be set out in the DAMS – a final version of which is to be submitted at Deadline 9.</p> <p>HBMCE considers that Highways England should be in a position to address our concerns with appropriate safeguards in place and sufficient detail being provided for in the DAMS and other associated/consequential documents. This will provide clarity in the procedures to follow for those wishing to undertake archaeological research in the area. We will need to review the final version of the DAMS submitted at Deadline 9 before this can be confirmed.</p>	<p>The Applicant understands the issue relates to the drafting in the DAMS to publicise the extent of the tunnel restrictions, once the locations over which they apply have crystallised, following the completion of the detailed design, rather than in relation to article 7 itself.</p> <p>The Applicant responded to Historic England’s remaining concerns in this regard in its deadline 9 submission [REP9-022] in paragraph 10.1.9.</p>
4.1.18	<p>Articles 14 – Protective Works to Buildings; and Article 15 – Authority to survey and investigate land</p> <p>The issues arising from these provisions relate to the scope for works to “buildings” and for these works to take place on land which is “adjacent” to but outside the Order limits.</p> <p>We highlighted in our submissions the potential for unintended consequences due to the definition of “building”, which would encompass “scheduled monuments”. We noted that there needed to be appropriate safeguards in place.</p>	<p>The Applicant confirms that amendments in revision 7 of the draft DCO ensure that scheduled ancient monument consent would still be required, if engaged, in respect of works carried out on land adjacent to the Order limits under articles 14 and 15 (see article 3(1)(h)). For the avoidance of doubt, however, the need for the powers to apply outside the Order limits is unaffected, as set out in the Applicant’s previous submissions in response to the Examining Authority’s Written Questions DCO.1.35 and DCO.1.36 [REP2-030] and in its written summary of submissions at the first DCO ISH ([REP4-029] under agenda items 3.8 and 3.9).</p>

	<p>One option to resolve this is to remove the reference to “adjacent”, so that the provisions would only apply within the Order limits themselves.</p> <p>Discussions have taken place with Highways England covering our suggestions for revisions to the DAMS so that it is clear in relation to Articles 14 and 15, works to “buildings” on adjacent land, which are scheduled monuments, will require Scheduled Monument Consent (see 3.2.30-38 below). We consider this is an appropriate step bearing in mind the need to secure the preservation of the historic environment and this unparalleled landscape. We understand that these revisions will be included in the DAMS to address our concerns. We will need to review the final version of the DAMS submitted at Deadline 9 before this can be confirmed.</p>	
<p>4.1.19</p>	<p>Protective Provisions</p> <p>The Scheme will traverse the Stonehenge part of the SAAS WHS and its setting. In view of this and the Secretary of State’s Cultural Heritage objective for the Scheme, we consider that Protective Provisions would be appropriate. Whilst express terms were included concerning heritage, they were isolated references and we considered that there was no comprehensive, holistic approach to the Stonehenge part of the SAAS WHS within the dDCO.</p> <p>Having had discussions with Highways England regarding this and considering the potential wording around such a provision we have agreed wording with Highways England for inclusion in the dDCO. The wording will highlight and reiterate how the Scheme interacts with the World Heritage Site, thereby embedding the international importance of the World Heritage Site within the document. We understand that a final version of the dDCO is to be submitted at Deadline 9 and this should incorporate our agreed wording (as set out in Appendix 1 to this submission). If this wording is incorporated it</p>	<p>The provisions set out in an Appendix 1 to this representation have been included in revision 7 of the draft DCO. Minor typographical amendments have been made to conform to statutory instrument drafting conventions. For example, the definition of “scheme objectives” is included in paragraph 1 of Schedule 2 rather than in article 2, because the term is used only in that Schedule. The Applicant is aware of a typographical discrepancy in the definition of “Historic England” in article 2(1) where “Digital” has been inadvertently omitted from the “Department of Digital, Culture, Media and Sports” which will be addressed in the final draft of the DCO incorporating the Applicant’s ‘Proposed Changes’ accepted by the Examining Authority in its procedural decision on 27 September 2019.</p> <p>The only substantive departure from the drafting set out in Appendix 1 is in relation to paragraph A.1.5. Here the Applicant amended requirement 15 (which was requirement 13 in rev 6 of the DCO) which the Applicant amended to read “... the Secretary of State may, having regard to the Scheme objectives <u>and all other relevant matters</u>, request such further information...”. <u>The Applicant considers the addition to be appropriate to avoid inadvertently narrowing the scope of the information that the Secretary</u></p>

	would address our concern. We will need to review the final version of the dDCO submitted at Deadline 9 before this can be confirmed.	<u>of State may request. This was done in consultation with Historic England and the Applicant understands the drafting to be agreed.</u>
4.1.20	<p>Article 6 (3) – Planning Permission</p> <p>Further to the Examining Authority’s dDCO we note that Highways England in their revised dDCO rev 6 have removed Permitted Development Rights in relation to Class B, Part 9. However, we understand they are considering whether or not to extend this removal to cover Class D of Part 16. We welcome the clarity that would be provided through the removal of both classes of permitted development rights as it would appear prudent to do so in relation to this Scheme and in this unparalleled landscape of the SAAS WHS.</p>	<p>Please see the Applicant’s ‘Explanation of Amendments to Rev 7 of the Draft DCO and Comments on the Examining Authority’s draft DCO’ [REP9-024], section 3, in respect of the proposed requirement 12. In summary, the Applicant does not enjoy Class D Part 16 permitted development rights and any person who does would have no connection with the Scheme. It is not justified or reasonable to take the opportunity of the Applicant’s DCO application to amend the permitted development rights regime that applies within every other WHS in the UK; this would be the effect of the requirement drafting in the ExA’s DCO. Should it be desirable for those permitted development rights to be curtailed in the WHS, the appropriate mechanism would be for Wiltshire Council to make a direction under article 4 Town and Country Planning (General Permitted Development) Order 2015 to that effect. This would allow Wiltshire Council, as planning authority, to properly exercise control over such development under its planning functions rather than writing it into a statutory instrument which is outside of the planning authority’s control.</p>
4.1.21	<p>Requirement 1(1), Part 1, Schedule 2</p> <p>We would agree that these works need to be satisfactorily controlled, whether this is within the definition of commence or within the requirement. However, the actual details of those works are covered within the temporary works section of the OEMP. We have therefore considered the provisions within the OEMP on these points and consider that they are appropriate; however we will need to review the final version of the OEMP submitted at Deadline 9 before this can be confirmed.</p>	<p>Historic England provisionally indicated in discussions with the Applicant that, given the minor nature of the preliminary works it would be sufficient for the erection of construction plant and equipment for the preliminary works to be excluded from the definition of commence. However following discussion with Wiltshire Council, the Applicant has included these works in the scope of the preliminary works OEMP, thus ensuring their regulation via the requirements of Table 3.2a and the consultation and ultimately Secretary of State approval required in the development of each Preliminary Works CEMP. The Applicant understands this approach to be agreed with Historic England (in addition to Wiltshire Council).</p>

4.1.22	<p>Requirement 4 – OEMP</p> <p>We would recommend that the word “substantially” is deleted here and anywhere else it may be used in relation to the preparation of the CEMPS. We request that the Examining Authority take this into consideration.</p>	<p>The Applicant considers that the use of “substantially” in requirement 4 is wholly appropriate. The OEMP is a framework document, from which the CEMPs are to be developed, in consultation with the bodies as directed in the OEMP, and ultimately approved by the Secretary of State, or Wiltshire Council. It is important therefore, that the CEMPs are to be “substantially” in accordance with the OEMP to provide sufficient flexibility to enable them to be developed from an outline document into a final document. The safeguards in place, in particular the requirements to consult widely on those plans and for them to be approved, are sufficient. The justification for this can be seen in the fact that the “substantially in accordance with” formula is widely precedented in highways DCO requirements (and indeed DCOs in other sectors) that require an outline document to be developed into a full document; see the Testo’s Junction Alteration Development Consent Order 2018, the M20 Junction 10a Development Consent Order 2017, the M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 and the A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016.</p>
4.1.23	<p>Requirement 11 – Details of Consultation</p> <p>As the Examining Authority will be aware from our submissions throughout the Examination we have highlighted our role and how best to fulfil our statutory duty. With this in mind, we consider it would be appropriate for the Secretary of State to receive a copy of the consultation response from HBMCE to be included as part of the undertaker’s consultation report to the Secretary of State for completeness. We would recommend the following wording is added to Requirement 11(1) after “<i>with another party</i>”...<i>save as to any consultation response made by Historic England and which must be provided by the undertaker to the Secretary of State as an annex to the summary report.</i>” and would request the Examining Authority consider this further.</p>	<p>The Applicant amended requirement 11(1) in revision 7 of the draft DCO to require all written responses received to be included in the summary report.</p>

4.1.24	<p>We have, however, noted a particular focus on visual and physical access and the aural experience in the HIA over the potential implications of both the loss of archaeological remains within, and the loss of the physical land form forming part of, the settings of the monuments within the SAAS WHS (APP-195: 5.3.21). This is not to say that the contribution made by archaeological remains and the physical landform to an asset's setting is not appreciated under the HIA (APP-195: 5.3.23), but that in practice other factors appear to have been prioritised.</p>	<p>The Applicant disagrees with Historic England's comments that the HIA has a 'particular focus' or that particular 'factors appear to have been prioritised'. The HIA is holistic and does consider all aspects that convey the OUV of the WHS.</p> <p>The Applicant considers that it has a proper regard to both the loss of archaeological remains and changes upon setting which may affect the appreciation of the significance of heritage assets.</p> <p>In any event, the Applicant notes Historic England's conclusion on the HIA in paragraph 2.2.10 of its deadline 9 submission, which confirms:</p> <p><i>"On the basis of the example criteria and thresholds set out in ICOMOS 2011 [Appendix 3A and 3B], and since there is no specific guidance in that document to indicate how these should be applied, despite differences of opinion between Highways England and HBMCE regarding the assessment of individual aspects of the Scheme, in relation to the overall assessment HBMCE broadly concurs with the assessment in the HIA."</i></p>
4.1.25	<p>In relation to some areas and aspects of the Scheme HBMCE has attributed a higher level of adverse impact than is concluded within the HIA.</p> <p>For example, at the Western Portal the HIA's description of the mitigation provided by Green Bridge 4 in relation to physical connectivity between monuments is that it "maintains" connectivity.</p> <p>HBMCE considers that this Green Bridge will not 'maintain' but 're-establish' physical connectivity (consequently with a different relationship). This relationship extends across an area where the physical connection between the monuments and the significance that they derive from their settings (including the physical form of the dry valleys and the presence of archaeological remains) will be diminished by the Scheme. Therefore the construction of Green Bridge 4 cannot completely mitigate the loss of significance to the monuments conveying Attributes of OUV within the setting of which it is constructed.</p>	<p>In paragraph 3.4.5 of the HIA [APP-195], the Applicant states that:</p> <p><i>'The HIA takes a holistic approach to assessment and considers the long term implications of the Scheme for OUV.'</i></p> <p>In using the term 'maintains connectivity' in relation to Green Bridge No. 4, this is meant in the sense that in the 'long term' the Green Bridge will maintain that connectivity once the Scheme is constructed.</p> <p>We understand Historic England's comments, but respectfully disagree with their conclusions regarding the effectiveness of Green Bridge No. 4 as design mitigation. The changed relationship from the construction of the cutting and Green Bridge No. 4 is noted in the HIA with regards to the impacts on the Wilsford/Normanton dry valley, particularly AG12 Winterbourne Stoke Crossroads Barrows [APP-195; pages 204-207], the AG13 Diamond Group [APP-195; pages 215-216], the AG19A Normanton Down Barrow Group – north [APP-195; pages 266-268] and the long barrow groupings [APP-195; paragraphs 9.3.1-9.3.3]. Also see construction impacts in the HIA [APP-195; para. 9.2.4 (h)].</p>

		<p>In any event, the Applicant notes paragraph 2.2.3 of Historic England’s deadline 9 submission (which follows the three paragraphs responded to here), which confirms that the difference between the parties does not ultimately affect the assessment outcomes in the HIA:</p> <p><i>“HBMCE has considered whether the approach of Highways England with regard to the mitigation provided by Green Bridge 4 makes a difference to the assessment in the HIA given the criteria with which the Scheme has been assessed (ICOMOS 2011). We have concluded that the high thresholds set by the ICOMOS guidance indicate that this should be considered correct.”</i></p>
<p>4.1.26</p>	<p>The value placed on the impact of the loss of the physical landform within the cuttings, such as the dry valleys forming part of the settings of the scheduled monuments, is inevitably a matter of professional judgement.</p>	<p>See response to paragraph 4.1.25 above, as well as the confirmation from Historic England in paragraphs 2.2.7 – 2.2.10 of its deadline 9 submission (which follow the paragraph responded to here), in particular that: <i>“despite differences of opinion between Highways England and HBMCE regarding the assessment of individual aspects of the Scheme, in relation to the overall assessment HBMCE broadly concurs with the assessment in the HIA”</i>.</p>

5 Brian Edwards (AS-108)

5.1	Additional Submission	
	Matter Raised	Highways England's Response
5.1.1	<p>I have only belatedly been made aware of the attached documents obtained under Freedom of Information (FoI):</p> <p>Highways England's <i>A303 Stonehenge Stage 1 Road Safety Audit</i> (July 2018) and an untitled table of <i>Departures from Standards</i> (n.d.).</p> <p>With only 24 hours to consider the contents I have been left wondering why these documents have not been released before now and included in the Examination documents.</p> <p>I am wondering what subsequent Road Safety Audits exist, and what else of obvious relevance and import has been withheld by Highways England.</p>	<p>Existence of the Stage 1 Road Safety Audit and the Departures Check List are acknowledged in the Transport Assessment [APP-297] See section 3.6 for reference to the Departures and 7.2 for the Road Safety Audit. This has been available on the Planning Inspectorate Website since the beginning of the examination phase It is not the case that this has been withheld by Highways England. Both the departures and Road Safety Audits are standardised elements within the design process. They did not result in any exceptions or safety concerns and neither was therefore required to be included in the development consent application.</p> <p><u>Road Safety Audit</u></p> <p>The Stage 1 Road Safety Audit was completed in July 2018. No further Road Safety Audits have been conducted. Details of the Designer's response to the Auditor's recommendations are included in section 7.2 of the Transport Assessment. Without exception, each recommendation made by the auditor has either been addressed or will be addressed during the detailed design. In doing so, the detailed design will be required to comply with the OEMP, and the principles and commitments contained therein.</p> <p>The Stage 2 Road Safety Audit for the Scheme has not yet been carried out. It will be carried out on completion of the detailed design.</p> <p>The requirements and procedure for Road Safety Audits are contained in the DMRB. Road Safety Audits are conducted in stages at key points in the lifecycle of a scheme:</p> <p>Stage 1: On completion of the preliminary design.</p>

		<p>Stage 2: On completion of detailed design</p> <p>Stage 3: On completion of the works and before opening to traffic. Interim Stage 3 audits will be undertaken as the scheme is opened in sections</p> <p>Stage 4; Approximately 12 months after opening depending on the availability of validated incident and operational data.</p> <p><u>Departures From Standards</u></p> <p>As is not unusual for road schemes, the design on which the development consent application is based, to incorporate some departures from the DMRB standards. This is acknowledged in section 3.6 of the Transport Assessment [APP-297] which also explains the need for such departures:</p> <p><i>“The need for departures from standard arises from constraints, such as the need to protect the environment. In certain circumstances it can be advantageous to depart from a standard depending on site features, environment, innovation of design, construction methods, materials or developments in associated standards.”</i></p> <p>Highways England operates a Departures Approval System (DAS) to ensure that all departures are fully documented, and that each departure is fully justified i.e. that the benefits outweigh any potential risks and that safety standards are not compromised. See also response in paragraph 5.1.4 below.</p>
<p>5.1.2</p>	<p>That there is to be no Vehicle Refuge within a two mile tunnel is alarming (TC/001 <i>Departures from Standards</i>), as is stretching the distance between evacuation escape routes from every 100 metres to 150 metres (TC/003 <i>Departures from Standards</i>). Undeclared assumptions being made about a Fixed Fire Fighting Strategy are not reassuring.</p>	<p>Safety within the tunnel is of paramount importance to Highways England. As such, a holistic suite of safety measures will be provided in the tunnel in compliance with national and international standards including:</p> <p>DMRB Vol 2: Section 2 Special Structures: Part 9: BD 78/99 Design of Road Tunnels; and Directive 2004/54/EC of the European Parliament, Minimum Safety Requirements for Tunnels in the Trans-European Road Network.</p> <p>This has included the convening of the Tunnel Design Safety Consultative Group (TDSCG), including representatives from the Police and Emergency Services, to contribute to the design and safety provision within the tunnel. The Road Safety Audit obtained under the Freedom of Information request</p>

		<p>highlights a number of those measures where special consideration is required, including where a number of departures from current published standards may be required. It is important to consider these holistically and understand that the departures allow for developments in innovation in tunnel safety and value engineering only when supported by a robust safety case. Considering the individual components raised by Mr Edwards in turn:</p> <p><u>Vehicle Refuge/Lay-by</u></p> <p>Under BD 78/99 Cl. 3.13, the ‘initial cost of providing additional traffic space in the cross-section must be balanced against the operational needs of communications, surveillance, stand by recovery facilities, consequences of traffic delays and pressures on the surrounding road network’. As allowed under BD 78/99, a risk assessment has confirmed that the non-provision of a Vehicle Lay-by is acceptable when considering the specific tunnel including the level of other safety provisions i.e. technology, communications, 24hr CCTV & Operator coverage at the Tunnel Control Centre etc that contribute to the safe operation of the tunnel; this is the specific provision included under TC/001 as part of the risk assessment and safety management of the tunnel design and operation. Furthermore, under Directive 2004/54/EC Cl 2.5.1, lay-bys are a feature of bi-directional tunnels and where traffic flows exceed 2000 vehicles per lane. The A303 Stonehenge Tunnel is a uni-directional tunnel during normal operation with bi-directional flow only during planned over-night maintenance at low flows in compliance with the European Directive.</p> <p><u>Cross-passage Spacing</u></p> <p>In consultation with TDSCG, specifically Dorset & Wiltshire Fire & Emergency Services, if a Fixed Fire Fighting System (FFFS) is provided, then it may be acceptable to increase the cross-passage spacing within the tunnel to beyond the current 100m spacing in BD 78/99. This is the departure referenced at Item TC/003, and it is absolutely clear that this departure is requested only where the FFFS has already been agreed: there is no undeclared assumption regarding FFFS as it is explicitly covered in item ME/001. This increase to 150m cross-passage spacing has therefore been carefully considered as part of the safety case and is supported by Pedestrian Evacuation Modelling and</p>
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		<p>the design of the Tunnel Ventilation System as part of the emergency provision and evacuation strategy for the tunnel.</p> <p><u>Fixed Fire Fighting System</u></p> <p>Item reference ME/001 is a specific request to be permitted to provide a FFFS which is required to enhance safety within the tunnel when considered with the response time for Emergency Services to this location. This is a departure from the current standard under BD 78/99 because such systems were not common place in tunnels at the time when the standard was issued. However, such systems are now routinely considered and therefore a departure to provide for technical innovation and enhanced safety is sought and not a reduction in safety as implied by Mr Edwards.</p> <p>In conclusion, these departures do not seek to reduce the level of safety in the tunnel and “cut corners on various accepted standards, including health and safety requirements within the tunnel, in order to keep the overall cost down” as asserted in Mr Edwards’ representation. Rather they seek to enhance tunnel safety by applying modern engineering principles in design, risk assessment and safety management to consider the tunnel environment holistically and not simply as a series of disconnected, code-compliant elements.</p>
<p>5.1.3</p>	<p>There is also, I note, to be a reduction in the width of the roadside verge alongside Blick Mead from an expected 2.5 metres to 1.2 metres (CH/019 <i>Departures from Standards</i>). The road impact alongside Blick Mead will include the western section of the Countess flyover and westbound slip road from Countess Roundabout. The boundary with the road at Blick Mead is formed by a 2 metre bank that includes an outfall drain which is the lowest point on the stretch of road between the flyover and Vespasian’s Camp. It is therefore of concern, with a roadside safety barrier and V drainage channels incorporated within a 1.2 metre verge, that contaminates from this area with capture litter, road detritus and road salt will with regularity be readily washed into Blick Mead.</p>	<p><u>Verge Widths at Countess Embankment:</u></p> <p>It is proposed to narrow the verge widths on Countess Sliproads, both near-side and far-side, to a minimum of 1.2m. The standard width for sliproad verges is given in the DMRB as 2.0m for nearside verges and 2.8m for off-side verges. Each instance of a proposed reduction in verge width is therefore recorded as a departure. The width of 1.2m has been selected as it is the minimum width required to accommodate any road restraint system that may be required by the detailed design. It also ensures provision of adequate forward visibility (referred to as “stopping sight distance” (SSD)). The benefit provided by this departure is that it minimises the width of the footprint required for the Scheme and enables the Scheme to be contained within existing highway boundaries as it passes north of Blick Mead.</p>

		<p>The width of the verge does not impact on the drainage design. The drainage features referred to by Mr Edwards are outside the highway embankment and are not located in the highway verge. As such, the measures in the Road Drainage Strategy [REP2-009], which the drainage design for the Scheme must be based on, secured through Requirement 10 of the DCO, will continue to be effective and the ES reported conclusions of no significant effects continue to be correct.</p>
<p>5.1.4</p>	<p>Overall it appears from a lay perspective that Highways England are prepared to cut corners on various accepted standards, including health and safety requirements within the tunnel, in order to keep the overall cost down. If Highways England is attempting to stick to a budget set by the developer’s perceived value for money target, this could be interpreted as public safety being compromised by political penny pinching.</p>	<p>Departures are not a mechanism for “cutting corners” on standards or health and safety requirements. They provide a mechanism for Highways England to realise scheme-specific benefits from innovation and value engineering, supported by robust safety, economic and environmental cases. They are also necessary where the constraints of the project do not permit a design to standards.</p> <p>This has enabled the scheme design to meet a key objective to minimise impact on the World Heritage Site. For example, the proposed design of Countess junction and approach embankments has minimised environmental impact by restricting the proposed works to the existing highway boundary.</p> <p>The identification and use of appropriate departures is commonplace in the design development of major highway schemes. This is acknowledged in the DMRB which states (in TD9/93 “Highway Link Design” in section 0.12):</p> <p><i>“At some locations on new roads or major improvements, ...sufficient advantages might justify either a Relaxation within the Standards, or in more constrained locations a Departure from the Standards. The various parameters quoted in this Standard are not, therefore to be regarded as sacrosanct in all circumstances. Relaxations and Departures should be assessed in terms of their effects on the economic worth of the scheme, the environment, and the safety of the road user”.</i></p> <p>Highways England operates a Departures Approval System (DAS) to ensure that all departures are fully documented, and that each departure is fully justified i.e. that the benefits outweigh any potential risks and that safety standards are not compromised.</p>

All departures will be subject to further assessment and approval during detailed design. The detailed design will be required to comply with the OEMP, and the principles and commitments contained therein.

