

A303 Amesbury to Berwick Down

TR010025

Deadline 10

8.4(2) – Statement of Common Ground –National Farmers Union

APFP Regulation 5(2)(q)

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

October 2019



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**The Infrastructure Planning
(Examination Procedure) Rules 2010**

**A303 Amesbury to Berwick Down
Development Consent Order 20[**]**

STATEMENT OF COMMON GROUND –National Farmers Union

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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) the National Farmers Union.

Signed...
David Bullock
Project Manager
on behalf of Highways England
Date: 25 September 2019

Signed
Louise Staples
Rural Surveyor
on behalf of National Farmers Union
Date: 26 September 2019

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed A303 Amesbury to Berwick Down ("the Application") made by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2 The Order, if granted would authorise Highways England to carry out the following works:
- A northern bypass of Winterbourne Stoke with a viaduct over the River Till valley;
 - A new junction between the A303 and A360 to the west of and outside the World Heritage Site ("WHS"), replacing the existing Longbarrow roundabout;
 - A twin-bore tunnel approximately 2 miles (3.3km) long, past Stonehenge; and
 - A new junction between the A303 and A345 at the existing Countess roundabout.
- 1.1.3 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available at the deposit locations and/or on the Planning Inspectorate's website.
- 1.1.4 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.
- 1.1.5 Unless otherwise stated, the facts set out in this SoCG are agreed between the parties to it. Facts and opinions that are not stated are not agreed and will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of agreement or disagreement between the parties.
- 1.1.6 The SoCG records the final position of both parties on relevant issues of fact in respect of the Scheme described in the final draft of the Development Consent Order submitted to the Examination. Unless a matter included in this SoCG is stated as agreed, it cannot be taken as agreed.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) the National Farmers Union.
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency to be conferred upon or assumed by Highways England.
- 1.2.3 The National Farmers Union represents farmers and growers throughout England and Wales. The National Farmers Union negotiates with both the government and organisations on behalf of farmers.

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG, “Not Agreed” indicates a final position, and “Under discussion” indicates where these points will be the subject of on-going discussion between the parties with the aim, wherever possible, to resolve, or refine, the extent of disagreement between the parties. “Agreed” indicates where the issue has been resolved.
- 1.3.2 It can be taken that any matters not specifically referred to in the sections 3, 4 and 5 of this SoCG are not of material interest or relevance to the National Farmers Union, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to the National Farmers Union.

2 Record of Engagement

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

Table 2-1 - Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
28/02/17	2017 Statutory consultation response	Response to 2017 consultation highlighting construction, scheme design, economic and environmental & landscape concerns
06/02/18	S42 Notification	Notification of consultation
20/03/18	S42 Notification	Non-statutory extended consultation letter
23/04/18	2018 Statutory consultation response	Response to 2018 consultation
16/05/18	Meeting request	Post Consultation Meeting with Louise Staples
13/07/18	Non- statutory consultation invitation	Supplementary Consultation Letter
14/12/18	Post DCO application and SoCG meeting	Updates in the design which were included in the application documents and issues to be considered in the Statement of Common Ground
07/03/2019	SoCG review meeting	Review of SoCG with focus on new topics raised by NFU field drainage, ALO, Sawkill access and soil treatment
05/07/2019	SoCG and OEMP review	Full review of SoCG and key aspects of the OEMP
01/08/2019	SoCG and OEMP review	Full review of SoCG and key aspects of the OEMP
07/08/2019	Teleconference	Review of SoCG and aspects of the OEMP
18/09/2019	Teleconference	Review of SoCG and aspects of the OEMP
20/09/2019	Teleconference	Review of SoCG and aspects of the draft DCO and OEMP
23/09/2019	Teleconference	Review of SoCG and aspects of the OEMP
25/09/2019	Teleconference	Review of SoCG and aspects of the OEMP

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

2.1.3 This version of the Statement of Common Ground provides the Agreed (38), remaining items Under Discussion (3) and the items that are Not Agreed (17). The remaining items Under Discussion will continue to be discussed post the closing of the Examination period.