Each of the departures incorporated in the preliminary design was considered by the Road Safety Auditor when conducting the Stage 1 Road Safety Audit. Without exception, each recommendation made by the auditor has either been addressed or will be addressed during the detailed design.

6 Environment Agency (REP9-037)

6.1	Comments on dDCO [REP8-004]	
	Matter Raised	Highways England's Response
6.1.1	<p>Article 13 – Discharge of water</p> <p>We note that revision 6 of the draft DCO submitted by Highways England (HE) at DL8 has not included our previously recommended amendments to include the words 'or to the ground' and 'or dissolved pollutants'. However, we note that our amendments have been included in the Examining Authority's draft DCO published on the 3 September, which we support.</p> <p>In terms of revision 6 of the HE draft DCO, we wish to maintain our position in requesting amendments to Article 13. Our amendments are given below:</p> <p>“Discharge of water (5) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain <u>or to the ground</u> under this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension <u>or dissolved pollutants.</u> “</p> <p>Our position is that due to the sensitivity of ground water resources within the area of the development, Article 13 must seek to minimise the risk of pollution or contamination arising from the construction or maintenance of the development. This approach is consistent with wider environmental duties and responsibilities under the Environment Act 1995 and is in accordance with its national policy approach to ground water protection.</p> <p>On the basis that Article 13 allows discharges to watercourses and does not expressly exclude discharges to the ground the</p>	<p>The Applicant maintains its position as set out in its 'Explanation of Amendments to Rev 7 of the Draft DCO and Comments on the Examining Authority's draft DCO' [REP9-024], section 3.</p> <p>As is noted in that submission, and in the Applicant's other submissions on these issues, the purpose of article 13 is to regulate the terms upon which the undertaker may connect to a drainage system. It is not concerned with pollution control and to seek to require it to do so is to duplicate regulatory control. The control of pollution to surface waters and groundwaters is regulated under the Environmental Permitting (England and Wales) Regulations 2016 (“EPR 2016”) and the Environment Agency has adequate powers to address any pollution concerns, irrespective of any particular sensitivities of the water environment. Nothing in article 13 overrides those requirements, as is clear from article 13(6).</p> <p>Highways England has powers to discharge water from a highways drain under the Highway Act 1980. Those powers are concerned primarily with the terms upon which the highway authority may use land or drainage systems for the purposes of draining a highway and related activities. Crucially, as with Article 13, this power does not remove the need for an environmental permit for those discharges. Sections 100 and 299 of Highways Act 1980 expressly state that they are “without prejudice to any enactment the purpose of which is to protect water against pollution”.</p> <p>It is clear that nothing in article 13 overrides the requirements under EPR 2016 or the Environment Agency's other powers. This is clearly the case in respect of both groundwater and surface water:</p>

<p>Environment Agency requires assurance that in the event that there are discharges to the ground from the development (which will be a highway) that the undertaker will take such steps as may be practicable to ensure that they are free from the materials and substances, including dissolved pollutants, that are mentioned in Article 13. We acknowledge the applicant’s points raised at Hearing 11 that the activities under Article 13 still requiring an environmental permit, however there are circumstances where highway undertakers do not need an environmental permit to undertake certain discharge activity; it is this scenario that the Environment Agency’s amendment seeks to address. This was raised at the hearing by reference to the MOU between Highways England and the Environment Agency, which referred to Annex 1 – The Water Environment, which was submitted to the Examination at Deadline 8.</p> <p>The Memorandum of Understanding between Highways Agency and Environment Agency: Annex 1 – Water Environment (2009) describes the provision within the Highways Act (1980) whereby an environmental permit is not required for discharges of highway runoff to ground provided it does not cause pollution. With the wording above we seek a commitment within the DCO that discharges to the environment will be acceptable and therefore fall within the situation described by the MoU. Without such a commitment it may be necessary for the discharges of runoff from the scheme to be permitted.</p> <p>This amendment is in line with the final draft DCO recently submitted to the A303 Sparkford to Ilchester DCO Examination in Somerset which relates to a less sensitive groundwater environment than the Amesbury to Berwick Down scheme.</p>	<p>Surface water – “water discharge activities” – Schedule 21 EPR 2016</p> <p>Water discharge activities are regulated under schedule 21 of the EPR. A ‘water discharge activity’ is defined in paragraph 3 as including (among other matters):</p> <ul style="list-style-type: none"> - the discharge or entry to inland freshwaters, coastal waters or relevant territorial waters of any (i) poisonous, noxious or polluting matter, (ii) waste matter, or (iii) trade effluent; and - an activity in respect of which a notice under paragraph 4 or 5 has been served and has taken effect. <p>Sub-paragraph (2) clarifies that discharges made or authorised by or under any prescribed statutory provision do not constitute water discharge activities. The term “prescribed statutory provision” is defined in regulation 2(1). None of the prescribed statutory provisions are relevant to the exercise of article 13 of the draft DCO.</p> <p>Paragraph 4 (highways drains) of Schedule 21 allows the regulator (so far as relevant to this Scheme), where the operation of the highway drain under the Highways Act 1980, to serve notice on the operator requiring it to obtain an environmental permit.. This is in addition to the requirement pursuant to Schedule 21 EPR for any water discharge activity to hold a permit.</p> <p>Groundwater – “groundwater activities” – Schedule 22 EPR 2016</p> <p>A similar approach is taken in Schedule 22 EPR 2016. Paragraph 3 of that Schedule sets out what constitutes a groundwater activity which includes (among other things):</p> <ul style="list-style-type: none"> -any other discharge that might lead to the direct or indirect input of a pollutant to groundwater; and - an activity in respect of which a notice under paragraph 10 has been served and has taken effect. <p>Again, sub-paragraph (2) clarifies that discharges made or authorised by or under any prescribed statutory provision do not constitute water discharge</p>
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		<p>activities. The term “prescribed statutory provision” is defined in regulation 2(1). None of the prescribed statutory provisions are relevant to the exercise of article 13 of the draft DCO.</p> <p>Paragraphs 10 and 11, when read together, again make it clear that the Environment Agency may serve a notice on the operator of a highway drain requiring that person to obtain an environmental permit for the operation of that highway drain.</p> <p>Conclusion</p> <p>Taken together, it is clear the Environment Agency has adequate powers to regulate groundwater activities and surface water activities under its existing functions in the EPR 2016. Those powers are unaffected by Article 13 or the provisions of the Highways Act relating to highways drains. Nothing in the 2009 Memorandum of Understanding [REP8-040] between the Environment Agency and the Applicant’s predecessor, the Highways Agency, alters this fundamental position. Article 13 is based on a model provision, which in turn is based on the existing division of powers between highways authorities and the powers of the environmental regulator to regulate the water environment. The Applicant remains of the view that the Environment Agency’s proposed amendments seek to go further than the existing clear delineation would allow and would unnecessarily and unjustifiably duplicate regulation.</p>
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7 Mr F & Mrs L Whiting (REP9-057)

7.1	Comments on Land Acquisition Temporary Possession Negotiations Schedule [REP9-020]	
	Matter Raised	Highways England's Response
7.1.1	<p>Please be advised that no further approach from the District Valuer on behalf of Highways England to open negotiations on either land acquisition or temporary possession has been made since an email sent dated 2nd July 2019. This was highlighted at the appropriate Issue Specific Hearing. This does not constitute negotiation in any conventional way and continues to demonstrate Highways England's wish to rely on compulsory purchase powers rather than other avenues that are available.</p>	<p>The Applicant understands that Mr and Mrs Whiting's land agent was provided with a valuation proposal by a representative of the Valuation Office Agency, instructed by the Applicant. The Applicant was given to understand that this proposal, which was provided on 2 July 2019, would be taken away for consideration; currently a substantive response is still awaited.</p> <p>In the meantime, however, and since 2 July 2019, the Applicant has been in contact with Mr and Mrs Whiting and their agent, as noted in the Applicant's Land Acquisition and Temporary Possession Negotiations Schedule submitted to the Examining Authority at deadline 9 [REP9-021].</p>

8 Stonehenge Alliance (REP9-043, REP9-044, REP9-045 and REP9-046)

8.1	FOI Request	
	Matter Raised	Highways England's Response
8.1.1	<p>“Departures From Standards”: an undated document with important information concerning amendments to the plans/drawings for the Scheme, notably in respect of provision of emergency space for parked vehicles in the tunnel, substantially increased intervals between cross-passages between the tunnels (150m instead of 100m), and narrowing of the verge on the embankment alongside Blick Mead/Amesbury Abbey Park to 1.2m, apparently requiring a crash barrier and, in our view, raising concern about the need for support for the embankment, possibly even including piling. It appears that this document, in part, at least, appears as Appendix C in the document listed below under our item 2.</p>	<p>As is not unusual for road schemes, the design on which the development consent application is based incorporates some departures from the DMRB standards. This is acknowledged in section 3.6 of the Transport Assessment [APP-297] which also explains the need for such departures: <i>“The need for departures from standard arises from constraints, such as the need to protect the environment. In certain circumstances it can be advantageous to depart from a standard depending on site features, environment, innovation of design, construction methods, materials or developments in associated standards.”</i></p> <p>Departures provide a mechanism for Highways England to realise scheme specific benefits from innovation and value engineering, supported by robust safety, economic and environmental cases. They are also necessary where the constraints of the project do not permit a design to standards.</p> <p>This has enabled the Scheme design to meet a key objective to minimise impact on the World Heritage Site. For example, the proposed design of Countess junction and approach embankments has minimised environmental impact by restricting the proposed works to the existing highway boundary.</p> <p>The identification and use of appropriate departures is commonplace in the design development of major highway schemes. This is acknowledged in the DMRB which states (in TD9/93 “Highway Link Design” in section 0.12):</p> <p><i>“At some locations on new roads or major improvements, ...sufficient advantages might justify either a Relaxation within the Standards, or in more constrained locations a Departure from the Standards. The various parameters quoted in this Standard are not, therefore to be</i></p>

regarded as sacrosanct in all circumstances. Relaxations and Departures should be assessed in terms of their effects on the economic worth of the scheme, the environment, and the safety of the road user”.

Highways England operates a Departures Approval System (DAS) to ensure that all departures are fully documented, and that each departure is fully justified i.e. that the benefits outweigh any potential risks and that safety standards are not compromised.

All departures will be subject to further assessment and approval during detailed design. The detailed design will be required to comply with the OEMP, and the principles and commitments contained therein.

The current status of each of the departures referred to by Stonehenge Alliance is outlined below.

Provision of Emergency Layby in the tunnel.

Safety within the tunnel is of paramount importance to Highways England. As such, a holistic suite of safety measures will be provided in the tunnel in compliance with national and international standards including:

- DMRB Vol 2: Section 2 Special Structures: Part 9: BD 78/99 Design of Road Tunnels; and
- Directive 2004/54/EC of the European Parliament, Minimum Safety Requirements for Tunnels in the Trans-European Road Network.

This has included the convening of the Tunnel Design Safety Consultative Group (TDSCG), including the representatives from the Police and Emergency Services, to contribute to the design and safety provision within the tunnel.

The Road Safety Audit obtained under the Freedom of Information request highlights a number of those measures where special consideration is required, including where a number of departures from current published

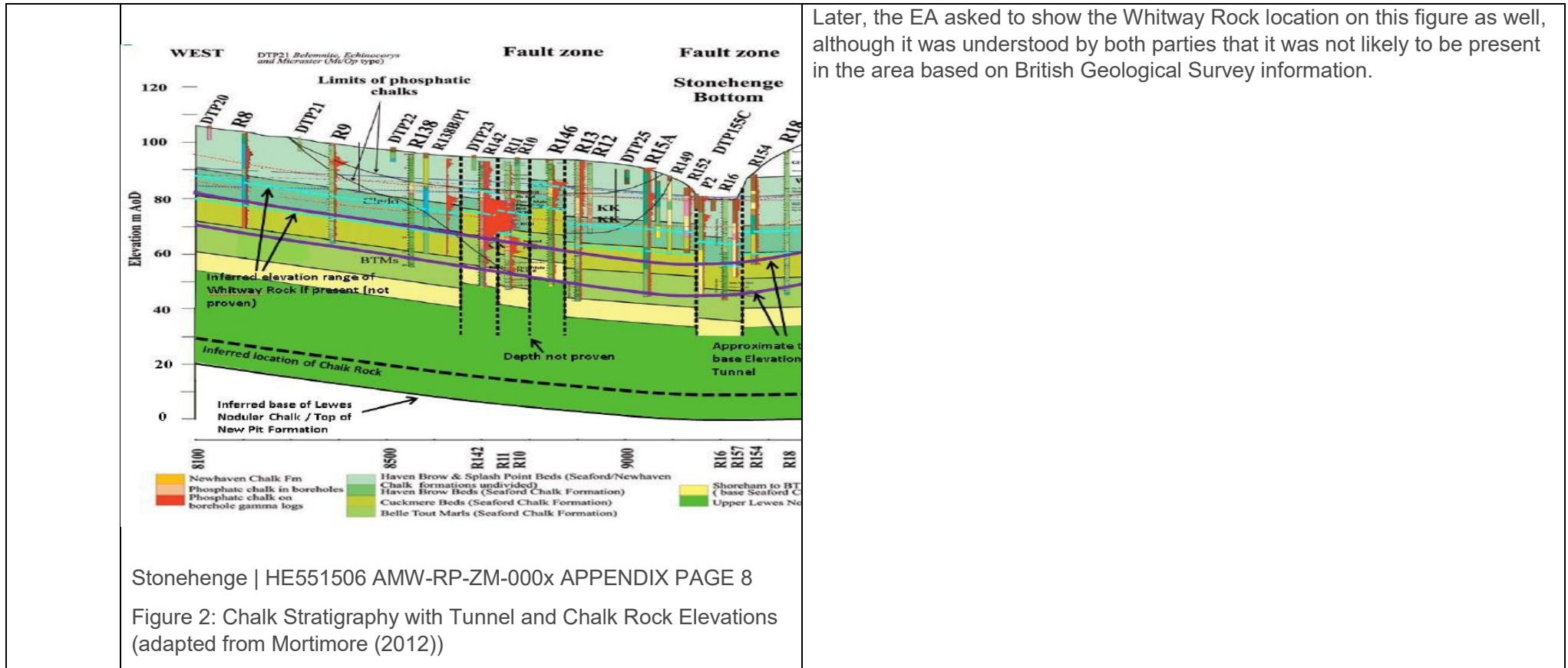
		<p>standards may be required. It is important to consider these holistically and understand that the departures allow for developments in innovation in tunnel safety and value engineering only when supported by a robust safety case.</p> <p>Under BD 78/99 Cl. 3.13, the <i>'initial cost of providing additional traffic space in the cross-section must be balanced against the operational needs of communications, surveillance, stand by recovery facilities, consequences of traffic delays and pressures on the surrounding road network'</i>. As allowed under BD 78/99, a risk assessment has confirmed that the non-provision of a Vehicle Lay-by is acceptable when considering the specific tunnel including the level of other safety provisions i.e. technology, communications, 24hr CCTV & Operator coverage at the Tunnel Control Centre etc that contribute to the safe operation of the tunnel; this is the specific provision included under TC/001 as part of the risk assessment and safety management of the tunnel design and operation. Furthermore, under Directive 2004/54/EC Cl 2.5.1, lay-bys are a feature of bi-directional tunnels and where traffic flows exceed 2000 vehicles per lane. The A303 Stonehenge Tunnel is a uni-directional tunnel during normal operation with bi-directional flow only during planned over-night maintenance at low flows in compliance with the European Directive.</p> <p>Cross Passage spacing.</p> <p>In consultation with TDSCG, specifically Dorset & Wiltshire Fire & Emergency Services, if a Fixed Fire Fighting System (FFFS) is provided then it may be acceptable to increase the cross-passage spacing within the tunnel to beyond the current 100m spacing in BD 78/99. This is the departure referenced at Item TC/003, and it is absolutely clear that this departure is requested only where the FFFS has already been agreed. This increase to 150m cross-passage spacing has therefore been carefully considered as part of the safety case and is supported by Pedestrian Evacuation Modelling and the design of the Tunnel Ventilation System as part of the emergency provision and evacuation strategy for the tunnel.</p> <p>The departures for the tunnel also include a specific request to be permitted (ME/001) to provide a FFFS which is required to enhance safety within the tunnel when considered with the response time for Emergency Services to</p>
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		<p>this location. This is a departure from the current standard under BD 78/99 because such systems were not commonplace in tunnels at the time when the standard was issued. However, such systems are now routinely considered and therefore a departure to provide for technical innovation and enhanced safety is sought.</p> <p>These departures in the tunnel therefore do not seek to reduce the level of safety in the tunnel rather they seek to enhance tunnel safety by applying modern engineering principals in design, risk assessment and safety management to consider the tunnel environment holistically and not simply as a series of disconnected, code-compliant elements.</p> <p>Verge Widths at Countess Embankment: It is proposed to narrow the verge widths on Countess sliproads, both near-side and far-side, to a minimum of 1.2m. The standard width for slip road verges is given in the DMRB as 2.0m for nearside verges and 2.8m for off-side verges. Each instance of a proposed reduction in verge width is therefore recorded as a departure. The width of 1.2m has been selected as it is the minimum width required to accommodate any road restraint system that maybe required by the detailed design. It also ensures provision of adequate forward visibility (referred to as “stopping sight distance” (SSD)). The benefit provided by this departure is that it minimises the width of the footprint required for the scheme and enables the scheme to be contained within existing highway boundaries as it passes north of Blick Mead. The width of the verge in no way impacts the design or methodology for construction of the embankment.</p>
8.1.2	<p>“A303 Amesbury to Berwick Down Stage 1 Road Safety Audit” dated July 2018 (before the DCO application documents were published). A Road Safety Audit Stage 2 is mentioned within the document which raises questions as to its whereabouts and why it was not produced under the same Fol request. Perhaps there are further, more recent audits and, if so, we would like to see them as well as the Stage 2 RS Audit. We note that this audit refers to a considerable amount of signage within the WHS (e.g., at para. 3.2.6).</p>	<p>The requirements and procedure for Road Safety Audits are contained in the DMRB. Road Safety Audits are conducted in stages at key points in the lifecycle of a scheme:</p> <p>Stage 1: On completion of the preliminary design.</p> <p>Stage 2: On completion of detailed design</p> <p>Stage 3: On completion of the works and before opening to traffic. Interim Stage 3 audits will be undertaken as the scheme is opened in sections</p>

		<p>Stage 4: Approximately 12 months after opening depending on the availability of validated incident and, operational data.</p> <p>As is standard industry practice for major highways schemes; the detailed design will not be completed until after the grant of development consent. No Stage 2 Road Safety Audit has been carried out, as one is not yet required.</p> <p>The Auditors Report on the Stage 1 Road Safety Audit contained a number of recommendations. Details of these recommendations and the designer's responses are included in section 7.2 of the Transport Assessment [APP-297] Without exception, each recommendation made by the auditor has either been addressed or will be addressed during the detailed design but always in the context of compliance with the OEMP being required.</p> <p>With regard to signage within the WHS, the Road Safety Auditor's recommendation was to ensure clear visibility to all signs. The designer's response is summarised in Transport Assessment, paragraph 7.2.10 which records that visibility checks were carried out and that all signs were found to have the required visibility aside from the 'Route Confirmatory Sign' along the A303 westbound carriageway which will be addressed during detailed design by adjusting the offset and mounting heights of the sign to provide full visibility.</p> <p>In doing so, however, the detailed design will also be governed by the design vision, principles and commitments in the OEMP [REP9-013].</p> <p>Relevant design principle for road signs is P-SL02: "Road signs will be located to minimise and wherever possible avoid adverse impacts on the significance of monuments in relation to their setting by ensuring views between monuments, particularly Neolithic and Bronze Age monuments, are not interrupted wherever practicably possible."</p> <p>The specific design commitments relating to this principle are:</p> <p>D-CH8 <i>"At the western end of the Scheme within the WHS no signs shall be set higher than the existing ground level on the lower of the adjacent sides of the cutting and the signs shall not be lit"</i>.</p>
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8.1.3	<p>It appears that both documents may be out of date but that more recent versions may have been produced. We would like to know whether the recommended safety measures (including any recommendations later than July 2018) have been put in place in the plans submitted with the application and if there are any safety measures outstanding that should be addressed. It is unfortunate that we learned of these documents so late in the day, as we are unable to comment on them properly before Deadline 9 and, in any event, we don't know whether they have been superseded.</p>	<p>Existence of the Stage 1 Road Safety Audit and the Departures Check List are acknowledged in the Transport Assessment [APP-297] see section 3.6 for reference to the Departures and 7.2 for the Road Safety Audit. This has been available on the Planning Inspectorate Website since the beginning of the examination phase.</p> <p>The Stage 1 Road Safety Audit was completed in July 2018. No further Road Safety Audits have been conducted. The Stage 2 Road Safety Audit will be conducted on completion of the detailed design.</p> <p>Each of the departures incorporated in the preliminary design (see response to paragraph 8.1.1 above) were considered by the Road Safety Auditor when conducting the Stage 1 Road Safety Audit. Without exception, each recommendation made by the auditor has either been addressed or will be addressed during the detailed design but always in the context of compliance with the OEMP being required.</p>
8.2	Comments on [REP7-081]	
	Matter Raised	Highways England's Response
8.2.1	<p>The key areas of concern to any tendering tunnelling contractor for this work should therefore be:</p> <ul style="list-style-type: none"> Poorly understood Chalk rock property and diggability performance concerns, with potential solution effects, 	<p>The Applicants position regarding the geology, 3D geology modelling, hydrogeology and impact of the project on groundwater resources have all been documented in previous and numerous responses. In particular, the suitability of the modelling undertaken for the preliminary design was addressed in response to Written Questions Fg.2.38, Fg.2.40 and Fg.2.51</p>

	<p>especially in the Phosphatic Chalk horizons (with possible contamination and reactivation of solution features) from lowered Ph levels in rainfall and/or flowing groundwater recharge systems.</p> <ul style="list-style-type: none"> • Lack of accessible 3-D interpretations of combined geoscientific data from Site Investigation results, together with all available published and confidential (i.e., unpublished by Highways England) drilling, geological, hydrogeological and geophysical data. • Totally inappropriate and inadequate groundwater modelling, both in detail and in adequate depth and lateral extent relevant especially to the scale, depth and detail of the proposed tunnel route. <p>The consequent unavailable accurate and adequate predictions of future groundwater conditions and effects on springs, private and agricultural abstractions from boreholes and wells, and upon the Avon SAC, especially if extensive grouting is required to stabilise both poor rock and invasive groundwater conditions during tunnelling.</p>	<p>[REP6-028] which confirmed the Applicant's view (as originally expressed in ISH4 [see REP4-032]) that the information presented in the ES is more than sufficient at this stage of the consents process (which is agreed by the Environment Agency in its SoCG items 3.16-3.18 [REP7-005]) and that a 3D model is not required. This is further covered in the response to Stonehenge Alliance at deadline 5 [REP5-003] in paragraphs 11.1.1 and 11.2.56.</p> <p>In developing the Environmental Statement in support of the Development Consent Order (DCO), the Applicant has followed best practice in the preliminary design as embodied in the Association of British Insurers / British Tunnelling Society Joint Code of Practice for the Risk Management of Tunnel Works and taking full cognisance of the Construction (Design & Management) Regulations and BS6164 Code of Practice for Safety in Tunnelling.</p> <p>The Applicant considers that it is neither unusual nor is it unacceptable to require the expert Contractor to plan and take responsibility for the continuation of investigations and the detailed design as part of their further risk management and procurement of the works.</p>
<p>8.2.2</p>	<p>There is no obvious reason, nor any explanation why the Mortimore 2012 version of the proposed A303 tunnel route section is used and represented in AWM Report No. TR010025 Document 8.23 – Implications of 2018 Ground Investigations to the Groundwater Risk Assessment (republished with tracked changes, dated 31.05.19) by Travis et al. Why was Mortimore’s 2012 figure used in preference to the presumably up-dated figure (16a) in Mortimore et al., 2017? [shown below for ease of reference]</p> <p>Figure 2: from AWM Report No. TR010025 Document 8.23 – Implications of 2018 Ground Investigations to the Groundwater Risk Assessment (republished with tracked changes, dated 31.05.19) - Travis et al.</p>	<p>Mortimore 2012 was used for illustrative purposes to show where the Whitway Rock would be situated, if present, relative to the Chalk stratigraphy.</p> <p>The EA asked the Applicant to confirm the location of the Chalk Rock in the Implications of 2018 Ground Investigations to the Groundwater Risk Assessment [REP3-018], which requires the top of the Lewes Chalk to be known. The Mortimore 2017 figure does not show this unit to the east of Stonehenge Bottom valley.</p> <p>The EA made this request as Chalk Rock is a known high flow zone in the area which we understood to be significantly deeper than the tunnel elevation. To meet this request, its location was demonstrated in this figure.</p>



Later, the EA asked to show the Whitway Rock location on this figure as well, although it was understood by both parties that it was not likely to be present in the area based on British Geological Survey information.

	<p>Fig. 16. (a) The control boreholes used to establish the stratigraphical position and thicknesses of the chalk beds and the phosphatic ch... R11, R16 and R20 have been biostratigraphically analysed for macro- and microfossils and provide the controls for recognising bed dig... stratigraphical position of the phosphatic-chalks. In addition, other boreholes with Natural Gamma geophysical logs (red spiky profiles), present. Mt = <i>Marsupites testudinarius</i>, Op = <i>Offaster pilula</i>. (b) Sedimentary model 1: A multichannel interpretation for the Stonehenge boreholes and trial pits showing the zones of north-south faulting defining the eastern limit of the channels (no phosphatic-chalks east of section shows the location of the two largest channels and 18 smaller ones in a complex fault zone (Modified from Mortimore, 2011, 2014 a down-faulted area between faults F1 and F2. Mt = <i>Marsupites testudinarius</i>, Op = <i>Offaster pilula</i>. (c) Sedimentary model 2: A single n Stonehenge phosphatic-chalks linking the thickest deposits with fewer smaller ones. The large channel incorporates phosphatic-chalkE presumed to incorporate the thick phosphatic-chalks in BHR12. Earlier phosphatic-chalk Events P1 and P2 and the later P4 event as Mt = <i>Marsupites testudinarius</i>, Op = <i>Offaster pilula</i>.</p>	
<p>8.3</p>	<p>Comments on [REP8-018]</p>	
	<p>Matter Raised</p>	<p>Highways England's Response</p>
<p>8.3.1</p>	<p>[With regard to the construction of cross-passages] Presumably these will be mostly hand-excavated (or partially hand-excavated) after construction of the twin bores, with the expectation that rock stability and groundwater control have been successfully gained. It was admitted at ISH 10 that some dewatering might be</p>	<p>As explained at ISH10 and included under item 6 of the Written Summary of Oral Hearing Flood Risk, Groundwater Protection, Geology and Land Contamination [REP8-018], the technique that was described involved face-depressurisation and not dewatering.</p>

	necessary in construction of the cross passages and the Environment Agency reminded the Examination that there would be limits to the amount of dewatering permissible. The concern remains, therefore, that greater amounts of dewatering might be necessary, with knock-on effects at Blick Mead, private boreholes, etc. The Applicant has provided no certainty that this could not happen.	As explained at ISH10, traditional cross-passage construction, involving machine excavation, relies on grouting from the main tunnel, staged excavation with ground support and face-depressurisation as needed to drain any residual groundwater. This is not wholesale dewatering and draw-down of ground water levels as suggested. The effects of face depressurisation are much more localised and within the grouted ground around the cross-passage. Reinforcing this point, item D-CH32 of the OEMP was updated at deadline 9 to provide that "Cross passages shall be constructed using techniques that prevent/minimise entry of water into the tunnel whilst also preventing or minimising the impedance of groundwater flow around, above or below the tunnel".
8.4	Comments on [REP8-013]	
	Matter Raised	Highways England's Response
8.4.1	<p>2.1. Ecology</p> <p>Dr Kate Fielden and Charlie Hopkins</p> <p>Para. 6.1.8 [In response to Ec.2.1, Ec.2.2 and Ec.2.3] and 6.1.10 [in response to Ec.2.3] The Stonehenge Alliance's position remains unchanged as set out in our response to these WQs. A "commitment" to provide additional plots is not the same as providing such plots with certainty at the DCO application stage (via legal agreement with the relevant landowner(s)) as is required for compliance under the Habitats Regulations. Furthermore, it appears that monitoring of the new plots will be required in order to ensure they are effective (see section 3.7 of the Statement of Common Ground with the RSPB (REP7-013)) Thus, Highways England is not currently in a position to provide surety beyond reasonable doubt that there would be no adverse effects on nesting Stone Curlew: i) unless the new plots are secured under legal agreement by the end of the</p>	<p>In the absence of completed legal agreements before the end of the examination, it should be noted that the provision and maintenance of stone curlew breeding plots has been secured within the latest draft of the DCO (Requirement 12) [REP9-024]. Further detail in respect of the rationale behind, and operation of, this requirement is provided within the Applicant's Response to Rule 17 Letter [REP9-031]. RSPB and Natural England have both confirmed they are content with the Applicant's approach in this regard. In light of this new requirement, the Applicant considers sufficient certainty has been provided that the plots must be put in place prior to any potential impacts arising and, as such, a conclusion of no adverse effect on the integrity of the Salisbury Plain SPA from the Scheme can be drawn, beyond reasonable scientific doubt.</p> <p>In terms of monitoring, the Statements of Common Ground between the Applicant and both Natural England [AS-106, item 3.16) and RSPB [AS-105, item 3.8] confirm that monitoring is not required to inform future mitigation,</p>

	<p>Examination, and ii) replacement plots, following monitoring (which can only take place if the Scheme is agreed and once construction begins), will be found to be effective and further mitigation is not required.</p>	<p>given the unqualified commitment from the Applicant to provide the stone curlew breeding plots in question (as now confirmed by Requirement 12 in the dDCO) which is sufficient (and therefore there is no uncertainty). The monitoring referred to in the SoCG is simply 'business as usual' in terms of usage of <i>all</i> stone curlew breeding plots in the area around the Salisbury Plain SPA, as undertaken by Wiltshire Council/RSPB.</p>
8.4.2	<p>Para. 6.1.9 [In response to Ec.2.1, Ec.2.2 and Ec.2.3]</p> <p>Our views as stated here remain unchanged. We note that online Government Guidance on HRA includes the Statement:</p> <p>“The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site’s integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.” (Paragraph: 001 Reference ID: 65- 001-20190722)</p> <p>The NPSNN, paras. 4.24 and 4.25 set these requirements out in more detail:</p> <p><i>“4.24 If a proposed national network development makes it impossible to rule out an adverse effect on the integrity of a European site, it is possible to apply for derogation from the Habitats Directive, subject to the proposal meeting three tests. These tests are that no feasible, less-damaging alternatives should exist, that there are imperative reasons of overriding public interest for the proposal going ahead, and that adequate and timely compensation measures will be put in place to ensure the overall coherence of the network of protected sites is maintained.</i></p> <p><i>4.25 Where a development may negatively affect any priority habitat or species on a site for which they are a protected feature, any Imperative Reasons of Overriding Public Interest (IROPI) case would need to be established solely on one or more of the grounds relating</i></p>	<p>The tests being referenced (No Alternatives and Imperative Reasons over Overriding Public Interest) are only required if it is not possible to adequately avoid, mitigate or otherwise address impacts of the scheme to such an extent that a conclusion of No Adverse Effect on Integrity (NAEOI) can be made. Highways England’s position remains that the mitigation measures included in the scheme are sufficient to support a conclusion of NAEOI and Natural England, RSPB and Environment Agency concur with that conclusion for those issues that fall within their respective remits as stated within the respective statements of common ground [AS-106, AS-104 and REP9-015 respectively]. As the Applicant has set out in its response to the ExA Rule 17 letter [REP9-031], the replacement stone curlew breeding plot at Parsonage Down does not constitute ‘compensation’ for adverse effects on the stone curlew population of Salisbury Plain SPA but is intended to avoid any risk of an adverse effect on the SPA population by ensuring that there is no decline in nesting opportunities for the Wessex population. This will ensure there is no increased competition for nesting sites with the SPA population. This also applies to the 'additional' stone curlew breeding plots to be provided and maintained.</p> <p>As was made clear at the hearings [REP4-035], there will be no untreated runoff from the road into the River Avon SAC or its tributaries. Indeed, the quality of runoff will be considerably improved from the current situation.</p> <p>In light of this, given the NAEOI conclusion in respect of all relevant European sites, consideration of alternatives and IROPI in a HRA context is not required.</p>

	<p><i>to human health, public safety or beneficial consequences of primary importance to the environment.”</i></p> <p>In the case of the A303 Scheme, there are alternative solutions for the project; imperative reasons of overriding public interest (not forgetting the interest of future generations in the protection of the whole WHS) have not been demonstrated; and the necessary compensatory measures have not, so far, been secured.</p> <p>We raise these concerns not only in respect of Stone Curlew and the SPA but also in respect of the River Avon SAC in the Countess area. We have expressed our concerns about untreated road runoff in our REP8-054, at 3.22.</p>	
8.4.3	<p>Concerning Great Bustard, we submit that as an Annex I protected species, its protection is currently required under the EU Birds Directive (79/409/EEC of 2 April 1979 on the conservation of wild birds), notably Article 5. Furthermore, in view of the established breeding ground of the Great Bustard at a single site in the UK, there are strong reasons to expect a commitment from the UK Government to respect Articles 1–4 of the Birds Directive and to establish an SPA for the Great Bustard in this breeding area. Such an SPA might coincide in part with the Salisbury Plain SPA. At the very least a licence would be required in respect of disturbance of the species during construction and operation of the Scheme and this is not mentioned in the latest OEMP (REP8-006/7). The currently proposed measures for protection of Great Bustard in nesting and nurturing their chicks during construction of the Scheme are neither comprehensive nor convincing, being reactive rather than proactive.</p>	<p>With regards to further avoidance and mitigation measures, updates have been submitted throughout the Examination period to provide as much clarity as possible regarding the measures that will be undertaken. As stated in the OEMP [REP9-013], for the purposes of certain avoidance and mitigation measures, Great Bustard are to be treated as Schedule 1 breeding birds. As the relevant mitigation measures will be confirmed on a site by site basis, it is not considered suitable to limit the measures incorporated at this stage. However, examples of suitable mitigation have been included within the OEMP [REP9-013] and obligations to liaise with the Great Bustard Group have been included. As such, the measures included within the OEMP in relation to Great Bustard are considered appropriate and sufficient.</p> <p>There is no requirement for a protected species licence for works related to great bustard.</p> <p>The Applicant is not required to comment on whether or not a new designated site should be established, as that is outside its control and beyond the scope of this examination. Instead, the Applicant has correctly assessed the Scheme's impacts against existing designated sites.</p>

8.4.4	<p>Para.6.1.11 [in response to Ec.2.4]</p> <p>We do not agree with Highways England that measures are in place sufficient for the Secretary of State to be certain that there would be no adverse effect on Stone curlew arising during construction of the Scheme (when nesting, foraging, nurturing chicks and roosting): such measures should not be left to a later stage. Similarly, specific measures giving certainty for the protection of Great Bustard from the impacts of construction should be stated within the DCO application.</p>	<p>It is the Applicant's position that the mitigation measures to be put in place, and secured through the DCO, are sufficient to ensure, beyond reasonable scientific doubt, that there would be no adverse effect on the integrity of any European sites as a result of the Scheme. Particularly in the case of stone curlew, the OEMP (and Requirement 12 of the DCO) ensure suitable measures will be implemented to avoid disturbance effects and any net loss in breeding plot opportunities.</p> <p>As recognised, ultimately this is a matter for the Secretary of State to determine, drawing upon the advice of the government's statutory advisor on internationally important wildlife sites: Natural England. Natural England has already made clear that it considers that the measures set out by the Applicant are sufficient to conclude no adverse effect on the integrity of any European sites as a result of the Scheme [AS-104].</p> <p>With regards to further avoidance and mitigation measures in respect of Great Bustard, please refer to the response to paragraph 8.4.3 above.</p>
8.4.5	<p>Photomontages</p> <p>Para. 6.2.8: Item 11.1.6 part ii.</p> <p>We maintain the comments we have made under this item and note that our comment re traffic lights was not responded to.</p>	<p>Stonehenge Alliance stated in its deadline 4 submission [REP4-055] that <i>"There are concerns about the impacts of lighting: there are no projected images of the new Longbarrow junction where traffic lights are planned: will there be glow from these lights and car lights on rising slip roads? This question was not given a satisfactory answer"</i></p> <p>The Applicant responded to this question in its Comments on Submissions received at Deadline 4 [REP5-003, paragraph 11.1.6] by setting out that there will be traffic lights at Longbarrow junction and that traffic signals at Longbarrow junction shall have shrouds or louvres to direct the signals towards the intended user and minimise light spill (Section D-CH29 of the Outline Environmental Management Plan [now REP9-013]). Therefore, whilst there will be localised light spill there is not predicted to be glow from the traffic lights because of the shrouds or louvres.</p> <p>In terms of an image of traffic lights, these are a detailed design matter as to their location and therefore they have not been included on the photomontages. Traffic lights have been included in the assessment process,</p>

as they are referred to in paragraph 2.3.11 of Chapter 2 of the Environmental Statement: The Proposed Scheme [APP-040] and in Chapter 7 of the Environmental Statement: Landscape and Visual Impact Assessment [APP-045] (e.g. paragraphs 7.3.12, 7.9.3, 7.9.68).

Stonehenge Alliance suggest in their submission (written summary of oral submissions from ISH8 [REP8-052], as referred to in their deadline 9 submission) that the views of *'green bridges are misleading'* because they are *'taken with Green Bridge 4 in the foreground obscuring sight of the western cutting. Since people move within the landscape, there seems little point in supplying views from locations which best disguise the impact of the Scheme.'* There is nothing misleading about the photomontages. The views are taken from the publicly accessible path across the central part of Green Bridge No. 4, so it is a fact that there would be chalk grassland in the foreground of the view, because this is on the green bridge. The path network has been specifically located centrally across Green Bridge No. 4, so as to enable distance between the path user and the cutting. See also the Applicant's response on this point in its Comments on Deadline 8 Submissions [REP9-022, paragraph 21.2.3].

Stonehenge Alliance comment that the photomontages and views from Bowles Hatches are 'shocking'; yet the flyover would be screened by existing vegetation and not visible and therefore the Applicant disagrees that the Scheme would be 'shocking'. This terminology is not supported by any methodology to enable a transparent assessment of the change to the view and associated effect. In contrast the Applicant has set out their assessment methodology and that, when not in leaf, views of the flyover are predicted to be an adverse effect to the view, due to the flyover and vehicles being visible; however, these views will be largely filtered by the existing vegetation and the view already includes the existing A303.

Stonehenge Alliance suggest that the images were taken *"to best advantage in summer"* [REP9-043]. The images were taken during the examination process which has occurred whilst the leaves have been in leaf. This is therefore beyond the Applicant's control.

		<p>Stonehenge Alliance suggest that Figure 7.107 rev 1 [REP8-022] View north from Blick Mead, is taken from too low a location. The view was taken from the location requested by the interested party who was present on the day of the photography.</p> <p>Stonehenge Alliance suggest crash barriers and embankment support would be needed at the verge on the embankment alongside Blick Mead/Amesbury Abbey Park to facilitate the Scheme. Please see the Applicant’s response to paragraph 8.1.1 of this document.</p>
<p>8.4.6</p>	<p>3.2. Impacts and prevention of vibration and settlement on archaeological remains arising from use of TBM</p> <p>Dr. Kate Fielden</p> <p>Para. 6.2.9: Item 11.1.7</p> <p>Our position as stated here is unchanged. It is ludicrous to suggest that potential impacts on archaeological remains can be monitored and prevented on a “case-by-case” basis when potentially fragile archaeological remains are unquantified, may not be known about or are not identifiable on the surface. The applicant’s suggestions for monitoring and prevention of damage remain unconvincing. Please see our fuller response on this issue in our summary of oral submissions at ISH8 (REP8-052), Agenda Item 4.3. iv.a): “Ground Movement Monitoring Strategy”.</p>	<p>The Applicants position in terms of the conservative approach to vibration and ground movement assessment has been explained in numerous responses and at the Issue Specific Hearings. As set out in responses to ExA’s Written Questions Ns.2.7 and Ns.2.8 submitted at deadline 6 [REP6-031], given the unique and varying sensitivity of archaeological earthworks and buried assets, it is considered appropriate that monitoring and actions to control or mitigate impacts will be considered on a case by case basis based on the final detailed design and tunnelling methodology.</p> <p>The provisions for archaeology are covered in the Outline Environmental Management Plan as submitted at deadline 9 [REP9-013] with particular reference for vibration and ground movement:</p> <p>MW-CH1: Heritage Management Plan</p> <p>MW-CH8: Ground Movement Monitoring Strategy</p> <p>MW-NOI3: Noise and vibration management plan.</p>
<p>8.4.7</p>	<p>3.6. Ground stabilisers (and the use of soil nails, rock bolting and grouted rock anchors at west and east tunnel portals)</p> <p>Dr Kate Fielden (response agreed by Dr George Reeves)</p> <p>Para. 6.2.24, Item 11.2.38.</p> <p>Our reference is to ground/bedrock anchors which might be required at tunnel and green bridge entrances and, potentially, at the cutting</p>	<p>As confirmed in our response submitted at deadline 8 [REP8-013], the architectural and engineering details of the cuttings will be developed through the detailed design process. If stabilisation measures such as ground anchors are required, then the appearance of the end plate on the surface of the retaining wall will be visually mitigated as part of the surface finish. This will be considered as part of the application of the Design Vision and specifically as included in Table 4.1 Design Development Principles item P-PWS01 to P-PWS03 of the OEMP [REP9-013] which deal with the new infrastructure and</p>

	<p>walls. In an archaeologically sensitive landscape with soft chalk bedrock with fissuring, these features could take up substantial areas. They would, if large, be difficult or impossible to disguise effectively. Depending upon conditions, they can be in the form of anchored plates which are unsightly. For examples, please see https://www.anchorssystems.co.uk/wp-content/uploads/2018/06/Vulcan_Brochure_FINAL_Web.pdf.</p> <p>Deep drilling, (up to 25 - 30 metres) plus additional injection grouting is likely to be required in the poorer quality Chalk bedrock (especially in the Phosphatic Chalk horizons) and will extend the impermeability of the tunnel structure far to the east and west of the portals.</p> <p>This will further exacerbate interference with groundwater flow in and around the proposed structures.</p> <p>It appears that, like the tunnel structure itself, ground anchors and plates have a limited life. We have not been advised of the approximate lifespan of the tunnels and what would happen to them and the WHS landscape once that period has elapsed. Given the sensitivity of the WHS, this is a very serious omission.</p>	<p>external scheme components and the need for them to reflect the character of the surrounding landscape.</p> <p>The site-specific ground conditions will be considered in the detailed design. There is no evidence of phosphatic chalk at the portals that would extend the anchorages and the discrete nature of rock bolts does not interfere with groundwater flow to the extent being suggested in this representation.</p> <p>The Design Life, and what would happen once this has elapsed, has been addressed by the Applicant; there is no omission. The latest reference is included under item 11.1.21 [REP8-013] In summary, it is highly unlikely that the Scheme would be demolished after its design working life (not less than 120 years) as the road would have become an integral part of nationally important infrastructure. However, the Heritage Impact Assessment (HIA) [APP-195], section 9.2 explains how the tunnel and associated road infrastructure may, theoretically be decommissioned at some point in the future and what the impacts may be.</p>
8.4.8	<p>Para. 6.2.38 on previous 11.2.59: 94% of the heritage value derives from the general population who are unlikely to experience the site</p> <p>Highways England ‘acknowledges’ my explanation of existence value, which in effect acknowledges that they dug themselves into a hole by attempting to redefine existence value to suit their purpose. They are now digging even deeper by claiming that the heritage value assessment captured the value of their version of existence value. I see no evidence whatsoever to support this assertion.</p>	<p>We agree with the Stonehenge Alliance definition of Existence value – and have never disputed it. The CV study captures the change in existence values, altruistic values and bequest values which result from the Scheme. It does not and should not capture the value of the WHS existing compared to not existing at all.</p>
8.4.9	<p>6.2.39 on previous 11.2.60: Bias</p> <p>No further comment – as previously, the HE response does not address the point I am making.</p>	<p>The issue of bias in the CV questionnaire was comprehensively addressed in previous written responses [REP3-013]. The Simetrica report describes the potential sources of bias and how they have been minimised. Highways England considers that the measures taken by Simetrica, including those</p>