3 Matters Agreed

Issue No.	Document Reference	Section/Paragraph Reference	Sub-section	National Farmers Union Comment	Highways England Response	Status
3.1	Environmental Statement Chapter 7 (Landscape and Visual Effects) [APP-045]	Section 7.3 Assessment and Methodology	LVIA Public Rights of Way and other accesses- Fig 7.3 [APP-081]	Further information is needed on the HE suggested gates for the existing stretch of land.	<p>Fences along public rights of way will be provided to prevent access onto private land, grazed grassland or the highway, or to provide a buffer zone to the retained cutting between Longbarrow junction and the western tunnel entrance. Kent Carriage Gaps will be provided at access points to restricted byways, preventing entry by mechanically propelled vehicles. As per principle P-PRoW4 set out in the OEMP, gates will be designed to be sufficiently wide and appropriately placed to accommodate authorised users as necessary, including agricultural vehicles and other agricultural machinery and appropriate locking measures to be employed to ensure that those entitled to exercise rights of vehicular access over restricted byways would be capable of doing so freely.</p> <p>Equestrian gates will be provided at access points to</p>	AGREED

Issue No.	Document Reference	Section/Paragraph Reference	Sub-section	National Farmers Union Comment	Highways England Response	Status
					<p>bridleways and pedestrian gates will be provided at access points to footpaths.</p> <p>Furthermore, as per design principle P-PRoW2 within the OEMP, timber posts and strained wire fences are to be used to separate PRoWs from adjacent private land in accordance with Highway Construction Details in the Manual of Contract Documents for Highway Works (MCHW) and Design Manual for Road and Bridges (DMRB). Where necessary for adjacent land use, appropriate stock-proof netting to be added to strained wire fences.</p> <p>The provision of fencing will be discussed further with landowners via the Agricultural Liaison Officer pursuant to table 2.1 and item MW-COM3 of the OEMP, which is secured through Requirement 4 of Schedule 2 to the DCO.</p>	
3.2	Design and Access Statement (DAS) [APP-295], section 6	6.3 Western section: Winterbourne Stoke bypass to Longbarrow junction	6.3.6 Green Bridge one constructed over the new	Weight Limit restrictions: No weight restrictions should be imposed on any of the green bridges.	The green bridges will be designed to be able to carry all vehicles that are permitted under The Road Vehicles (Authorised Weight)	AGREED

Issue No.	Document Reference	Section/Paragraph Reference	Sub-section	National Farmers Union Comment	Highways England Response	Status
	Design Rationale		A303		Regulations 1998 and The Road Vehicles (Construction and Use) (Amendment) Regulations 1998. [http://www.legislation.gov.uk/uksi/1998/3111/made]	
3.3	Design and Access Statement (DAS) [APP-295], section 6 Design Rationale	6.5 Eastern section: Countess Roundabout to just beyond Solstice Park junction	6.5.10 Alterations to rights of way to the east of Countess roundabout	Further information is required on how access will be taken to all the different blocks of land.	Access will still be available for local landowners on the stopped-up sections of Allington Track and AMES1. A new fence and locked gates will be provided to prevent wider public access and adjacent landowners will be provided with keys. The provision of fencing will be discussed further with landowners via the Agricultural Liaison Officer pursuant to table 2.1 and item MW-COM3 of the OEMP, and secured through Requirement 4 of Schedule 2 to the DCO.	AGREED
3.4	Design and Access Statement (DAS) [APP-295], section 6 Design Rationale	6.4 Central Section the World Heritage Site	6.4.19 Construction of a twin-bore tunnel through the WHS	Essential that the new A303 through the tunnel is open to all agricultural vehicles using the A303. The A303 is a very important link road for rural businesses in the area.	Whilst Highways England has worked with local landowners to provide suitable new routes for agricultural vehicles that avoid the need to use the tunnel, such vehicles will not be prohibited from using the tunnel if they are licensed for	AGREED

Issue No.	Document Reference	Section/Paragraph Reference	Sub-section	National Farmers Union Comment	Highways England Response	Status
					use on the public highway.	
3.5	Design and Access Statement (DAS) [APP-295], section 6 Design Rationale	6.4 Central Section the World Heritage Site	6.4.19 Construction of a twin-bore tunnel through the WHS	During construction it is essential that access is maintained at all times for agricultural vehicles, especially during harvest.	Highways England has been engaging and will continue to engage with affected land owners and occupiers to discuss potential impacts and how access will be maintained and managed across the affected areas of agricultural land. During the construction process liaison with land interests will continue through the role of the Agriculture Liaison Officer (ALO), which is set out within the OEMP MW-COM3 and Table 2.1: Roles and responsibilities during construction. The OEMP is secured through Requirement 4 of Schedule 2 to the DCO.	AGREED
3.6	Design and Access Statement (DAS) [APP-295], section 6 Design Rationale	6.3 Western section: Winterbourne Stoke bypass to Longbarrow junction	6.3.6 Green Bridge one constructed over the new A303	All green bridges [for farm access] must be wide enough and be able to take agricultural weights. HE to confirm what specification is to be used for the green bridges to meet modern agricultural practices.	The green bridges will be designed to be able to carry all vehicles that are permitted under The Road Vehicles (Authorised Weight) Regulations 1998 and The Road Vehicles (Construction and Use) (Amendment) Regulations 1996. [http://www.legislation.gov.uk/uksi/1998/3111/made]	AGREED