		<p>taken in response to the peer reviews (as presented in Appendix I of CoMMA Appendix D: APP-302), ensure that individual sources of upward and downward bias have been minimised and overall the study is unbiased.</p>
<p>8.4.10</p>	<p>6.2.40 on previous 11.2.61: Representativeness of ‘general population’ sample</p> <p>Having previously been in denial over the point that almost 25% of the general population survey sample lived within 50 miles of Stonehenge, Highways England now come up with the extraordinary claim that the mean Willingness To Pay (WTP) of people living within 50 miles of Stonehenge is on average £2.46 less than the population living over 50 miles away. This is counter-intuitive, and we have no way of verifying the ‘evidence’ in support of this contention at such a late stage. Highways England should perhaps also reflect on the consequences for their case if it were true, since the implication is that local people, likely to have more awareness of Stonehenge, are less convinced that the tunnel adds significant value.</p>	<p>As stated in the report on CV Survey (APP-302), the general population group weighted by region, gender, age group and income group to ensure representativeness of real-world populations. Issues of data cleansing in CVS analysis were comprehensively addressed in previous written responses [REP3-013]. The response explains the methodology and consistency checks that were undertaken to ensure the survey responses were consistent and that standard econometric techniques were applied to ensure the results were reflective of the general population.</p> <p>In light of the continued concerns raised by the Stonehenge Alliance, additional sensitivity analysis on the data captured by the contingent valuation study was undertaken. This was not a new data collection exercise and did not involve any new methods beyond a simple averaging formula, applied a sub-set of the results of the CVS. This analysis confirmed that the sample had not over-estimated the WTP.</p> <p>For the specific sub-set of the population of people living within 50 miles of Stonehenge the WTP is on average £2.46 less than the population living over 50 miles away. This figure is a based on further analysis of the survey data. This does not support the original contention the Stonehenge Alliance has made in their submissions that those living closer to the WHS would value it more, nor does it alter the findings and reiterates the robust nature of the analysis and conclusions: the conclusions are based on the findings of the survey and have not been skewed by prior knowledge or assumptions. The preferences expressed by those living within 50 miles of the WHS have been given the appropriate weighting to ensure the results are representative of the whole population and not biased by any sub-group. The results are a valid assessment of the general population and have not been skewed by any sub-group.</p>

		It would be inappropriate to reconsider the results or alter them to reflect the findings from any one sub-group – it is not appropriate to infer that the opinions of those living close to Stonehenge are more valid than others. To do so would undermine the integrity of the analysis and be contrary to all Government guidance on analytical and appraisal techniques.
8.4.11	<p>6.2.41 on previous 11.2.62: Scenario testing</p> <p>My only further comment is that the Highways England argument that the M6 toll road is not a useful comparator is specious. My central point is that WTP can only be tested in real life situations where a real payment has to be made: differences in detail are not relevant.</p>	<p>Highways England re-iterates its earlier submissions that, in line with the relevant guidance, the most appropriate technique was used to assess each aspect of the scheme, following Government Guidance. HM Treasury Green Book (2018) sets out that the Economic Case should use Social Cost-Benefit Analysis to assess the net value to society (the social value) of a policy intervention. The Green Book emphasises that costs or benefits of options should be valued and monetised where possible in order to provide a common metric. For some costs and benefits there may be no market price, or the market price may not fully reflect societal costs or benefits. In these cases, the Green Book summarises the main techniques that can be used. In line with the relevant guidance, the most appropriate technique was used to assess each aspect of the scheme and is consistently applied across all options. Contingent Valuation is the most appropriate tool precisely because there is no opportunity to test what value the general public would ascribe to this scheme’s effect on cultural heritage “in real life situations where a real payment has to be made”. This approach has been designed to deliver an unbiased result in the absence of such “real life” tests.</p> <p>As previously stated, the comparison to toll roads is not appropriate: a toll involves a price per use, rather than an up-front payment for both “use” and “non-use” values, and the M6 toll road faces “competition” from a non-tolled road.</p>
8.4.12	<p>11.2.65: Monetisation of a single aspect of cultural value, when there are other intrinsic values to the cultural heritage</p> <p>Highways England have made no further response on this issue.</p>	Highways England continues to acknowledge that there are other aspects to cultural value that have not been identified in the Contingent Valuation Survey or assigned a monetary value through other mechanisms. However, these other aspects of value are captured in the Heritage Impact Assessment and

		<p>qualitatively factored into the overall judgement of the scheme’s Value for Money.</p> <p>Government guidance stipulates that policies should be appraised in terms of all of the impacts that they create and that this should not be narrowly focused on economic impacts. The Guidance also stipulates that all impacts should be valued in monetary terms to the greatest extent possible but recognises that some impacts cannot be monetised.</p> <p>The merits of this Scheme are not based just on a limited set of monetised impacts, but on a comprehensive set of monetised and non-monetised assessments. To demonstrate the Value for Money that the Scheme offers, the costs of the Scheme must be compared with the expected positive and negative impacts. The appraisal approach has been designed to capture these impacts as fully as possible, in a way that is proportional. In some case this approach involves assigning monetary values to the benefits. However, there are some impacts where there is no reliable approach to assigning monetary values, or indeed to assigning any form of quantifiable value, these are still included in the appraisal process.</p> <p>To form a holistic view on Value for Money for this Scheme, all sources of benefits and disbenefits (including indicative monetised impacts and nonmonetized impacts) have and should be considered and as such all aspects of cultural heritage have been incorporated into the appraisal process.</p>
<p>8.4.13</p>	<p>3.9. Ecology</p> <p>Dr Kate Fielden and Charlie Hopkins</p> <p>Para. 6.2.45: Items 18.1.1 – 18.1.4, 28.1.1, 18.2.22 – 18.2.31</p> <p>No mention is made of the in-combination effects including Army rebasing housing at paragraph 8.9.186 of Chapter 8 of the Environmental Statement [APP-046] and Section 5.3: “In-Combination Effect: Recreational Disturbance” section of the Statement to Inform the Appropriate Assessment (SIAA) [APP-266].</p>	<p>Section 2.4 of the Habitat Regulations Assessment (HRA) Likely Significant Effects Report [APP-264] presents the criteria for the identification of relevant projects for consideration as part of the in-combination assessment, in which the Army Basing Programme is included and this is also identified as a source of ‘in combination’ effects in the Statement to Inform Appropriate Assessment [APP-266]. The increase in the local population discussed in the recreational disturbance section of the HRA took into account all sources of an increased population including the Army Basing Programme, the Wiltshire Plan and other sources. It should be noted that the implications of increased recreational pressure from residential developments have also been</p>

	<p>The c.1,000 Army rebasing houses now under construction were included in the “short list” of developments “considered in the future baseline”. However, in the SIAA (APP-053), at para. 15.2.19, Highways England says “no significant effects have been identified which are associated with the development considered as part of the future baseline.” Such a large influx of people into new housing adjacent to the SPA is bound to have a recreational impact on the SPA which, in combination with increased access to Normanton Down via Byways 11 and 12 would amount to a significant in-combination effect on the SPA which appears to have been conveniently disregarded by placing the housing development in “the future baseline”.</p> <p>Please see our full comments under our Section 3.6 in our REP-085 (response to Highways England’s REP5-003).</p>	<p>addressed by Wiltshire Council (Wiltshire Council, 2018¹), which stated “<i>it is concluded that planned growth as a result of the WCS [Wiltshire Core Strategy WCS], WHSAP [Wiltshire Housing Site Allocations Plan] and ABP [Army Basing Programme], will not have an adverse effect on the integrity of the Salisbury Plain SPA, either alone or in-combination with other plans and projects.</i>”</p> <p>The measures secured by Requirement 12 of the DCO will provide sufficient resilience to ensure no adverse effect on the integrity of the Salisbury Plain SPA as a result of any potential recreational in-combination impacts.</p>
8.4.14	<p>Paragraphs 6.1.6 and 6.1.7 Monetisation of the Alleged Cultural Heritage Benefits</p> <p>As we have set out in detail elsewhere (REP 5-021, REP 7-048 and REP 8-054) , the Stonehenge Alliance strongly disagrees with Highways England’s position that the monetisation of the alleged cultural heritage benefits is not relevant to the Examining Authority’s assessment of whether the negative impacts of the project exceed its benefits. We note that they have not sought to respond to our specific point that Highways England wish the Examining Authority to take account of some monetised social welfare benefits, including non-business travel time savings, but not the alleged social welfare benefits assessed in the cultural heritage survey. In our view, this position is illogical, inconsistent</p>	<p>As has been made clear throughout the examination, the Applicant’s position is that it is important to be clear on the purpose of the CVR: it is primarily relevant to the assessment of the value for money and the decision to invest in the Scheme, which is a matter for Government and the Road Investment Strategy. The CVR’s assessment of value for money does not form the basis of the Examining Authority’s (ExA) assessment of the heritage impacts of the Scheme, which is done in the context of the National Policy Statement for National Networks (NPSNN), Environmental Impact Assessment (EIA) and the World Heritage Site (WHS) Convention. The Applicant has set this out in its previous submissions to the Examination, in particular in answer to Written Question SE.1.25 [REP2-035], its submissions at the Traffic and Transport issue specific hearing ([REP4-034] agenda item 8) and its responses to Stonehenge Alliance (at item 11.1.12) and Jon Morris (at item 3.1.1) at deadline 5 [REP5-003]. More detail follows.</p>

¹ Wiltshire Council (2018), HRA and Mitigation Strategy for Salisbury Plain SPA (*in relation to recreational pressure from residential development*)

with the economic theory that underpins the Treasury Green Book and out of line with the requirements of the Planning Act.

As Highways England is well aware, our position is not – as they appear to allege – that the assessment should be done solely ‘by numbers’. However the validity, or otherwise, of the numerical analysis is highly relevant to the Examining Authority’s decision making.

The Applicant agrees that, as per paragraph 4.5 of the NPSNN, the information in the economic case (which forms part of the business case forming the basis for the investment decision on the Scheme) on economic, environmental and social impacts of the Scheme is important to the Examining Authority and the Secretary of State’s consideration of the adverse impacts and benefits of a proposed development.

That information is contained in the: Environmental Statement [APP-038 to APP-292], Case for the Scheme [APP-294], Combined Modelling and Appraisal Report [APP-298] and its Appendix D [APP-302].

However as set out in the answer to Written Question SE.1.25 [REP2-035] (see in particular paragraph 4), it is also important to be clear on what the different parts of that information do and therefore their relevance to the decision on the DCO application.

The CVR study is a key part of the assessment of value for money of, and therefore the investment decision for, the Scheme. However, although it forms part of the information referred to in paragraph 4.5 of the NPSNN, the monetisation of heritage benefits it contains is not primarily relevant to the decision on whether to grant development consent for the Scheme, because those benefits do not need to be monetised in order to be taken into account in the planning balance.

The contingent valuation study does not seek to say that its results are the economic benefits deriving from the Scheme, but instead seeks to quantify the heritage benefits for valuation purposes.

However, the question of value for money does not form the basis of the ExA’s assessment of the heritage impacts of the Scheme, which is done in the context of the NPSNN, EIA (including the Heritage Impact Assessment (HIA)) and the WHS Convention.

It is therefore wholly wrong to allege that the Applicant “*wishes the Examining Authority to take account of some monetised social welfare benefits, including non-business travel time savings, but not the alleged social welfare benefits assessed in the cultural heritage survey*” (by which the Applicant assumes SHA mean to refer to the CVR). The Applicant has acknowledged on

		<p>numerous occasions that the CVR is part of the information referred to in NPSNN paragraph 4.5. The Applicant’s repeated point is simply that it is important to be clear on what the different parts of that information do and therefore their relevance (i.e. how relevant they are) to the decision on the DCO application.</p> <p>The Planning Act 2008 (as amended) requires that the DCO is determined in accordance with the relevant National Policy Statement. In this case the National Policy Statement for National Networks (the NPSNN) is the primary basis for decision making for the DCO. Whereas Government investment decision are governed by the Greenbook guidance. The process of preparing evidence is the same for each – and the same evidence has been submitted to the DCO and to the Department of Transport.</p>
<p>8.4.15</p>	<p>Paragraph 6.1.1 Uncertainty in Traffic Forecasts</p> <p>The Stonehenge Alliance stands by the statements we made in REP 7-048, some of which are quoted by Highways England. They assert that their REP 3-013 has “explained that, based on evidence in Highways England’s Post-Opening Project Evaluation (POPE) there is no evidence of consistent bias or overstatement in trunk road traffic forecasts.” In fact, Paragraph 16.4.70 of REP 3-013 concedes that while “59% of forecasts reviewed were within 15% of the observed flows post-opening, there was a tendency over the period to overstate rather than understate traffic volumes.” We note that Table 4-7 of Highways England’s 2015 POPE report¹ shows that outturn flows were less than forecast in 64% of projects, and the discrepancy was more than 15% for 27% of schemes. For road widening schemes, the discrepancy is greater, with outturn below forecast in 83% of projects and by more than 15% in one third of schemes. It should be noted that even a 15% discrepancy is significant given that this relates to volumes one or five years after opening. Highways England attribute the discrepancy between forecast and outturn traffic volumes to the economic downturn. While this is a convenient excuse, inadequacies in the forecasting</p>	<p>We note that the Stonehenge Alliance has selectively quoted from the Applicant’s [REP3-013], paragraph 16.4.70. For the benefit of the Examining Authority, the full extract from the response is provided below, with the text Stonehenge Alliance did not include in italics.</p> <p>“59% of forecasts reviewed were within 15% of the observed flows post-opening, there was a tendency over the period to overestimate rather than understate traffic volumes. <i>The report attributes this to the economic downturn and notes that ‘more recent schemes have accounted for this within their traffic growth assumptions’.</i> Stonehenge Alliance thus misconstrue the findings of the POPE report in asserting that it supports their belief that the Scheme’s traffic forecasts are likely to be overstated.</p> <p>Stonehenge Alliance also reference findings from the 2015 Highways England POPE report. Overall, the report summarises the findings on forecasting accuracy (page 2) as ‘ <i>A majority (68%) of schemes accurately forecast traffic flows (to within +/-15%), but there is much variability in accuracy between schemes. There is evidence to suggest that the accuracy of traffic forecasting has improved over time.</i>’ The purpose of this research is to inform and improve forecasting methods. In commenting, Stonehenge Alliance have failed to recognise that changes have been made in forecasting methodology and guidance (WebTAG) to improve forecasting</p>

	<p>methodology may be, at least partly, responsible. It is also worth noting that the document also states (on page 32) that “major scheme appraisals have generally assumed traffic flows without the scheme to be higher than have actually occurred”. The implication of this is that the extent of the problem that the project is intended to address has been over-stated.</p>	<p>practice. These improvements have been applied for the A303 Stonehenge assessments. The Applicant's traffic forecasts have been prepared in accordance with WebTAG, in accordance with NPSNN para 4.5, do not overstate traffic problems and are appropriate for the assessment of the Scheme.</p>
8.4.16	<p>Paragraph 6.1.1 Uncertainty in Traffic Forecasts</p> <p>Much of the rest of Highways England’s response is a defence of their mechanistic application of WebTAG guidance. As there is a disconnect between this guidance and DfT’s ambition to move to a scenario-based approach in scheme assessment, this is of limited relevance to the issue of whether the traffic forecasts are subject to greater uncertainty than Highways England assume. As DfT note “while uncertainty in road traffic forecasting has always existed, it is perhaps now more uncertain than ever given the changes that are being experienced in the system and the changes that could lie ahead.”</p>	<p>As previously stated by the Applicant, most recently at deadline 9 [REP9-022] section 21.1.14, “<i>The DfT does not yet mandate the use of the new scenario-based forecasts</i>” and the DfT has not incorporated the revised approach in the May 2019 Update to TAG Unit M4 Forecasting and Uncertainty. The Applicant summarised in paragraph 21.1.14 [REP9-022]: why Stonehenge Alliance’s suggestions that further uncertainty analysis is not required by the NPSNN; that there is no guidance to assist interpretation of such analysis; and because there is little variation in impacts across the range assessed, it is not necessary to undertake additional tests to understand the nature and scale of Scheme impacts.</p>
8.4.17	<p>Paragraph 6.1.1 Uncertainty in Traffic Forecasts</p> <p>Highways England assert that all the scenarios tested by DfT produce growth forecasts within the range that they tested, with the exception of Scenario 7 (which assumes a rapid transition to zero emission vehicles). This is not correct. Scenario 6, which assumes that the recent trend of declining car trip rates continues, shows much lower growth than Scenario 3, which Highways England state is consistent with their low growth scenario. This is clearly illustrated in Figure 25 of Road Traffic Forecasts 2018</p>	<p>Unfortunately, Stonehenge Alliance appear to be referring to the incorrect Figure in RTF2018, referencing Figure 25, which covers forecast growth on All Roads not just the Strategic Road Network. Figure 30, RTF2018 presents forecast traffic growth on the Strategic Road Network for each of the seven scenarios. Only Scenario 7 extends beyond the range of Scenarios 2 and 3, which reflect the same macro-economic drivers as the low and high growth scenarios mandated by WebTAG M4. The evidence cited by Stonehenge Alliance does not substantiate their point that the forecast traffic growth may be lower. The Applicant summarised in paragraph 21.1.14 [REP9-022]: why Stonehenge Alliance’s suggestions that further uncertainty analysis is not required by the NPSNN; that there is no guidance to assist interpretation of such analysis; and because there is little variation in impacts across the range assessed, it is not necessary to undertake additional tests to understand the nature and scale of Scheme impacts.</p>

8.4.18	<p>Paragraph 6.1.1 Uncertainty in Traffic Forecasts</p> <p>Even within the narrow range tested by Highways England, the transport user benefits are reduced by £64 million in the Low Growth scenario. It should be noted that this excludes any impact on the claimed reliability benefits, which would also reduce as there would be less unreliability in the Do Minimum scenario. Even ignoring this, the impact would be to reduce the already low net benefits of the project from £102 million to £38 million and the Benefit: Cost Ratio from 1.08 to 1.03. Clearly even a small increase in cost or further reduction in benefits would be sufficient to make the monetised costs exceed the benefits. As we argue elsewhere there is significant uncertainty, and potential bias, in Highways England's estimates, increasing the likelihood of the true Benefit: Cost ratio being less than 1.0. This, of course, excludes the non-monetised negative impacts of the project.</p>	<p>The Applicant maintains its position. The Present Value of Benefits for the low growth scenario is £64 million lower than the core scenario as shown in Table 7.1 Economics Package [APP-302], which can be expressed as 6% of the scheme cost. This range of uncertainty is reported in the Outline Business Case for the Scheme, which has been approved by DfT, HM Treasury and Cabinet Office in June 2019.</p> <p>The Applicant does not agree with Stonehenge Alliance's premise that reliability benefits might be expected to be lower if traffic volumes were lower. Variability in travel times tends to increase as traffic volumes increase closer to highway capacity. However, as set out in Section 5.7 of the economic appraisal package [APP-302] the method applied to assess reliability is based on analysis of observed data only and, accordingly the assessed value is likely systematically to understate the scheme benefits, irrespective of any forecasting uncertainty.</p>
8.4.19	<p>Paragraph 6.1.2 Need for Project if Traffic Growth Does Not Occur</p> <p>Highways England deny that they assert that the project is needed irrespective of the level of future traffic growth. However they state in REP 6-032 "The conclusions of the assessment are not sensitive to the Stonehenge Alliance's concerns about future traffic growth and congestion on the M3."³ It is hard to see how these statements are consistent with each other.</p> <p>As we note above, the already weak economic case for the scheme would come close to being negative at the low end of the narrow range of forecasts that Highways England have adopted and would become even poorer if traffic levels are lower.</p> <p>Irrespective of the economic case, the Stonehenge Alliance argued in REP 2-129 that the strategic case for intervention is weak even</p>	<p>The Applicant has explained that both the case for the Scheme and the value for money judgement (i.e. the conclusion of the economic case) is based on both monetised and non-monetised impacts (e.g. paragraph 6.2.42 [REP8-013]). Stonehenge Alliance misrepresent the monetised BCR as expressing the entirety of the scheme benefits and therefore their assertion that the case for the scheme is weak is not justified because it is not based on a complete consideration of the scheme's manifest benefits.</p> <p>Furthermore, the case for the Scheme is not highly sensitive to traffic forecasts. As explained in the Applicant's response at deadline 8 [REP8-013] paragraph 6.1.2, uncertainty is reported in the Outline Business Case for the Scheme, as documented in Table 7.1 of the Economic Package [APP-302]. The outline business case was scrutinised and approved by DfT, HM Treasury and Cabinet Office in June 2019.</p>

	based on Highways England's Central Case forecasts. Clearly, if traffic growth is lower, the case would be weaker still.	
8.4.20	<p>Paragraphs 6.1.3 and 6.1.4 Possible Impact of Congestion on the M3</p> <p>The Stonehenge Alliance disagrees with Highways England and continues to consider that weaknesses in the modelling mean that the impact of future congestion on the M3 is not fully assessed. This could have a significant impact on traffic using the A303 at Stonehenge and therefore on the case for the project. Our position on this issue is set out in detail in REP 5-021 and REP 8-054.</p>	The Applicant has explained [REP8-013] why Stonehenge Alliance's concerns with the simplified representation of the M3 east of Frimley are not material to the assessment of the Scheme.
8.4.21	<p>Paragraph 6.1.5 Use of Trafficmaster Data</p> <p>The Stonehenge Alliance continues to be concerned that the Trafficmaster data has been presented to the Inquiry in a way which starts from an unrealistic baseline – in effect free flow conditions – and therefore exaggerates the alleged need for the project. We also think that providing additional information would have promoted informed debate, as noted repeatedly. As this would have been easy to provide, we are concerned that Highways England's reluctance to release it may be because it would not be helpful to their case.</p>	<p>The Applicant does not accept Stonehenge Alliance's allegations. As explained in paragraph 6.1.5 [REP8-013], the Applicant has provided detailed analysis of the variation of travel times to enable stakeholders to fully understand journey times and their variability. The Applicant's response to Examining Authority's Written Question Tr.2.2 [REP 6-032] explained why Stonehenge Alliance's allegation that the presentation of delays set out in Tr.1.11 [REP2-036] was both misleading and incorrect because:</p> <ul style="list-style-type: none"> - the presentation used to illustrate the variation of delays across the year was not the basis of the assessment of delays explaining the need for the scheme, and <p>alternative interpretations of the data demonstrate the same pattern of congestion.</p>
8.4.22	<p>Paragraph 6.2.10 Calibration of Traffic Model</p> <p>The Stonehenge Alliance responded to Highways England's totally inadequate explanation of the calibration of the Variable Demand Model (set out in REP 7-021 and repeated in REP8-013) in our submission REP 8-054. Our</p>	As further explained in paragraph 21.1.13 [REP9-022], the response explains that appropriate information has been provided, explaining the development of the variable demand model and that the model performance has been demonstrated to be appropriate. Detailed analysis of induced traffic was undertaken and explained in Sections 5.3 and 5.4 of the Traffic Forecasting Package [APP-301] explaining the demand modelling outcomes and

comments in the latter document are repeated below for ease of reference by ExA.

The Stonehenge Alliance cannot comment on whether the Variable Demand Model has been calibrated and validated in accordance with WEBTAG Unit M2 as claimed by Highways England. This is because we have not had access to the calibration and validation report for the South West Region Traffic Model (SWTRM), and especially the variable demand

modelling element of it. From the very limited information provided in Highways England's response, we understand that they are claiming that national parameters defined in guidance were found to be appropriate to the regional traffic models and that the evidence of sensitivity of these parameters is based on national not local sensitivities. From this it is hard to escape the conclusion that the *variable demand modelling* element of SWTRM was based on national, not regional or local, responses. In any case our original concern was that the model was calibrated on data for the whole of the South West rather than local data; and might not reflect the responses of potential future users of the A303. Therefore calibration at either regional or national level is a concern.

Highways England stress that they have complied with the guidance in WEBTAG Unit M2. However we note that this document states:

"Variable demand models should be **calibrated on local data**, to reflect the local strengths of the choice mechanisms, or where this is not possible; **the illustrative parameter values presented in this unit may be used**" (Para. 1.3.1, DfT emphasis). It appears that the "illustrative" values have been used by Highways England, although they have provided no evidence that using local values was "not possible".

"No matter how carefully the model has been constructed and coded, if the parameter values are wrong the appraisal will be wrong" (Para.

demonstrating that induced traffic impacts have been appropriately considered in assessing the Scheme.

	<p>5.6.2); “locally calibrated parameters should be used wherever possible” (Para. 5.6.3). We agree with both these statements.</p> <p>“The [illustrative] parameter values for main mode choice and destination choice have been derived from “Multi-Modal Data Provision” by MVA, dated June 2005. Information was also obtained from Rand Europe PRISM model of the West Midlands.....These illustrative parameter values represent the current best estimates but are necessarily uncertain” (Para. 5.6.4). We agree that they are uncertain but they are also dated. The models assessed by MVA for their 2005 report must have been calibrated prior to their study, based on data collected even earlier. Accordingly they do not reflect the important changes in travel behaviour over the past 15 years, as discussed in our original Written Representation [REP 2-129].</p> <p>We also note that the illustrative parameter values for main mode choice and destination choice are based on a small number of studies, as shown in Tables 5.1 and 5.2 of Unit M2. These range from 7 studies for commuters’ destination choice to only one study for mode choice for non-home based employer’s business.</p>	
<p>8.4.23</p>	<p>Paragraph 6.2.25 Whole Corridor Assessment</p> <p>The Stonehenge Alliance continues to believe that the inclusion of the A303 Sparkford to Ilchester and A358 Taunton to Southfields in the Core Scenario pre-judges the outcome of the planning process for these projects.</p> <p>More importantly, the A303 Stonehenge project is being promoted as part of an overall programme to create a near-motorway standard expressway between the M3 and M5. While Highways England seek to downplay this when it suits their case, this ambition is clearly set out in Road Investment Strategy 1 and in the recent NAO Report. Given this, it is surprising that Highways England describe other projects in the corridor as “hypothetical” – they are clearly much more than this. In their response, Highways England argue that the</p>	<p>The Applicant’s response at paragraph 6.2.25 [REP8-013] explained the interpretation mandated by guidance and thus why Stonehenge Alliance’s belief in respect of the inclusion of the Sparkford and Southfields schemes in the assessment is not compliant with guidance and would not therefore have been appropriate for inclusion in the core forecasting assumptions.</p> <p>The Applicant explained in paragraph 13.1.21 of deadline 4 responses [REP4-036] why an environmental appraisal for the full corridor is not required.</p>

	<p>impacts of the whole corridor programme are irrelevant because there is sufficient forecast spare capacity on the A303 Stonehenge route section to accommodate the growth in traffic that would result. Even if this is true, it ignores important issues that need to be considered, including the cumulative emissions impact of the programme and the capacity of the motorways at each end to accommodate the volume of additional traffic that would result. Accordingly, the Stonehenge Alliance considers that it is essential for a business case and environmental assessment to be prepared for the full corridor programme as well as for this specific project, and that the A303 Stonehenge scheme should not progress at least until this is available.</p>	
8.4.24	<p>Paragraph 6.2.26 Assessment of Alternative Modes</p> <p>The Stonehenge Alliance notes that Highways England have not challenged our assessment that they set an unnecessarily high and unrealistic threshold against which to assess a potential public transport alternative. Instead they argue that this is irrelevant because the maximum potential transfer to rail would not be sufficient to remove the need for intervention. However the assessment of potential transfer is flawed because:</p> <ol style="list-style-type: none"> 1. Only trips with an origin and destination within 5 kilometres of a rail station were considered in-scope for switching to rail. In reality, many people are willing to drive significantly further to access an inter-city railhead. This is demonstrated by the success of stations such as Tiverton Parkway, which has a very small population within 5 kilometres and (according to Office of Rail and Road data) served 504,000 passengers in 2017/18. <p>It is based on a 2003 TRL report compiled at a time when rail patronage was only 56% of its 2017/18 level. Since 2003 there has been a marked increase in people's propensity to travel by train (and</p>	<p>The Applicant has explained at paragraph 6.2.26 [REP8-013] that Stonehenge Alliance have made their own interpretation of the documentation, selectively referencing from the Technical Note on Assessment of Alternatives Modes.</p> <p>The Applicant explained in the response to Written Question AL.1.2 that in accordance with NPSNN paragraph 47, appropriate consideration has been given to alternative modal alternatives, with the assessment showing that even with a 'step-change' in public transport provision, rail improvements alone would not solve the identified problems in the Scheme location.</p> <p>The response to Written Question Tr.1.37 explained the assumptions adopted for the hypothetical 'step-change' in public transport provision, which showed that traffic flows on the A303 would be reduced by only 11% and concluded that a rail-based solution could not meet the scheme objectives. The applicant does not accept Stonehenge Alliance's assertion that the assessment is flawed.</p>

	a reduction in their propensity to travel by car) and this indicates that relationships established at that time are no longer likely to be valid.	
8.4.25	<p>Paragraph 6.2.27 Option F010</p> <p>The Stonehenge Alliance is glad that Highways England accepts that Option F010 would lead to a reduction in flows through the villages to the north of the route, contradicting the impression that they gave in previous statements that there would be an increase. It is also important to note that the Do Minimum flows are relatively low.</p> <p>Highways England assert that there is no evidence to support our view that moving the A303 further from the villages would reduce the likelihood of rat running through them. However this should be self-evident as the additional distance travelled by people rat running would be greater, making this less attractive. We agree that, in principle, there might be more rat running on other roads further south if the A303 was diverted along the option F010 alignment, but in reality it is hard to see any realistic rat running opportunities given the limited road network available.</p>	<p>The Applicant explained in the response AL.1.11 [REP2-024] the basis of the decision that led to the rejection of F010, which did not just concern traffic levels on local roads. However, despite the Applicant demonstrating the number of reasons why F010 did not perform as well as the scheme, Stonehenge Alliance continues selectively to consider only one aspect in isolation.</p> <p>As the Applicant has repeatedly explained, the discussion here relates to the relative performance of the Corridor D options and that of F010. Corridor D would be more effective at reducing traffic levels on the local roads north of the A303 than Option F010.</p> <p>Stonehenge Alliance appear to contradict themselves first by suggesting the because F010 is further south rat-running traffic would use local roads to the south and then observing that there is limited road network available. They appear therefore, despite suggesting otherwise, to agree with the Applicant that it would be inappropriate to conclude that any rat-running from F010 would materially differ from the corridor D options.</p>
8.4.26	<p>Paragraph 6.2.29 Traffic Growth</p> <p>The Stonehenge Alliance continues to hold the view that there is increasing evidence that the long term growth in road traffic has largely stalled and the apparent linkage between economic and traffic growth has been broken. The evidence to support this is set out in REP 2-129.</p> <p>This throws considerable doubt on to the validity of future traffic growth forecasts and makes them highly uncertain, as discussed in Paragraph 2.1 above.</p> <p>In relation to the specific points raised by Highways England in their comments, the Stonehenge Alliance strongly supports an evidence-</p>	<p>The Applicant's response at paragraph 6.2.29 [REP8-013] explains that it was Stonehenge Alliance which originally chose to present traffic growth from 2000 rather than 2004, not the Applicant. The Applicant has not expressed a view over what period should be used best to interpret historic trends, precisely because selection of any particular period risks misinterpretation and misrepresentation.</p> <p>Stonehenge Alliance also make an unsubstantiated statement that it is implausible to expect that there will be a large disparity in traffic growth between rural A roads and the road network as a whole in the longer term; it is quite feasible that urban and rural / inter-urban transport policies will differ and the Applicant therefore does not accept this assertion.</p>

based approach to decision-making. Accordingly, we analysed road traffic growth over the past 20 years in REP 2-129 and this showed that road traffic levels peaked in 2004. Our subsequent discussion about changes in travel patterns used this as a starting point, and we pointed out the significant difference between using 2000 and 2004 as a starting point for analysing rural A road growth in REP 4-

We did not assert that Highways England were seeking to “exaggerate” growth, merely that the use of different base years leads to significantly different results. For the reasons set out above, we consider that 2004 is a more appropriate base year. On the substantive point that there has been some growth on rural A roads, we have acknowledged that this has occurred but it is implausible to expect that there will be a large disparity between these roads and the road network as a whole in the longer term. It is also important to note two factors that are relevant to the specific data on rural A road growth:

1. There was a change in the categorisation of A roads in the statistics in 2017, which appears to have led to some A roads being re-classified from “urban” to “rural”, resulting in an exceptional increase in “rural” A road traffic and a reduction in “urban” A road traffic. This may account for about a quarter of the growth since 2004.
2. As noted previously, the limited growth that has occurred in the past few years is likely to be impacted by government decisions to freeze fuel duty levels, while increasing rail fares above the CPI measure of inflation.

Highways England assert that capacity constraints on the A303 have restricted traffic growth on the route at Stonehenge. However they do not present evidence to support this supposition. We note that the average speed in their validated inter-peak model is 87 km/h as compared to 95 km/h on the fastest day (REP 6-032). There is little variation in journey time through the day, except on summer Fridays to Sundays, as shown in Figures 2-1 and 2- 2 of the Case for the

The Applicant notes that Stonehenge Alliance have made further changes to their interpretation of national statistics to sustain their argument, but this does not change the evidence provided. Stonehenge Alliance now agree that this shows that traffic has grown on the rural A road network, whilst the DfT forecasts suggest that this growth will continue.

The Applicant summarised in paragraph 6.1.1 to 6.1.4 in [REP8-013] regarding Written Question Tr.2.1, that the nature of the traffic impacts of this scheme are not particularly sensitive to forecasting uncertainty. Even if there were evidence to substantiate Stonehenge Alliance’s assertions, these would not be material to understand the nature and scale of impacts of the Scheme.

	<p>Scheme (APP-294). Accordingly congestion is not sufficient to have a significant effect in suppressing traffic growth outside peak times. While we acknowledge that there is significant congestion at weekends during holiday periods, these are times when other routes are also congested, so it is unlikely that conditions on A303 have significantly reduced growth.</p>	
<p>8.4.27</p>	<p>Paragraph 6.2.30 Driver Information and Diversionary Routes</p> <p>This issue arises from the position set out in paragraph 3.6.2 of REP 2-129 which is addressing the issue of how to manage blockages of the A303 in the specific context of improving network resilience. Among other measures, the Stonehenge Alliance suggested that “improved driver information systems – both on-line and through roadside signage – would assist drivers to avoid any blockages. Improved information systems would also give drivers greater certainty and might assist in reducing rat running.”</p> <p>The Stonehenge Alliance does not, and never has, made the “supposition that the traffic problems between Amesbury and Berwick Down might be addressed by driver information systems.” Instead, our position is that the case for intervention is weak and Highways England have not put forward convincing arguments for the need for a scheme of the proposed scale.</p> <p>Highways England then claim that the consequence of better driver information systems would be “more drivers diverting from the A303 [which would] increase the impacts caused by those drivers on local roads and communities.” The absurdity of this argument can be demonstrated by comparing two scenarios. In both cases there is a major blockage resulting in the A303 being closed for some time between the Countess and Longbarrow roundabouts.</p> <p>In Scenario 1, no driver information is provided. Long queues develop in both directions and drivers are unaware that there is a problem until they are delayed. They do not know the nature of the</p>	<p>The case for the Scheme and NPS accordance [APP-294], and as updated in ‘8.65 Updates to the National Policy Statement for National Networks Compliance Tracker’, explain the nature of the problems the scheme is designed to address and summarise the consideration of options. The document explains the strong case for intervention and why a scheme of the proposed scale is necessary. The Applicant agrees with Stonehenge Alliance that traffic problems between Amesbury and Berwick Down could not be addressed by driver information.</p>

	<p>problem and how long it is likely to last. Inevitably a proportion of drivers will seek to avoid the problem through rat running along local roads, in turn causing problems in communities such as Shrewton. As drivers will not know of these problems, they will continue to divert exacerbating the issue.</p> <p>In Scenario 2, drivers will be advised of the problem as soon as it occurs. Those close to Stonehenge may have few options and may resort to rat running, but – as a minimum – can be advised once this starts to cause knock-on problems. Those further away can be advised to use alternative A roads. In the case of the most severe incidents, some drivers could be advised to use the M4/M5 alternative. With a properly designed system, the consequence would be less rather than more impact on local communities.</p> <p>The logic of Highways England’s position appears to be that providing better driver information is counter-productive, which begs the question of why they are investing heavily in it elsewhere on their network.</p>	
8.4.28	<p>Paragraph 6.2.31 Induced and Diverted Traffic</p> <p>The Stonehenge Alliance is pleased that Highways England now agrees with our assessment of their evidence on the volume of diverted and induced traffic that would use the A303, if the project is implemented.</p>	<p>The Applicant notes that Stonehenge Alliance appear to have agreed with the Applicant’s point in [REP8-013], paragraph 6.2.31 that there would be benefits for local communities along local authority A Roads, such as the A342 which are forecast to have a reduction in traffic as a result of the Scheme.</p>
8.4.29	<p>Paragraph 6.2.32 Capacity of connecting motorways</p> <p>Highways England has misunderstood the position set out by the Stonehenge Alliance. In our view, one of several reasons for undertaking an assessment of the full programme to create an Expressway between the M3 and M5 is to determine whether the connecting motorways have the capacity to accommodate the additional traffic that would arise. We agree with Highways England that the traffic model has the <i>capability</i> to assess the impact on the</p>	<p>The Applicant explained in paragraph 13.1.21 of deadline 4 responses [REP4-036] why an environmental appraisal for the full corridor is not required.</p>

	<p>M5. However this capability has not been utilised because Highways England have not undertaken a test of the impacts of the full programme. In the case of the M3, the model is based on an assumption of fixed journey times which do not vary with traffic volumes (for a specific forecasting year). This is problematic for assessing the impact of the A303 Stonehenge project in isolation (see previous submissions including REP 8-054 paragraphs 3.3 to 3.6) and even more so for the greater flows that would arise if the full programme is implemented.</p>	
8.4.30	<p>Paragraph 6.2.34 Devon County Council Submission</p> <p>Highways England have not provided any new information in their response on this point.</p> <p>However they do stress the aim of “providing a free-flowing and reliable connection between the South East and the South West”, which is seen as being achieved through a continuous Expressway between the M3 and M5. Once again, this emphasises the need for a full appraisal of the whole programme including a business case and environmental assessment.</p>	<p>The Applicant explained in paragraph 13.1.21 of deadline 4 responses [REP4-036] why an environmental appraisal for the full corridor is not required.</p>
8.5	Summary of Case	
	Matter Raised	Highways England’s Response
8.5.1	<p>Our Written Representation on Alternatives (REP2-134) was not specifically rebutted by Highways England. We listed local and national planning considerations with which the Scheme conflicts, including the absence of a Strategic Environmental Assessment (SEA); non-compliance with international obligations under EU Directives, the World Heritage and other European Conventions (<i>cf.</i> Planning Act 2008, S.104); and the UK Habitats Regulations.</p>	<p>The Applicant has responded throughout the Examination to the points raised by Stonehenge Alliance. See for example the Applicant’s detailed response to the Examining Authority’s Written Question G.1.2 [REP2-021] in which the Applicant addressed points raised by Stonehenge Alliance in its relevant representation with respect to compliance with the EIA Directive, the Habitats Directive, the Conservation of Habitats and Species Regulations, the Bern Convention, the Birds Directive, the Aarhus Convention, the European Convention on the protection of the Archaeological Heritage, the European</p>

		<p>Landscape Convention, the SEA Directive and the World Heritage Convention.</p> <p>In addition, the Applicant has set out extensive submissions in relation to the interpretation of the requirements of, and compliance with, the World Heritage Convention:</p> <ul style="list-style-type: none"> • the Applicant’s response to Written Question G.1.1 [REP2-021]; • the Applicant’s Written Summaries of oral submissions at Cultural Heritage Issue Specific Hearings (ISH2) [REP4- 030] (specifically Agenda Items 3(i), 3(v), 3(vi) and Appendix A to that document); • the Applicant’s response to item 11.2.25 in the Comments on any Further Information at deadline 4 [REP5-003]; and • the Applicant’s written summary of oral submissions made at the issue specific hearing on 21 August 2019 [REP8-016] with respect to Agenda Item 3.1(i) and 3.2(ii). <p>Additional submissions have also been made in response to various parties during the Examination in relation to the requirement for a Strategic Environmental Assessment; the Applicant’s response to Deadline 7 submissions [REP8-013], item 2.1.1 provides a comprehensive response on this point.</p> <p>The Scheme’s compliance with the NPSNN was demonstrated in Appendix A of the Case for the Scheme and NPS Accordance [APP-294], which has been updated and submitted for the end of the Examination. The extent to which the Scheme accords with local planning policy was addressed in Appendix B of the Case for the Scheme and NPS Accordance [APP-294]. Wiltshire Council’s Local Impact Report [REP1-057], in particular Appendix A, indicated substantial compliance with local planning policies.</p>
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9 Mr R Parsons (REP9-050)

9.1	Comments on Land Acquisition Temporary Possession Negotiations Schedule [REP9-020]	
	Matter Raised	Highways England's Response
9.1.1	<p>Please be advised that no further approach from the District Valuer on behalf of Highways England to open negotiations on either land acquisition or temporary possession has been made since an email sent dated 2nd July 2019. This was highlighted at the appropriate Issue Specific Hearing. This does not constitute negotiation in any conventional way and continues to demonstrate Highways England's wish to rely on compulsory purchase powers rather than other avenues that are available.</p>	<p>The Applicant understands that Mr Parsons' land agent was provided with a valuation proposal by a representative of the Valuation Office Agency, instructed by the Applicant. The Applicant was given to understand that this proposal, which was provided on 2 July 2019, would be taken away for consideration; currently a substantive response is still awaited.</p> <p>In the meantime, however, and since 2 July 2019, the Applicant has been in contact with Mr Parsons and his agent, as noted in the Applicant's Land Acquisition and Temporary Possession Negotiations Schedule submitted to the Examining Authority at deadline 9 [REP9-021].</p>

10 Steven Moore (REP9-049)

10.1	Comments on Land Acquisition Temporary Possession Negotiations Schedule [REP9-020]	
	Matter Raised	Highways England's Response
10.1.1	<p>Please be advised that no further approach from the District Valuer on behalf of Highways England to open negotiations on either land acquisition or temporary possession has been made since an email sent dated 2nd July 2019. This was highlighted at the appropriate Issue Specific Hearing. This does not constitute negotiation in any conventional way and continues to demonstrate Highways England's wish to rely on compulsory purchase powers rather than other avenues that are available.</p>	<p>The Applicant understands that Mr Moore's land agent was provided with a valuation proposal by a representative of the Valuation Office Agency, instructed by the Applicant. The Applicant was given to understand that this proposal, which was provided on 2 July 2019, would be taken away for consideration; currently a substantive response is still awaited. The Applicant's representatives have also provided Mr Moore with comments on the basis of valuation for compensation payable for temporary possession of land. At this early stage in the design process, the valuation is not made on the basis of area, but is proposed to be based on the difference in value between good quality agricultural land and poor quality grassland plus crop losses for the duration of the construction activity affecting the relevant land.</p> <p>A meeting between the Applicant and Mr Moore (and his representatives, including the NFU) to discuss the above proposals is due to take place in October 2019.</p> <p>In the meantime, however, and since 2 July 2019, the Applicant has been in contact with Mr Moore and his agent, as noted in the Applicant's Land Acquisition and Temporary Possession Negotiations Schedule submitted to the Examining Authority at deadline 9 [REP9-021].</p>

11 P M Sandell (REP9-054)

11.1	Comments on Land Acquisition Temporary Possession Negotiations Schedule [REP9-020]	
	Matter Raised	Highways England's Response
11.1.1	<p>Please be advised that no further approach from the District Valuer on behalf of Highways England to open negotiations on either land acquisition or temporary possession has been made since an email sent dated 2nd July 2019. This was highlighted at the appropriate Issue Specific Hearing. This does not constitute negotiation in any conventional way and continues to demonstrate Highways England's wish to rely on compulsory purchase powers rather than other avenues that are available.</p>	<p>The Applicant understands that Ms Sandell's land agent was provided with a valuation proposal by a representative of the Valuation Office Agency, instructed by the Applicant. The Applicant was given to understand that this proposal, which was provided on 2 July 2019, would be taken away for consideration; currently a substantive response is still awaited. In the meantime, however, and since 2 July 2019, the Applicant has been in contact with Ms Sandell and her agent, as noted in the Applicant's Land Acquisition and Temporary Possession Negotiations Schedule submitted to the Examining Authority at deadline 9 [REP9-021].</p>

12 Mr P J Sawkill (REP9-055)

12.1	Comments on Land Acquisition Temporary Possession Negotiations Schedule [REP9-020]	
	Matter Raised	Highways England's Response
12.1.1	<p>Please be advised that no further approach from the District Valuer on behalf of Highways England to open negotiations on either land acquisition or temporary possession has been made since an email sent dated 2nd July 2019. This was highlighted at the appropriate Issue Specific Hearing. This does not constitute negotiation in any conventional way and continues to demonstrate Highways England's wish to rely on compulsory purchase powers rather than other avenues that are available.</p>	<p>The Applicant understands that Mr Sawkill's land agent was provided with a valuation proposal by a representative of the Valuation Office Agency, instructed by the Applicant. The Applicant was given to understand that this proposal, which was provided on 2 July 2019, would be taken away for consideration; currently a substantive response is still awaited.</p> <p>In the meantime, however, and since 2 July 2019, the Applicant has been in contact with Mr Sawkill and his agent, as noted in the Applicant's Land Acquisition and Temporary Possession Negotiations Schedule submitted to the Examining Authority at deadline 9 [REP9-021].</p>
12.1.2	<p>The relevant sections to my client are 15(1), (a), (b) and in particular section 15 (1)(b)(ii) which states that Highways England may:</p> <p><i>“without limitation on the scope of sub-paragraph (i) make any excavations or trial holes and boreholes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer, subsoil and groundwater and remove soil and water samples and discharge water from sampling operations on to the land”.</i></p> <p>The proposal to discharge water cause for concern for my client. As presently drafted, section 15(1)(b)(ii) provides Highways England with an unfetter right to discharge water onto both land within the order limits and any land which is “adjacent to, but outside the Order limits”. There is presently no limit on the volume of water that Highways England may discharge or the number of times that water may be discharged onto the land. It follows, that the draft DCO confers a very wide power on Highways England. Furthermore, we</p>	<p>Please see the responses to the NFU in this document and at deadline 9 [REP9-022] in respect of the query in relation to limits and number of times that discharges may happen.</p> <p>The Applicant can confirm that article 15(1)(b)(ii) does not apply to discharges resulting from testing as the drafting refers to sampling operations only. As was the case with previous tests carried out on Mr Sawkill's land, discharges relating to pumping tests are controlled by the EA permitting regime. As such, Mr Sawkill's representations on the previous tests that have been undertaken are not relevant to the consideration of the operation of article 15.</p>

have been unable to identify any other DCO's containing the wording concerning the discharge of water within section 15(1)(b)(ii).

The power that would be granted to Highways England by the DOC (and particularly section 15(1)(b)(ii) must be considered in context. To date, Highways England have carried out one series of pumping test involving the discharge of water onto land purportedly pursuant to section 53 of the Planning Act 2008. We have been informed that further pumping tests involving the discharge of water onto land will be required, and that Highways England considers that it has power to enter onto my client's land and discharge water onto it pursuant to section 172 of the Housing and Planning Act 2016. By way of background for the Examiners, there are currently judicial review proceedings on foot concerning the nature and scope of the powers conferred by section 172 including whether section 172 allows Highways England to discharge water onto my client's land.

The potential volume of water to be discharged from the pumping wells currently installed are stated to be:

Area	Likely Flow Rate	Estimated Volume (m3)
Coneybury Hill	5 l/s	3,100
Stonehenge Bottom	25 l/s	15,700
Phosphatic Chalk	15 l/s	9,400
Total		28,200

When pumping starts it runs continuously for 168 hours and as you therefore see the potential volume of water to be discharged is tremendous. The detrimental effects of such testing are anticipated to be the ruination of soil structure and removal of essential trace elements affects soils stability and fertility. In addition, my client will be deprived of his right and ability to farm the land both for the period

	<p>of time that water is being discharged and during the period of recovery of the affected land.</p> <p>My client understands that Highways England have informed the National Farmers Union that the discharge of water contemplated by the draft DCO is different to that is purported to be carried out pursuant to section 172 of the Housing and Planning Act 2016 and/or section 53 of the Planning Act 2008. It is understood that the power to discharge water in the DCO is required by Highways England in order to remove water from the boreholes and to allow the boreholes to refill from the aquifer that is being monitored, and that the amount of water to be removed would be in the region of three well volumes being around 200 litres in total. It is further understood that such water would be discharged using a bucket as opposed to pumping equipment. If this is the intention behind the power sought, and if the Examiners consider that it is appropriate for the DCO to allow Highways England to discharge water onto the land, then my client submits that the draft DCO should be amended to reflect the volume, nature and scope of the proposed water discharge and that the current unfettered power to discharge water should be removed.</p>	
12.1.3	<p>My client is further concerned that the draft DCO allows Highways England to carry out activities on “any land which is adjacent to, but outside the Order limits”. We see no reason why Highways England should be permitted to carry out any activities on land that is outside the Order limits, and submit that this wording should be removed from section 15. Alternatively, if it is deemed appropriate for Highways England to carry out work on land outside the Order limits, then the scope of that power should be defined. At present, there is no definition of land that is “adjacent to” the land within the Order limits and, in the absence of a definition, the scope of the power conferred on Highways England is unclear.</p>	<p>Please see the responses to NFU in this document and at deadline 9 at paragraph 5.1.2 [REP9-022], where it was stated that the need for Highways England to have the ability to access adjacent land for surveys is set out in:</p> <ul style="list-style-type: none"> • The response to Written Question DCO.1.36 [REP2-030]; • The Summary of Submissions of the first DCO ISH (see agenda item 3.9 [REP4-029]); • The response to Written Question DCO.2.22 [REP6-027]. <p>To assist landowners and occupiers in dealing with such an eventuality, further changes have been made to the OEMP at deadline 9 [REP9-013] to make clear that, alongside the information previously agreed to be given in article 15 notices within the DCO and OEMP, the ALO will also be required to provide landowners with an explanation of why land outside the Order limits is</p>

		required (in the context that Article 15 requires such use to be 'reasonably necessary').
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13 P J Rowland & Sons (REP9-053)

13.1	Comments on Land Acquisition Temporary Possession Negotiations Schedule [REP9-020]	
	Matter Raised	Highways England's Response
13.1.1	<p>Please be advised that no further approach from the District Valuer on behalf of Highways England to open negotiations on either land acquisition or temporary possession has been made since an email sent dated 2nd July 2019. This was highlighted at the appropriate Issue Specific Hearing. This does not constitute negotiation in any conventional way and continues to demonstrate Highways England's wish to rely on compulsory purchase powers rather than other avenues that are available.</p>	<p>The Applicant understands that P J Rowlands and Sons' land agent was provided with a valuation proposal by a representative of the Valuation Office Agency, instructed by the Applicant. The Applicant was given to understand that this proposal, which was provided on 2 July 2019, would be taken away for consideration; currently a substantive response is still awaited. In the meantime, however, and since 2 July 2019, the Applicant has been in contact with P J Rowlands and Sons, and their agent, as noted in the Applicant's Land Acquisition and Temporary Possession Negotiations Schedule submitted to the Examining Authority at deadline 9 [REP9-021].</p>

14 Mr CA Rowland (REP9-051 and REP9-052)

14.1	Comments on Land Acquisition Temporary Possession Negotiations Schedule [REP9-020]	
	Matter Raised	Highways England's Response
14.1.1	<p>Please be advised that no further approach from the District Valuer on behalf of Highways England to open negotiations on either land acquisition or temporary possession has been made since an email sent dated 2nd July 2019. This was highlighted at the appropriate Issue Specific Hearing. This does not constitute negotiation in any conventional way and continues to demonstrate Highways England's wish to rely on compulsory purchase powers rather than other avenues that are available.</p>	<p>The Applicant understands that Mr Rowland's land agent was provided with a valuation proposal by a representative of the Valuation Office Agency, instructed by the Applicant. The Applicant was given to understand that this proposal, which was provided on 2 July 2019, would be taken away for consideration; currently a substantive response is still awaited.</p> <p>In the meantime, however, and since 2 July 2019, the Applicant has been in contact with Mr Rowland and his agent, as noted in the Applicant's Land Acquisition and Temporary Possession Negotiations Schedule submitted to the Examining Authority at deadline 9 [REP9-021].</p>
14.1.2	<ol style="list-style-type: none"> 1. This note is submitted on behalf of Mr Charles Rowland, the Tenant of Lincoln College, whose ownership of Rاتفyn Farm also concerns the land identified as Earlsdown Farm with Earlsdown Farm being affected by the NMC07 and specifically private means of access numbered 41 and 42 on the accompanying plans to the non-material changes documentation submitted by Highways England. 2. The deadline 8 submission was published on 9th September and Deadline 8A was specifically for comments about the Applicant's reports and therefore, until now no opportunity has existed to give appropriate comment on the Deadline 8 submission by Classmaxi Limited. 3. NMC07 concerns two private means of access however, Classmaxi Limited is incorrect in stating that the private means of access 42 concerns a separate, and additional, proposed new private means of vehicular access into the Earls Farm downland from 	<p>The reference to Earl's Down Farm is assumed to mean Earl's Farm Down identified on the Ordnance Survey base mapping used for Sheet 11 of the Order plans.</p> <p>In summary, the affected, existing access from the stopped-up section of Amesbury Road byway AMES1 is being replaced by PMA41; the two other existing accesses currently used by Mr Rowland will remain.</p> <p>The existing access from byway open to all traffic AMES1 into the western edge of the fallow area of Earl's Down Farm surrounding the Rاتفyn Barrow group is being replaced by a new access (PMA41) from the new Allington Track link into the eastern side of the same fallow area.</p> <p>The existing, unrecorded access onto Allington Track in the north east corner of Earl's Down Farm will remain and has been included on the accommodation works plans.</p> <p>The closure of AMES1 does not affect the existing, southern "third access" from the Amesbury Road byway AMES1, which remains available for use. The route to this access will change – instead of leaving the A303 at the</p>

<p>the proposed AMES1 between Equinox Drive and Amesbury Road over plot number 10-21.</p> <p>What more accurately is required is a private means of access across land owned by Classmaxi Limited from Equinox Drive to the Byway as my client currently accesses Earlsdown Farm in the field south western section by using AMES1 which is currently unrestricted and uses the access points directly available to him from AMES1 travelling a north/east south/west direction before making a left handed turn into Earlsdown Farm. Also until recently there has been a third access to Earlsdown Farm from AMES1 in a further southerly direction which although open cannot now be accessed from the south west as a weight restriction has been imposed on the bridge which denies my client the ability to manoeuvre agricultural equipment on to site from that direction. The access is therefore only available from AMES1 as previously highlighted and if NMC07 is not considered appropriate and specifically PMA42 is not achieved Highways England will need to ensure that AMES1 is now not stopped up as proposed so my client can retain uninterrupted access to AMES1 to access his land from Ratfyn Farm in all directions .</p> <p>Further more, I would also suggest that Classmaxi Limited are incorrect in stating that PMA41 crosses land owned by them as we are under the impression that plot 11-09 which is owned by Lincoln College is the only land that would need to be acquired to secure PMA41. I have not examined the detail of the land ownership in that area but have relied on the accuracy of the land owner DCO submission plan TRO10025-212-026 and have compared this to the accommodation works sheet 11 of 15 where is assumed that the detail is correct and mirrors that shown on the land owner DCO submission plan,</p> <p>Finally, you will also be aware of the submission by Laws & Fiennes at Deadline 8 whose comments are entirely justifiable and accurate.</p>	<p>northern end of the existing byway AMES1, access will be via Solstice Park junction and along Equinox Drive and the AMES1 diversion to join the existing byway.</p> <p>The land occupied by PMA41 falls across two land ownerships, Beacon Hill land limited to the north (plot 11-08) and The Warden or Rector and Scholars of The College of The Blessed Mary and All Saints Lincoln in The University of Oxford (Lincoln College) to the south (plot 11-09). The reputed owners of the sub-soil beneath AMES1 which would have been occupied by the proposed new access PMA42 (now withdrawn), (Plot 10-22) are ClassMaxi.and Lincoln College under the ad medium filum presumption, where the owner of land abutting a highway is also the owner of the adjoining section of the road up to the centre line.</p> <p>It is the Applicant's view that the Scheme, as amended to include new PMA 41 pursuant to the Examining Authority's decision to accept NMC-07, includes appropriate and adequate replacement access proposals for the benefit of land at Earl's Down Farm.</p>
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15 M&R Hosier (REP9-039)

15.1	Comments on Comments on any further information requested by the ExA and received to Deadline 7 [REP8-013]	
	Matter Raised	Highways England's Response
15.1.1	<p>11.1.1</p> <p>M & R Hosier response to 8.49</p> <p>Contrary to the Applicant's response, we believe it is important they detail measures of deterrents at this stage, as it is obvious by their response that they have not learned from the Stone curlew breeding attempt that occurred during the 2018 Archaeological surveys. It is apparent that during that time the Applicant did not:</p> <p>Have ECoW with the necessary experience with Stone curlews, which meant that the RSPB had to be drafted in a number of times to locate the birds and chicks.</p> <p>We doubt the Applicant's contractors prepared a document of measures to be put in place in the event of Stone curlews nesting within the survey area. We have asked for a copy of this document a number of times and nothing has been provided. We suggest, that no document was produced, as they mistakenly believed that the survey work activity taking place in the area of bare ground would, in itself, be enough to deter the Stone curlews from breeding in the survey area.</p> <p>The Applicant is failing to learn from past mistakes. It is therefore important that they demonstrate to the Inspectors as well as to the general public, that they are taking their responsibilities under the Habitats Regulations seriously. By constantly refusing to provide more detail we are left wondering if they really have a proper understanding of the Stone curlew species.</p>	<p>Highways England stands by the previous comments submitted at deadline 9 [REP9-022] and confirms that suitably experienced staff will be responsible for implementing mitigation for stone curlew during both Preliminary Works and Main Works and in consultation with RSPB. The Preliminary Works are limited in scope and are unlikely to require large expanses of vegetation to be cleared. In respect of stone curlew, dense crops are to be maintained until it is necessary to work within the areas, as stated within PW-BIO5 of the OEMP [REP9-014].</p>

	<p>We stand by our comments that PW-BIO5 does not provide suitable protection to Stone curlews nesting within the Scheme. Wording does not contain any provision for Stone Curlew chicks within the Scheme to be monitored daily until they are fledged to ensure that construction traffic does not disturb or harm them.</p>	
15.1.2	<p>11.1.4 M & R Hosier response to 8.49</p> <p>As the Applicant is already aware, fencing around the Reserve does not offer protection from people accessing the area. Further to this and following conversations with RSPB, new fencing around Normanton Down Reserve on its own would not be sufficient to satisfy Habitat Regulations. There was always a need to scope for locations for Stone Curlew plots, should it be demonstrated that the Scheme did have a negative impact on the SPA population that uses Normanton Down. As such, it would have been a waste of tax payer's money to renew all the fencing around Normanton Reserve for little benefit, unless the fencing was taller, more robust and therefore not in keeping with the WHS.</p> <p>The Applicant states that for the purpose of Habitat Regulation Assessment it is not necessary to provide mitigation against the possibility of future disturbance of individual pairs, but rather the population of Stone curlew within the SPA. However, we believe that the Applicant has a moral responsibility to the tax payer to ensure that Government funding that has already been spent in protecting the SPA Stone curlew population on Normanton Down is not wasted. Therefore, an additional plot as close to Normanton Down as possible will secure confidence that the Applicant has taken into account the best interests of the Reserve.</p> <p>The Scheme is billed for biodiversity, therefore there should not be a negative impact on the existing rich biodiversity within the area. This would be counterproductive and shows the Applicant is cherry picking the areas to suit their own ends.</p>	<p>The fencing which was offered for the Normanton Down RSPB Reserve would have been an improvement compared to the existing fencing, but instead, the approach of providing additional stone curlew plots will provide greater benefits for stone curlew than improved fencing. It should be noted that locating an additional stone curlew breeding plot within proximity of Normanton Down RSPB reserve is not a specific requirement. This is as stated in the HRSA Clarification Note (Appendix A of the Statement of Common Ground with Natural England [REP7-011]), but some of the M&R Hosier land would be within the relevant 'zone' within which a plot could be located, as described in the HRSA Clarification Note. The proximity to Normanton Down RSPB reserve of any additional stone curlew breeding plots will be dependent on suitable land and landowner agreements. M & R Hosier is one of several local landowners with whom there are on-going discussions about locations that have been identified as suitable for additional stone curlew plots.</p>

<p>15.1.3</p>	<p>11.1.8 M & R Hosier response to 8.49</p> <p>At Issue Specific Hearing 6 the Applicant stated that static cameras had been used to monitor byways 11 and 12 for motorbike use. We were also told that on a number of occasions, the cameras had been removed or pointed in different directions away from the byway. If the exercise had been about the disturbance of Stone curlews due to increased recreational use, RSPB would have been informed about the surveys so they could give guidance on where the cameras need to be placed. RSPB have no knowledge of surveys along the byway in relation to recreational use and disturbance to Normanton Down Reserve. As well as the information recorded by the cameras, ground surveys also need to be carried out: Users of the byways should be asked about the reason for their visit, how long it would last for, and whether or not they would be accompanied by dogs. This suggests that the Applicant is trying to do surveys on the cheap and use one simplistic survey to cover a number of separate issues ie: byway use by 4x4's, motorcycles, bicycles and pedestrians.</p> <p>We have located one of the two cameras on byway 12 in the southern section of the WHS. However, there are only two cameras on a long stretch of byway. We would further suggest, that from their positioning, the cameras would not be capturing data that would be appropriate for monitoring any disturbance on Normanton Down Reserve. For this to be possible, additional cameras would need to be located within the area.</p> <p>Why has the Applicant not put the findings of the survey on the Inspectors website for everyone to see? Will they be added at a later date? If Wiltshire Council has carried out these surveys why has the footage of the cameras not been used to help tackle the antisocial behaviours on the byways? Information would be helpful to give Wiltshire Rural Crime Team information in relation to hare coursing and also to catch the persistent fly-tippers that use the byway.</p>	<p>RSPB and Natural England have agreed that no requirement for further monitoring of Byways 11 and 12 to inform future mitigation proposals is required (as stated within 3.8 of the RSPB Statement of Common Ground [AS-104] and 3.16 of the Natural England Statement of Common Ground [AS-106]), as Highways England has committed to the provision of additional stone curlew plots. As a package, these plots will provide sufficient resilience and mitigation in respect of the risk of an in-combination impact and provide the surety required for the Habitats Regulation Assessment (as set out in the Applicant's response to the ExA's Rule 17 letter [REP9-031]). As such, it is no longer necessary to monitor visitor levels in order to 'trigger' the requirement for the creation of additional stone curlew breeding plots (i.e. to correlate visitor level with utilisation of the plots in the RSPB Normanton Down Reserve). This is because the additional plots will be available for stone curlew to use, regardless of whether any in-combination impact actually occurs.</p> <p>The camera surveys were implemented to record movements along Byways 11 and 12 and the data used to respond to the submissions by Trail Riders Fellowship. The cameras are regularly visited to download their data, replace the batteries and if necessary replace or reposition them if they have been tampered with. The survey data was not used to assess the impact of byway users on stone curlews.</p> <p>On the ground visitor interviews were not needed for the assessment for the Scheme. Any surveys of that type would be a matter for the WHS Management Strategy and the development of action plans for sustainable tourism and land access and do not form part of the dDCO.</p>
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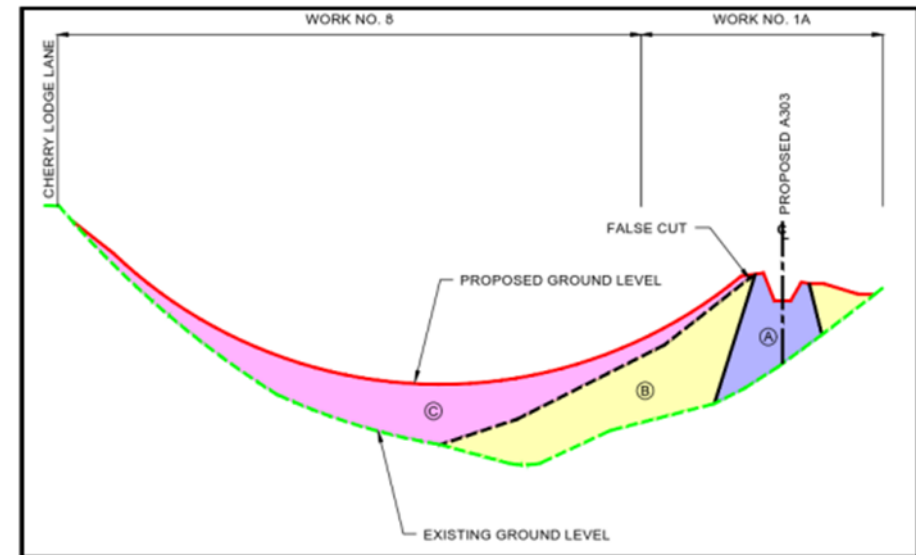
15.1.4	<p>11.1.11 M & R Hosier response to 8.49</p> <p>We disagree that provisions within the OEMP are sufficient and appropriate.</p> <p>The Applicant has not said how, within a 24 hour period, they will get a tanker of 60m³ of water over an arable field to reach our farm reservoir if our water supply is compromised. How will a liaison officer manage to do this without a further commitment for assessment and infrastructure being included within the OEMP.</p> <p>Conclusions of our independent research of the hydrogeology of the surrounding area disagrees with the Applicant's assessment that this is a "standard tunnelling scheme". We believe the geology is far more complex than the Applicant is wishing us to believe. For this reason, we believe the OEMP measures need to be far more robust, to provide us with confidence and adequate protection.</p>	<p>The Applicant considers the OEMP to be sufficient and appropriate. Item MW-COM6 includes for a pre-construction water supply statement to be provided to landowners / occupiers who rely on private water supplies which could be affected by the Scheme. These will identify how water supply is to be maintained in the unlikely event that existing supplies are adversely affected as a consequence of the works. MW-COM6 items d and e cover this point specifically i.e.</p> <p><i>d. The procedure for getting water to a farm and how it will be distributed to animals and residential properties if water is affected on a temporary basis; and</i></p> <p><i>e. The procedure for getting a new supply of water whether from a borehole, mains supply or combination of both to a farm if the water from the boreholes is contaminated on a permanent basis.</i></p> <p>This commitment means appropriate measures will need to be in place but doesn't, at this stage of the design (and mindful of the results of the ES), require a specific measure in specific places that may later prove inappropriate. Through the mechanism of the water supply statement, the appropriate measures can be put in place if they are necessary.</p>
15.1.5	<p>11.1.12 M & R Hosier response to 8.49</p> <p>The Applicant has chosen to base all their groundwater assessments on the groundwater modelling rather than to undertake a 3D fracture assessment of the Scheme footprint. We believe this to be a risky approach for reasons stated in our previous responses.</p> <p>If the Applicant had backed up the water model by using a 3D fracture model, we would have more confidence in the ability of the model to accurately assess the hydrogeology of the area. Perhaps the Applicant does not want to carry out a 3D Fracman model, as it may show the true complexity of the Scheme which will in turn, dramatically increase the cost of constructing the tunnel.</p>	<p>Please see the previous response to the same point in Comments on any further information requested by the Examining Authority and received at Deadline 4 [REP5-003], which set out why a detailed assessment and tracer testing of the operation of the private water supply boreholes is not necessary.</p> <p>The Applicant's view is that the information presented in the Environmental Statement is more than sufficient at this stage of the consents process and that a 3D model is not required. Please see Written Summary of the Oral Submission from Issue Specific Hearing number 4 (ISH4) regarding Flood risk, Groundwater, Geology and Water under item 5.1 [REP4-032]. Additional details are also provided in response to Written Questions Fg.2.38, Fg.2.40 and Fg.2.51 [REP6-028].</p>

15.1.6

11.1.14**M & R Hosier response to 8.49**

The Applicant informs us that the “cakes” from the Slurry Treatment Works will be wet and not dry material. This is “to be placed by dump trucks, so the only proposed compaction will be by the plant employed to place and spread the fill ie dump trucks and the dozers. It is expected that low ground pressure plant will be employed for this purpose to prevent over-compaction”. This comment raises the concern for landslides, as a result of lack of compaction of material. The Applicant comments that “material deposited will not be subject to structural compaction”. Aberfan disaster in 1953 was as a result of compacted material deposited over an area of highly porous sandstone with underwater streams. To what depth will the “cakes” be spread over Parsonage Down? What measures are being taken to prevent the material slipping from where it meets the natural ground level of Parsonage Down.

The various design features of the structural embankment and the landscaping were explained in response to Written Question WM.2.2 [REP6-033] which included the following schematic cross section where area (A) is the structural embankment and areas (B) and (C) are landscape fill.



All earthworks fill, whether for structural or landscape purposes, will require a level of compaction suitable for their finished slope and loading combination. Fill placed against existing or pre-constructed slopes will be “benched” into the existing slope, i.e. steps will be cut into the existing slope so that the new embankment is founded on flat ground. These measures of compaction and benching will ensure that the new fill will not slip.

Landscape areas will be designed with finished slopes of not more than 1:8 (V:H) and will not be required to support highway loading. As such they will not require the same level of compaction as the structural highway embankment.

Compaction of earthworks materials requires that the material is of suitable moisture content. The Slurry Treatment Plant reduces the moisture content of

		<p>the tunnel arisings to provide a 'cake' that is suitable for transportation. This will be taken (by conveyor or by tipper truck) to the land east of Parsonage Down, where it will be placed in layers and compacted in accordance with the Specification for Highway Works series 600 for class 4 landscape material which states, in clause 620, that:</p> <p><i>".....the degree of compaction of Class 4 material shall be sufficient to remove large voids and to produce a coherent mass whilst preventing over-compaction and any build up of excess pore pressures."</i></p> <p>As explained in response to Written Question WM.2.8 [REP6-033], further detail of the plant and methodology to achieve this level of compaction will be selected by the main works contractor and documented in the Materials Management Plan as secured by the Outline Environmental Management Plan [REP9-013] items MW-GEO7 and MW-MAT2.</p>
15.1.7	<p>11.1.15</p> <p>M & R Hosier response to 8.49</p> <p>The Applicant has not carried out any 3D fracture modelling, so they are unable to say with confidence that they have not found any "fast flowing" fissures within the Scheme.</p> <p>As a private water abstractor we have a Safe Water Pack. Wiltshire Council, along with all councils, is responsible under The Private Water Supplies Regulations 2009 to carry out a Supply Risk Assessment of all private water supplies. Our water pack discusses scenarios where water run off, following periods of heavy rainfall, can lead to outbreaks of E Coli and Campylobacter resulting in a large number of people being hospitalised.</p>	<p>As stated at paragraph 18.2.45 of [REP5-003], there is no evidence of extensively connected fissures and fractures or karstic flow which would allow direct flow from the Scheme to water supply boreholes.</p> <p>The implication that the Scheme could lead to outbreaks of E.coli and Campylobacter is entirely unfounded.</p>
15.1.8	<p>11.1.19</p> <p>M & R Hosier response to 8.49</p> <p>We hope that the accommodation works will fully take into account the turning circles and approach of agricultural machinery at these gate junctures.</p>	<p>Draft accommodation works plans have been prepared, including layouts of accesses and locations of gates. Feedback from affected landowners, tenants and others with rights to the land will inform the final accommodation works proposals, subject to the constraints imposed by the DCO.</p> <p>The Applicant also notes design principle P-PRoW4 which provides that <i>"Gates will be sufficiently wide and appropriately placed to accommodate users with restricted mobility and authorised users as necessary, including</i></p>

		<i>agricultural vehicles and other agricultural machinery and appropriate locking measures will be employed to ensure that those entitled to exercise rights of vehicular access over restricted byways would be capable of doing so freely".</i>
15.1.9	<p>11.1.26</p> <p>M & R Hosier response to 8.49</p> <p>We note that the Applicant has decided to provide additional Stone curlew plots within the landscape. However, we are shocked that the Applicant has proposed a Scheme that has knowingly promoted access to a sensitive Annex 1 breeding reserve, putting it under pressure of increased recreational disturbance. This, in our opinion, is not the action of a Scheme promotor who has increasing biodiversity as one of its main aims. Even if the Applicant is taking measures to ensure the SPA population of Stone curlews are provided for, it does not mitigate for the potential damage that the recreational disturbance may cause on the individual pairs that are breeding on the Normanton Down Reserve. Will the Applicant compensate us for the loss of breeding pairs on our Normanton Down? A breeding reserve with no breeding birds is a loss of asset and a waste of public money.</p>	<p>The statement that Highways England have knowingly promoted access to Normanton Down RSPB reserve is incorrect.</p> <p>The provision of the additional two stone curlew breeding plots is to mitigate the risk of an in-combination impact. It is not a certainty that the removal of the existing A303 would result in a negative effect on breeding stone curlews within the Normanton Down RSPB reserve. The birds may continue to breed regardless of any possible changes in usage of the public rights of way. Nonetheless, because of the possibility of reduction in the quality of the existing breeding plots, Highways England will provide two additional stone curlew plots, which will ensure there is no net loss of breeding opportunities for stone curlews. In addition, Highways England has committed to providing a further stone curlew breeding plot, with discussions at an advanced stage with RSPB to provide that at Winterbourne Down RSPB reserve. That reserve is an area of former arable grassland conversion to chalk grassland, which is being managed by RSPB not only for stone curlew, but also for other birds such as lapwing and corn bunting.</p> <p>Financial compensation is made to landowners where there is a loss to the farm business due to a Scheme and would not be payable for changes in the abundance of breeding birds or other wild animals. Highways England has assessed the suitability of land owned by M & R Hosier for the provision of one or more of the stone curlew breeding plots and discussions are ongoing.</p>
15.1.10	<p>11.1.28</p> <p>We agree that the Applicant does not have to provide mitigation against the "possibility" of future disturbance of individual pairs of Stone curlew "at this point". However, the Applicant has not carried out adequate base line monitoring of the byways running alongside the Normanton Down breeding reserve. The Normanton Down birds, being part of the SPA population, are noted to be at risk of disturbance due to increased recreational pressures. Due to a lack of baseline data, the impact of any increased recreational disturbance</p>	<p>With regard to the suggested lack of baseline data, it should be noted that all of the baseline survey methods and data capture are considered suitable and proportionate to inform the baseline as stated within Table 8.7 of Chapter 8 of the Environmental Statement [APP-046] and that this has been agreed by the RSPB, Wiltshire Council and Natural England (as stated within the relevant Statements of Common Ground ([AS-104, REP7-015, and AS-106 respectively])).</p> <p>As previously stated in response to paragraph 15.1.3 above, following consultation with the RSPB and commitment from Highways England for the</p>

	<p>from the byway use on the breeding pairs cannot be assessed. Therefore, in this scenario, to show beyond all reasonable doubt, that there will be no adverse effects on the SPA breeding population, the Applicant does have to commit to providing two additional breeding plots at this stage.</p> <p>Under Habitat Regulations Assessment, there is still a legal requirement to monitor pairs of existing Stone curlews breeding close to the Scheme, ie: Normanton Down, as well as all additional plots to be created. This is to ensure that NO negative impacts are placed upon the pairs as a result of construction and to assess the breeding success once the Scheme is in operation. We do note that the Habitat Regulations Screening Assessment – Clarification Technical note, refers to Normanton Down as being beyond the disturbance distance from the construction area. However, there is a requirement for this to be demonstrated through monitoring during construction. The Habitat Regulations Screening Assessment – Clarification Technical note does not state where this monitoring will be secured within the DCO documents.</p> <p>We are pleased to note that the Applicant is applying the same criteria to Normanton Down Stone curlew plots as it applied to Parsonage Down, ie that additional plots should be placed as close as possible to potentially displaced birds. This is basic ecological practice, as a displaced bird will not fly off to a plot at Winterbourne Down to nest, it will identify the nearest appropriate area in the close vicinity as this will already be within its established territory. As previously stated, we are continually surprised that a Scheme that is promoting biodiversity and ecology is designed to inflict damage to existing species rich ecology within the area.</p>	<p>provision of additional plots, no further monitoring is required to inform future mitigation (as confirmed by both RSPB and Natural England in the respective Statements of Common Ground [AS-104 and AS-106 respectively]). Business as usual monitoring of existing stone curlew breeding plots in the area (as already agreed with the RSPB and Wiltshire Council) will be undertaken, but, as stated, this has no effect on whether mitigation is required.</p> <p>It should be noted that locating an additional stone curlew breeding plot within proximity of Normanton Down RSPB reserve is not a specific requirement. This is as stated in the HRSA Clarification Note (Appendix A of the Statement of Common Ground with Natural England [REP7-011]), but some of the M & R Hosier land would be within the relevant 'zone' within which a plot could be located, as described in the HRSA Clarification Note.</p>
<p>15.1.11</p>	<p>11.1.29</p> <p>The Applicant is not understanding that the measures they propose for creating a Stone curlew breeding habitat are exactly the same as those included within the OEMP for preventing Stone curlew from nesting in the area. For those people who are inexperienced with Stone curlew behaviour this could become confusing.</p>	<p>The statement that the creation of the stone curlew breeding plots and deterrent measures are the same is incorrect. Measures to deter stone curlew from the Site take one or more of three forms: ground treatment to make or maintain conditions unfavourable for nesting (tall dense vegetation), impedence of line of sight for birds on the ground, and/or visual activity (moving materials such as banner tapes and/or high levels of human activity prior to the start of nesting), as stated in the response to 11.1.1 in Comments</p>

	<p>The Applicant notes that as Normanton Down stone curlew plots are located over 500m from the DCO boundaries they are not likely to require mitigation measures for construction. However, under the Habitat Regulations, this assumption has to be proven and backed up by monitoring Normanton Down breeding pairs, to ensure no disturbance is experienced. Potential reduction in feeding opportunities due to disturbance from the Scheme will have a negative effect on breeding success. The local Stone curlew roost, being an integral part of juvenile Stone curlew survival, is also based in the vicinity of Normanton Down. Whilst this can be moved to other locations with no detriment to the SPA population as a whole, it will create a disturbance within the local population in this area.</p> <p>This is not within the ethos of the Scheme billed as providing biodiversity opportunities as its legacy and is just another example of how the proposals will have a negative impact on existing species rich ecology.</p> <p>We are pleased that finally, the Applicant has provided us with a few examples of anti-disturbance measures, but there is still no explanation of what the “buffer area” will be.</p>	<p>on Deadline 8 Submissions [REP9-039]. In contrast, the creation of stone curlew plots would clear a minimum area of 1ha or 2ha, as stated within the Stone curlew breeding plot specification [REP9-025], resulting in rough-textured bare or sparsely vegetated ground.</p> <p>As stated in the response to 15.1.10, the retained plots at Normanton Down RSPB Reserve do not require specific mitigation measures and therefore do not require specific monitoring as part of the Scheme, as they are located over 500m from the working area. Routine annual monitoring surveys will, however, be undertaken by the RSPB, as stated in 15.1.10. As stated in the Statements of Common Ground with the RSPB and Natural England [AS-105 and AS-106 respectively], both bodies are satisfied that monitoring is not required to inform future mitigation. In addition, there will be ongoing consultation with the RSPB to ensure that mitigation is applied where necessary to avoid disturbance impacts on nesting stone curlew.</p> <p>With regards to feeding opportunities, Highways England stands by the response to 11.1.31 in Comments on Deadline 8 Submissions [REP9-039], which states that <i>“if stone curlew chose not to forage close to the Scheme, there are extensive foraging areas within the local surrounds, such that it would not result in increased competition with other birds.”</i></p> <p>As stated within PW-BIO5 should nesting stone curlews be found within the Scheme boundary or within 500m of the working area then liaison with Natural England and the RSPB will be undertaken. This is considered to be the initial ‘buffer area’ and can be reduced down on advice of the ECoW if the work activity, location of nest, site characteristics and mitigation measures in place enable a reduction of the initial ‘buffer area’ to be done without disturbance of nesting. This will be site-specific, and confirmed following consultation with the RSPB, as stated within the OEMP [REP9-013].</p>
<p>15.1.12</p>	<p>11.1.30</p> <p>Our question was primarily in relation to in combination effects associated with recreational disturbance to Normanton Down, the impact on the Stone curlew roost and Stone curlews displaced from their existing foraging areas which stretch up to the DCO boundary.</p>	<p>The creation of the cutting between Longbarrow junction and the western portal, prior to boring taking place, will be undertaken during the Main Works Phase and is not considered further within this response.</p> <p>As illustrated within Figure 12.1D (Archaeological Mitigation Areas) of the Draft Detailed Archaeological Mitigation Strategy (DAMS) [REP9-017], the majority of the area between the tunnel portals will not be impacted, because it will be above the bored tunnel, Works within this area would be limited and</p>

	<p>The Applicant's response within paragraph 11.1.2 is in relation to OEMP measures to protect birds during the construction process, which we believe require updating. Paragraph 11.1.29 also relates to protection during construction and measures to mitigate effects of construction disturbance, which we also believe requires additions.</p> <p>We take on board the Applicant's comments that the impact of construction will likely be similar to the disturbance caused by the existing A303. However, there will be a considerable amount of preliminary works in the form of archaeological surveys and creating the cutting prior to boring taking place. These activities will be more of a disturbance than the existing A303 baseline.</p> <p>Construction traffic is larger and noisier than conventional road traffic and is accompanied with HSE flashing warning lights and sirens and personnel in high viz workwear. Therefore, there is the need to fully assess the impact of this on the Normanton Down breeding plots as well.</p>	<p>unlikely to exceed the current baseline disturbance levels in proximity of Normanton Downs RSPB Reserve. As such, it is not envisaged that the archaeological works would result in a disturbance impact on any nesting birds that may be using the retained stone curlew breeding plots within Normanton Down RSPB Reserve. In any event, the OEMP contains appropriate measures to avoid disturbance impacts during construction (including consultation with RSPB), and RSPB and Natural England concur with this conclusion as stated in the Statements of Common Ground with both bodies [AS-105 and AS-106 respectively].</p>
<p>15.1.13</p>	<p>11.1.32 M & R Hosier response to 8.49</p> <p>As stated in our response to point 11.1.29 above. MW-BIO8 notes the sensitivity of Stone curlews to disturbance at distances up to 500m. Thus, there is a possibility of disturbance from construction to the Normanton Down birds that are located just over 500m from the Scheme. We note that the Applicant mentions that RSPB will monitor the Normanton Down plots. Can the Applicant clarify whether they will be providing RSPB with the funding to monitor the plots as the Stone curlew project has ended and there is no EU funding for monitoring. Will there be a commitment within the DCO for the Applicant to provide RSPB with funding to monitor the existing Normanton Down Stone curlew plots as well as all the other mitigation plots that will be secured as a result of the Scheme?</p> <p>OEMP PW-BIO5, under the heading Replacement Plot, and referring to the replacement plot near Parsonage Down.</p>	<p>Wiltshire Council have confirmed that existing stone curlew plots in the vicinity of the Scheme will continue to be monitored under the Wiltshire Council Community Infrastructure Levy (CIL) agreement (Item 3.22.9 of the Wiltshire Council Statement of Common Ground [REP7-015], a further version of which will be submitted before the end of the examination). As stated in the Statements of Common Ground with the RSPB and Natural England [AS-105 and AS-106 respectively], both bodies are satisfied that monitoring is not required to inform future mitigation.</p>

Monitoring: An appropriate specialist shall undertake monitoring of Stone curlew at the retained breeding plots within 500m of the Scheme boundary (where public access is available/can be arranged) and at the newly created nesting plot, associated with the mitigation defined in the ES (Chapter 8). Where monitoring is undertaken for other purposes appropriate data will be used without duplication of survey.

Contrary to the Applicant's comments, from the wording of this item, there is no commitment that the RSPB will be monitoring the Stone curlews, and there is no mention of Normanton Down being monitored. We would seek a commitment from the Applicant that the wording within this item also relates to Normanton Down and would seek to have it mentioned along with Parsonage Down. This is especially true as ES (Chapter 8) was in respect of Parsonage Down and not to Normanton Down plots.

OEMP MW-BIO8, under heading Stone curlew monitoring

Stone curlew monitoring: An appropriate specialist shall undertake monitoring of Stone curlew at the retained breeding plots within 500m of the Scheme (where public access is available/can be arranged) and at the newly created nesting plot, associated with the mitigation defined in the ES (Chapter 8).

Contrary to the Applicant's comments, the wording does not commit to RSPB monitoring the Stone curlews and there is no mention of Normanton Down plots or even the 2 new mitigation plots that have been agreed (in order for Habitat Regulations to be finalised). Furthermore, the wording only refers to "plot" in the singular and not the plural. With the OEMP as it stands, we would require a commitment from the Applicant that this wording will also take into consideration Normanton Down existing plots as well the mitigation plots that will be established. This is particularly important as ES (Chapter 8) was in respect of Parsonage Down and not Normanton Down.

	<p>In essence, in contrast to the Applicant's statement, there has been no updating of the OEMP measures PW-BIO5 and MW-BIO8 to reflect any of the recent changes at Deadlines 7 and 8, so there is a requirement for this to be rectified.</p>	
15.1.14	<p>11.1.33 M & R Hosier response to 8.49</p> <p>We now understand from reading Natural England's SoCG 8.6 (1) at Deadline 7, page 13 item 3.16, that:</p> <p>"Originally it was perceived that a visitor monitoring strategy would be required in order to correlate any disturbance to breeding stone curlew within the Normanton Down RSPB Reserve to visitor levels.</p> <p>As stated in the Natural England response to the Examining Authority's Second Written Questions, discussions regarding any monitoring strategy have been superseded by the commitment from Highways England to provide two additional Stone curlew plots, irrespective of visitor monitoring data."</p> <p>Therefore, in all but name, the Applicant has already committed to the additional plots that may have been required to mitigate disturbance of Normanton Down SPA breeding pairs, have been already been committed to by the Applicant, rather than just identifying areas that would be suitable further down the line (in the event that monitoring did show that Normanton Down SPA breeding pairs were negatively impacted by recreational disturbance).</p> <p>As previously stated, the proposed Winterbourne Down Stone curlew plot was always a "net gain" as a result of the Scheme, and would never have been as a mitigation for Normanton Down Stone curlew plots.</p>	<p>The replacement and additional stone curlew breeding plots have been secured within the latest draft of the DCO (Requirement 12) [REP9-024]. Further detail is provided within the Applicant's Response to Rule 17 Letter [REP9-031].</p>
15.1.15	<p>11.1.34</p> <p>We stand by our comments that the Applicant obscured Normanton Down Reserve from the second consultation booklet, by placing</p>	<p>The response regarding the second consultation booklet has been noted.</p> <p>To clarify the supplementary consultation booklet (ref Highways England, 2018, below) does not specifically promote the southern part of the WHS for</p>

	<p>the map legend over the top of it. Respectfully, the majority of people would only have read the consultation booklet and would not have read a fraction of the numerous other reports produced. Therefore, the consultation booklets play a key role in the public's understanding of the Scheme.</p> <p>The Scheme has promoted the southern part of the WHS for roaming and exploring within the consultation booklet. Therefore, it was the Applicant themselves that have added to the in-combination effects on the Normanton Down Stone curlew breeding Reserve. We refused the Applicant's offer of enhanced fencing, as it would not have prevented trespassers from accessing the Reserve (having already been promoted by the Applicant's consultation booklet). The Applicant is already aware that fencing does not deter trespassers from entering the area, as noted within their reports. Fencing robust enough to prevent trespass would not be permitted within the WHS and would be costly to maintain. Under the Habitat Regulations, new fencing on its own would never have been sufficient to provide confidence beyond all reasonable doubt that there would be no loss of nesting opportunities for the SPA Stone curlew population.</p> <p>The two extra mitigation plots will ensure no in-combination impacts from increased recreational use of the byways on the SPA population as a whole. However, they do not mitigate the impact on the breeding Stone curlews on Normanton Down. The Applicant's Scheme is billed for biodiversity and ecology, yet they damage as much in their construction as they create in their legacy.</p>	<p>roaming; it illustrates the improved public rights of way that were being considered as part of the Scheme.</p> <p>The fencing which was offered for the Normanton Down RSPB Reserve would have been an improvement compared to the existing fencing, but instead, the approach of providing additional stone curlew plots will provide greater benefits for stone curlew than improved fencing.</p> <p>With regards to the offered fencing please refer to the response to 15.1.2 above.</p> <p>With regards to the provision of additional stone curlew breeding plots, please refer to the response to 15.1.9 above. Further detail is provided within the Applicant's Response to Rule 17 Letter [REP9-031].</p> <p>(Ref:- Highways England(2018) A303 Stonehenge to Berwick Down Supplementary consultation booklet Available at: https://highwaysengland.citizenspace.com/cip/a303-stonehenge-consultation-july-2018/supporting_documents/A303_Supplementary_consultation_brochure_final_digital.pdf)</p>
15.1.16	<p>11.1.35 M & R Hosier response to 8.49</p> <p>As previously stated, we do not have confidence that OEMP measures PW-BIO5 and MW-BIO8 will provide adequate protection of Stone curlews during the period of tunnel construction. We acknowledge that the Applicant has considered the in-combination recreational effects, see our comments relating to paragraph 11.1.33 above).</p>	<p>Highways England stands by the measures stated within the OEMP [REP9-014].</p> <p>To clarify: monitoring the impact on Normanton Down RSPB reserve is not a requirement to inform further mitigation and as stated in the Statements of Common Ground with the RSPB and Natural England [AS-105 and AS-106 respectively], both bodies are satisfied that this is the case. However, as per the response to 15.1.10 above, Wiltshire Council has committed to funding the monitoring of existing stone curlew plots in the vicinity of the Scheme until 2031 (item 3.22.9 of the Wiltshire Council Statement of Common Ground</p>

	<p>OEMP measures remain unaltered following our comments made at [REP4-036] items 9.5.1, 9.5.3 and 9.7.17.</p> <p>There is a need to clarify:</p> <p>Monitoring of existing Stone curlew plots for disturbance to breeding pairs on Normanton Down during construction, as well as Parsonage Down.</p> <p>Requirement for monitoring any impact on Normanton Down breeding success as a result of any recreational disturbance to breeding pairs once the Scheme is in operation.</p> <p>Requirement to ensure monitoring of all new enhancement plots by RSPB is secured.</p> <p>Requirement for any Stone curlew chicks within the area to be monitored and protected from construction traffic.</p>	<p>[REP7015]). As the two additional plots will be located within 5km of the SPA, the monitoring of these plots would be incorporated within the on-going monitoring programme.</p> <p>Stone curlew chicks are considered to be dependent on the nest, in this case breeding plot, until they are fully fledged as stated in response to 17.3.1 of Comments on any further information received by the Examining Authority and received to Deadline 8 [REP9-022].</p> <p>With regards to the requirement for stone curlew chicks to be monitored and protected, please refer to response to 18.1.2 of Comments on any further information requested by the ExA and received to Deadline 7 – September 2019 [REP8-013] and 17.3.1 of Comments on any further information received by the Examining Authority and received to Deadline 8 [REP9-022] <i>“should any chicks be present within the construction site suitably experienced specialists would check daily for activity and ensure measures were in place to protect them from harm during construction.”</i></p>
15.1.17	<p>11.1.37</p> <p>M & R Hosier response to 8.49</p> <p>As previously stated and recorded during ISH on Ecology, neither Natural England nor RSPB have an understanding of the behaviours of the GB species. They were therefore, not in a position to be able to accurately comment on the suitability of the environmental assessment of the GB species. Added to this, the Applicant had not discussed scoping with the GBG, to establish whether their surveys would overlap any of those that the GBG may have already undertaken. As previously stated, the GBG have struggled to get the Applicant’s ecologists to discuss issues with them.</p> <p>We disagree with the Applicant that there will be no detrimental impact on the GB population due to the potential increase of recreational use on newly established ProW. As the Applicant has noted in PW-BIO5 and MW-BIO8, Great Bustards are prone to disturbance up to a distance of 500m.</p> <p>Where proposed new byways are within this radius of known GB breeding areas, this will have a negative impact on the species.</p>	<p>Highways England notes the response, but stands by the assessment within Chapter 8 of the Environmental Statement [APP-045], which states the survey methods and data gathering effort used to inform the baseline. It is not correct that the Applicant’s ecologists have not discussed the Scheme with GBG. Highways England also stands by the conclusion that the potential increase in recreational disturbance is unlikely to have a detrimental impact on the local population of great bustards, as stated within the response to 9.7.21 of the Comments on the DAMS and on any further information requested by the ExA and received to Deadline 3 [REP4-036]. It is, however, agreed that further consultation with the Great Bustard Group is required during both the Preliminary and Main works phase, as stated within the OEMP [REP9-014].</p> <p>Hedgerows or other vegetation has been provided where practicable within the Scheme (as illustrated indicatively in the Masterplan [APP-059]); hedgerows will not, however, be provided within the WHS.</p>

	<p>Similar to Stone curlew, GB are also “site specific” in their nesting areas and the Scheme is encroaching on these areas. The Applicant states that the ProW will be fenced to prevent public access to private farmland. However, the Applicant is already aware that byways alongside farmland are not secure from trespass. At the very least, fencing posts would need to be taller than regular fencing heights, with stock netting and 3 strands of barbed wire to keep out both people and dogs. Added to this, the Applicant has not read our question carefully and taken on board that it is the sight and sound of ProW users with dogs that is also a major issue. For adequate mitigation for the GB species, there would need to be a commitment for hedging along the ProW to provide GB with adequate screening and mitigate disturbance. Discussions are needed to establish the location of proposed ProW in relation to GB nesting areas and their distance from the ProW.</p> <p>There is a need for the Applicant to discuss not only PW-BIO5 and MW-BIO8 with the GBG, but also the provision of suitable mitigation for the species once the Scheme is in operation. We can see no locations within the OEMP that ensure screening along ProW’s will be provided to mitigate impact on Great Bustard disturbance.</p>	
15.1.18	<p>11.1.42</p> <p>M & R Hosier response 8.49</p> <p>We find it hard to comprehend the Applicant’s response. We understand that the main works contractor will be carrying out vegetation monitoring during the construction phase, to establish the management regime of the chalk grassland.</p> <p>We believed this vegetation monitoring is to be carried out on the bunds of excavated material, both topsoil and chalk subsoil. However, on reading the Applicant’s response, there is mention of the screening bunds and topsoil storage areas being monitored for injurious and nuisance weeds alone. We therefore, deduce, that the vegetation monitoring will be on the Scheme areas prior to the</p>	<p>The monitoring strategy as stated in MW-BIO13 of the OEMP [REP9-013] will be different depending on the function and target of the habitats that will be created; this includes the parameters that will be monitored and thresholds that would trigger further maintenance will also therefore be different for permanent and temporary habitats.</p> <p>The monitoring of permanent areas of chalk grassland will be to track the development of those new areas of habitat and to appropriately target management actions on individual habitat plots, (including weed control, mowing, grazing and any supplementary seeding or planting). The requirement to commence botanical monitoring and active maintenance during the construction phase is because the permanent calcareous grassland creation (by translocation) near Winterbourne Stoke will have been started before the commencement of the Main Works phase. It is anticipated that habitat creation works would occur in individual areas as soon as construction work has been completed in those areas (as stated in MW-LAN4</p>

commencement of construction works, before topsoil has been stripped and stockpiled.

Alternatively, does the Applicant intending to monitor the established temporary areas of vegetation (that do not conflict with other requirements). Presumably, these are the mitigation areas the Applicant refers to in relation to the quick growing crops, to deter Stone curlews from nesting.

Vegetation growth is determined by many factors. We do not see how monitoring the vegetation on either the heaps or the land prior to the stripping of topsoil, will provide valuable information regarding the landscape management once the Scheme is completed. The landscaping of the Scheme will be thin layers of soil over chalk, but this is not represented by monitoring the vegetation during the construction phase, where the soil depth will be considerably greater in stockpiles. In addition, how can this monitoring determine grazing frequency when the construction area will not be grazed to see how the vegetation responds?

As previously stated, we believe that brush harvested seed should be used for the Scheme as it is representative of the area. The areas chosen for brush harvesting would reflect the specific sites of the Scheme. It is possible with planning, to obtain enough brush harvested seed, especially as the intention is to landscape areas as and when they become available.

We still struggle with the Applicant's notion of early stages of successional calcareous grassland. This is not a final destination in the establishment of chalk grassland, but only a stage to closed species rich swards. Will the Applicant require areas to be re-ploughed frequently to provide the bare ground with rock?

of the OEMP [REP9-013]] where it is stated that planting/seeding will be undertaken as early as practicable). As such, planting/seeding across the whole Scheme will not be left until immediately prior to the opening of the Scheme. Staggering the habitat creation will result in habitats of varying ages at year of opening, from newly seeded / planted to five years old.

Temporary areas, such as topsoil storage mounds can provide temporary habitats with value for biodiversity, and may also have a specific function, such as stone curlew deterrent. Some vegetated temporary areas may be in place for several years, whereas other areas may be subject to repeated disturbance during the works, for example as topsoil is removed from storage mounds for use in landscaping. As a minimum, their condition will be monitored to check for compliance with requirements, and the need for management to ensure, e.g. control of injurious and nuisance weeds, , and avoidance of runoff of soil, as stated in response to 11.1.42 of Comments on any further information requested by the Examining Authority and received to Deadline 7 [REP8-013]. Management of these areas would be by mowing, selective weed control where necessary, and, depending on the function of the temporary area, by such periodic disturbance as is required for the construction work underway.

Brush-harvested seed and pre-determined wildflower seed mixes of UK provenance are suitable for use in the creation of calcareous grassland, as previously stated in response to 11.1.39 of Comments on any further information requested by the Examining Authority and received to Deadline 7 [REP8-013]. The advantages of each depend on the purpose and location. This is a matter for detailed design. Brush-harvested seed could be used in some locations, including some areas of the WHS. Nonetheless, brush-harvested seed may also contain too high a content of grasses for areas intended for slow development of calcareous grassland. Furthermore, if brush-harvested seed is collected from recently created calcareous grassland, its composition will largely reflect the original seeding, unless there is a long-established grassland in close proximity. Hence, Highways England maintains its position that selective use of brush-harvested seed will be encouraged in the detailed design, but it should not be made a requirement of the dDCO; instead details would be set out in the Landscape Scheme.

		<p>It is correct that early successional calcareous grassland tends to progress to closed species-rich sward over time. If allowed to do so, it would continue to coarse grassland and eventually to dense scrub. Cutting slopes and most other areas for calcareous grassland creation will be given minimal quantities of topsoil to provide the suitable nutrient- poor conditions for this habitat type. This, together with subsequent management by either grazing, or by mowing and removal of arisings, will slow the rate of accumulation of organic matter in the thin soil and so limit the rate at which the sward closes, taking many years. For example, although Countess Cutting has not been managed as much as is intended for new habitats under the Scheme, the County Wildlife Site has areas that retain a sparse sward on a cutting which was created over 50 years ago. By contrast, where there is grassland creation by arable reversion with abundant nutrient-rich topsoil, a closed sward is expected within five years, possibly within two or three years and it will require more management than the areas starting from very low fertility.</p>
15.1.19	<p>11.1.54 M & R Hosier response to 8.49</p> <p>The Applicant may believe that the tracer tests are not necessary. However, they have not carried out any 3D fracture modelling to back up this assertion. The Applicant is also using incorrect information, as Blick Mead spring is not dry for most of the year and can be readily seen. The Applicant is relying on their own assessment of data in their conclusions for the Groundwater Risk Assessment. Respectfully, our independent hydrogeologist does not share these conclusions and believes there will be a significant risk to our borehole supplies. Stonehenge Alliance have also engaged a hydrogeologist to look over the reports and he also backs up our independent hydrogeological concerns.</p> <p>We disagree with the Applicant's comment that the information presented in the ES is more than sufficient at this stage of the consents process and therefore a 3 D Fracman model is not required. Infrastructure projects such as Crossrail are cited as examples where 3D modelling was not carried out at this stage. However, the Crossrail project has gone dramatically over budget as</p>	<p>Please see the response in Comments on any further information requested by the Examining Authority and received at Deadline 4 [REP5-003], which set out why a detailed assessment and tracer testing of the operation of the private water supply boreholes is not necessary.</p> <p>The assertion that Blick Mead spring is not dry for most of the year is incorrect and is based on the naming of water features at Blick Mead. See response to the submissions of Andrew Rhind-Tutt at Section 8.1 Comments on any further information requested by the ExA and received to Deadline 7 – September 2019 [REP8-013].</p> <p>Paragraph 6.2.4 of REP8-013 states that the geology of the Scheme has been investigated and additional investigation is not necessary to support the ES and determination of the application because the hydrogeological conceptual model is robust, verified by monitoring [REP3-020], and the environmental assessment approach has been reviewed and considered appropriate by the Environment Agency and Wiltshire Council's peer reviewers.</p> <p>Regarding the comments about ground conditions and risk, ground investigation is ongoing for the purposes of detailed design.</p>

	<p>the recent TV documentary showed. If 3D modelling had been carried out for Crossrail at an earlier stage, the problems that were encountered during tunnelling would have been part way solved prior to being encountered on the ground. 70% of project cost overspends are due to inadequate surveys prior to construction. We would suggest that whilst holding back on 3D modelling at the DCO application process may keep the Applicant's costs down, the implications of not fully assessing the geology of the area are far greater in terms of the overall project construction costs. For this reason, we are surprised that the Applicant has not learned from the lessons at Crossrail and is not leading on a new recognised strategy of fully assessing all ground conditions up front.</p> <p>With regard to protecting our water supply, we do not agree that measures laid out within the OEMP are adequate. Please see our response to the Inspectors request at Issue Specific Hearing 10 on Groundwater, to clarify where we believe the OEMP measures fail to provide adequate cover.</p> <p>How will the Applicant get a tanker of water over an arable field to our farm reservoir within a 24 hour time frame, if we experience a problem with supply or contamination?</p>	<p>Highways England considers that the protections to water supply within the OEMP are sufficient and appropriate, including the provision of a Water Supply Statement as set out at item MW-COM6, which provides for liaison and engagement with landowners in respect of their water supplies, including in respect of temporary re-provision.</p>
15.1.20	<p>11.1.55 M & R Hosier response to 8.49</p> <p>The Applicant cannot categorically state that there will be no significant changes to our private water supply, this is only their assessment of the groundwater at this particular stage. As the Applicant has already stated, 3D modelling has not been carried out, so there is no practical evidence to back up their assessment of no significant changes to private water supplies. The Applicant may believe there is no requirement to monitor the quality of private water quality samples, but in the interests of transparency and confidence it would be in everyone's interests for them to do so. Samples to assess water quality have not been taken from our boreholes.</p>	<p>As stated in the Comments on Written Representations [REP3-013], the risk to the Hosier boreholes has been fully assessed. The sensitivity of the borehole receptors is considered to be high which is in acknowledgement of the reliance on and quality of the abstracted water. No impact is anticipated, nevertheless, work is ongoing to access the Hosier boreholes so that monitoring of water levels and water quality can be undertaken before construction commences. The boreholes will form part of the ongoing programme of monitoring.</p> <p>The Groundwater Management Plan (required by MW-WAT10 of the OEMP) also must specifically consider private water supplies in relation to the proposals within the plan for matters such as re-assessment, monitoring and trigger actions.</p>

	<p>In our opinion, the Groundwater Management Plan will only be as good as the understanding of the hydrogeology within the area. If the plan is built on inaccurate information, it will not be able to deliver the security that the Applicant assures. We urge the Applicant to carry out a 3D fracture model to back up their statements in relation to the Groundwater Risk Assessment and provide the greater understanding of the hydrogeology of the area.</p>	<p>See response to 15.1.19 regarding the measures in place to ensure security of water supply.</p>
15.1.21	<p>11.1.62 M & R Hosier response to 8.49</p> <p>We hear the Applicant's familiar responses as to why they do not have a requirement to monitor our private water supply, so they will be familiar with our usual reply.</p> <p>Under OEMP at Deadline 8, reference item MW-WAT10. We thank the Applicant for the inclusion of item f) within the Groundwater Management Plan, to ensure private borehole supplies will be fully taken into account.</p> <p>We also thank the Applicant for clarity that the Water Management Plan will cover not only the construction of the Scheme, but also the operational phase once the tunnel is in situ. However, we do not understand the Applicant's comment that "the scope of the Plan will cover representative boreholes and not necessarily user boreholes". This is in sharp contrast to item f) "in respect of all the above matters, the Plan must specifically indicate how Blick Mead and private water supplies are to be considered". Will the Applicant please confirm whether they are scoping in our private borehole supplies and how they propose to identify the representative boreholes?</p> <p>The Applicant has agreed to monitor private borehole supplies at request, yet they have not commented on how these will be monitored. In addition, we do not know when will be supplied with a copy of the relevant data. Will telemetry monitoring be carried out on private boreholes, or will it merely consist of dip tape measures taken quarterly as is currently the case with Scheme boreholes? Will the</p>	<p>The Applicant acknowledges the thanks.</p> <p>Regarding 'representative' boreholes, it is standard practice to use boreholes between the Scheme and receptors such as user boreholes to give early warning of changes. This does not preclude monitoring at the receptor borehole as well. The Groundwater Management Plan will identify representative boreholes.</p> <p>Water level and water quality monitoring will be undertaken at users' boreholes. Site specific monitoring details and approvals are currently being agreed between the Applicant and the water users.</p> <p>'Other statutory utility providers' refers to, for example, electricity providers.</p> <p>Wessex Water would be the provider of water for the Scheme and the Applicant has had discussions with the water company. The quantities of water licensed for use at the farm are known, as reported in the ES [APP-049] as this data is held by the Environment Agency and/or Wiltshire Council.</p>

	<p>quality monitoring just be to drinking water standards? The Applicant has not provided us with any of this information.</p> <p>We note that the Applicant is working with Wessex Water, but they do not state who the “other statutory utility providers” are, so we have no way of knowing how relevant this is to our water requirements. As we have a private borehole, Wessex Water has no responsibilities for our water supply, so this suggests that discussions are in relation to the water requirement of the tunnel rather than those of our farm business water requirements. The Applicant has had no discussions with us concerning Wessex Water and our water supply. Therefore, it does not even know our baseline for farm requirements.</p>	
15.1.22	<p>11.1.64</p> <p>M & R Hosier response to 8.49</p> <p>With respect to the Applicants comments in [REP7-021] Comments received at Deadline 5 and 6, item 5.3.3.</p> <p>Under heading OEMP MW-WAT10, “The detail of monitoring and mitigation will be discussed with Wiltshire Council and Environment Agency”. Respectfully, neither of these organisations will potentially be drinking contaminated water, or be left without water.</p> <p>Liaising with ALO does not provide us with water in our reservoir, unless prior infrastructure is in place. Feasibility studies and a timetable of works would also be needed. See our response to Issue Specific Hearing 10, Groundwater at the Inspectors request.</p> <p>As already stated within our response to 8.44 at Deadline 8, it is not possible to compare the water samples taken by the Applicant from their monitoring, with Drinking Water Inspectorate (DWI) standards. Both samples have not been treated and analysed to the same criteria and as such, their comparisons are void. We have already stated that we do not want the Applicant to take on the role of the Local Authority or the DWI. However, as the water from our borehole is currently safe to drink, the Applicant needs to ensure that during</p>	<p>Wiltshire Council has a statutory duty with respect to drinking water.</p> <p>Highways England considers that the protections within the OEMP are sufficient and appropriate, including the provision of a Water Supply Statement as set out at item MW-COM6, which provides for liaison and engagement with landowners in respect of their water supplies, including in respect of temporary re-provision.</p> <p>See responses at deadline 9 regarding water quality standards and itemised responses to the points made on the OEMP (item 17.3.13 of Comments on any further information received by the ExA and received to Deadline 8 - September 2019 [REP9-022]).</p>

construction and on completion, the water we are drinking is still fit for human consumption.

Under OEMP MW-WAT11, we disagree with the Applicant's insistence that it is not considered necessary to undertake a feasibility study to provide water. There is no certainty that our water will not be compromised, so the Applicant has to assess the extent of this scenario as it will need to be costed within the Scheme mitigation. We cannot be left without safe drinking water and as it stands, there is even a need for infrastructure work for temporary water supplies to be delivered to our farm reservoir.

Under OEMP MW-WAT15, we hope that Wiltshire Council and the Environment Agency will have more commitment to private water abstractors than the Applicant has.

Under OEMP MW-COM6 the Applicant has not clarified whether this item relates to impacts on our borehole water supply both during construction and once the Scheme is in operation ie: the scenario whereby the tunnel has blocked the fissures that feed into our borehole. Furthermore, there is no commitment that any alternative water supply would be on a like for like basis.

We note the Applicant's response in relation to dewatering. However, the Environment Agency has already stated that it has not assessed this Scheme in relation to dewatering, as the Applicant has repeatedly maintained that they do not consider there will be a need to carry out this process. Once under construction, the tunnelling would not stop (because of a lack of fracture 3 D modelling) if there was suddenly a significant water table that compromised boring activity. The Environment Agency would then be forced to agree to de-watering to a certain extent, even if it was beyond their limits. In our opinion, this scenario is not adequately planned for. Should it occur, will private abstractors be told of the situation so they can monitor their borehole supplies? Would we be provided with temporary water tankers in case they were needed?

15.1.23	<p>11.1.65 M & R Hosier response to 8.49</p> <p>In relation to item 5.3.3 [REP7-021] see our response in 11.1.64 above. The Applicant's response lacks clarity and we remain unconvinced that it will provide adequate protection of our private water supply.</p> <p>Wessex Water will be working with the Applicant to secure a water supply for the tunnel. However, we have had no discussions with the Applicant or with Wessex Water regarding the provision of an alternative water supply, be it temporary or permanent. Therefore, we would suggest the conversations with WW are irrelevant to our private water supply.</p> <p>The Applicant seems to have misinterpreted our response in relation to Scheme monitoring boreholes.</p>	<p>See response at 15.1.22 regarding protection of water supplies. See the response at 15.1.21 regarding the role of Wessex Water and monitoring boreholes.</p>
15.1.24	<p>11.1.68 M & R Hosier response to 8.49</p> <p>We thank the Applicant for their email in relation to the works required to be carried out prior to monitoring equipment being installed. The email also commented that due to the condition of our borehole "head", they could not guarantee that it would not be damaged! We are surprised at this statement as the head of our borehole is in good condition and passed a safe water inspection a few years ago. From our perspective, this has cast doubt on the abilities of the Applicant's water engineers, especially as our water engineers do not have a problem carrying out the work, if it is done in an appropriate manner. We have asked our water engineers to quote for the work required on our borehole head.</p> <p>We note the updated OEMP additional submission in August, did include a Water Supply Statement (WSS), see our comments on the updated MW-COM6 and the WSS attached to our Summary of written comments made by M & R Hosier at Issue Specific Hearing 10, Groundwater. For confidence there are areas within MW-COM6</p>	<p>The Applicant will continue to liaise with water users in respect of developing appropriate monitoring and, where necessary, ensuring mitigation is put in place, pursuant to item MW-COM6.</p> <p>Practical assessments and alternative supplies, if needed, are within the scope of the Water Supply Statements – this creates the process of the detailed provisions to be able to be agreed if it is necessary.</p>

	<p>that need further clarification. The WSS is only intended to show “how” the water supply will be maintained. There is a need for this to be backed up with a practical assessment to show that what is proposed will actually be practical and possible.</p> <p>The Applicant has reminded us that they are not obliged to provide a mains water connection as a precautionary measure. However, from both a moral and a Scheme costing perspective, the Applicant would be sensible to do so. We would prefer to remain with a borehole water supply option as our water network has been designed around this starting point. Any mains connection would need to be on a like for like basis in relation to costing and water pressure. (See our comments at the Inspectors request attached to our written summary of comments made at ISH 10).</p>	
15.1.25	<p>11.1.70 M & R Hosier response to 8.49</p> <p>The Applicant’s position is that there is no requirement for monitoring private borehole supplies. However, from a precautionary stance, as no 3D modelling has taken place at this stage, it would be good practice and give private supplies users more confidence.</p> <p>See our response to 11.1.62 in relation to water quality testing. The Applicant’s water testing results cannot be compared to DWI water results on a like for like basis. The components analysed will vary, as each have differing handling criteria. Elemental levels will change over time if not handled to DWI standards, thus making them non comparable.</p> <p>The Applicant cannot dismiss the presence of extensively connected fissures, fractures or kastic flow as this has not been backed up by 3D modelling.</p> <p>We remain unconvinced that the groundwater model is precise enough in its grid squares. (See all our previous comments).</p>	<p>These points are covered in previous responses above and at deadline 9 [REP9-022].</p>

	Although updated, the OEMP measures including MW-COM6 need additions to ensure they will adequately protect private water supplies.	
15.1.26	<p>11.1.77</p> <p>M & R Hosier response to 8.49</p> <p>For security and biosecurity reasons, we would require stock netting with three strands of barbed wire around our perimeter fencing, in order to prevent dogs entering our holding and keep our livestock safe.</p>	Draft accommodation works plans have been prepared, including details of fences. Feedback from affected landowners, tenants and others with rights to the land will inform the fencing proposals included within the detailed design, pursuant to MW-COM3 of the OEMP, subject to the constraints imposed by the DCO.

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