Issue No.	Document Reference	Section/Paragraph Reference	Sub-section	National Farmers Union Comment	Highways England Response	Status
3.7	Design and Access Statement (DAS) [APP-295], section 4 Design evolution and engagement	4.3 Stakeholder engagement and consultation	4.3.13 Non-statutory and statutory consultation	<p>No new byway should be created to provide access in to the Nature Reserve as there is already an existing access.</p> <p>Solution</p> <p>It would be better if an underpass was created to connect the byway</p>	Taking into consideration this feedback from the statutory consultation, the two short lengths of public right of way north of Green Bridge No.1 that were shown extending into Parsonage Down as part of the consultation proposals have been removed from the scheme.	AGREED
3.8	Design and Access Statement (DAS) [APP-295], section 6 Design Rationale	6.3 Western section: Winterbourne Stoke bypass to Longbarrow junction	6.3.10 Provision of the new bridge over the B3083 to carry the A303	<p>It is important that the underbridge is designed to be able to take modern agricultural machinery.</p> <p>The height and width of the underbridge must be adequate and needs to be at least as wide as the current road is and have a height of 5m.</p>	The B3083 underbridge will be wide enough and high enough for modern agricultural machinery.	AGREED
3.9	Design and Access Statement (DAS) [APP-295], section 6 Design Rationale	6.3 Western section: Winterbourne Stoke bypass to Longbarrow junction	6.3.6 Green Bridge one constructed over the new A303	The green bridge should only provide public access for pedestrians, cyclists and horse riders along with farm access for agricultural vehicles.	Green Bridges Nos. 1, 2 and 4 will each carry a public right of way track wide enough for agricultural vehicles that are permitted under The Road Vehicles (Authorised Weight) Regulations 1998 and The Road Vehicles (Construction and Use) (Amendment) Regulations 1996. The PRoW across Green Bridge 1 will be a restricted byway providing	AGREED

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					public access for pedestrians, cyclists and horse riders along with farm access for agricultural vehicles.	
3.10	Design and Access Statement (DAS) [APP-295], section 6 Design Rationale	6.4 Central Section the World Heritage Site	6.4.6 Till viaduct and Turners farm access	The byway which runs from Manor Farm to farm buildings must be maintained at all times. Access will be required 24/7 for farming operations.	WSTO4 will be kept open as much as possible during construction but, as the new viaduct is being constructed overhead, it may need to be temporarily closed or diverted for safety reasons. Maintaining farm accesses will be discussed by the ALO (OEMP, Table 2.1 Roles and Responsibilities During Construction) with landowners and tenants prior to and during construction and alternative accesses agreed if an access has to be temporarily closed (see item MW-TRA9).	AGREED
3.11	Design and Access Statement (DAS) [APP-295], section 4 Design evolution and engagement	4.3 Stakeholder engagement and consultation	4.3.12 Non-statutory and statutory consultation	Our members have very strong views against a proposal to create a link between Byway 11 to Byway 12 through the middle of a pasture field.	The previously proposed link to the south of the existing A303 between Byways 12 and 11 has been removed from the scheme proposals. See Sheets 6 and 7 of the Rights of Way and Access Plans [APP-009] and as identified in Schedule 3 of the DCO reference J, the Scheme does not promote a motorised link	AGREED

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					between the byways (AMES Byway11 and AMES Byway12) through the middle of the pasture field.	
3.12	5 Highways England's response to matter raised during the pre-application consultation	5.9 Matters raised on Land	5.9.1 Table 5-8: Summary of consultee comments on Land interests and Highways England response	Access to Severed Land: There is no mention in the consultation of how access to severed land on farms will be retained during construction.	A commitment to accommodate access throughout construction is secured in the role of the ALO in table 2.1 of the OEMP . Any temporary access closures or replacements will be undertaken in accordance with OEMP requirement MW-TRA9.	AGREED
3.13	5 Highways England's response to matter raised during the pre-application consultation	5.12 Matters raised on Operations and Maintenance	5.12.1 Table 5-11: Summary of consultee comments on Operations and Maintenance and Highways England response	Concerns regarding illegal and unauthorised fly-tipping, hare coursing, parking, camping and motorhomes parking up on the byways	The management of access and issues such as those raised here across the WHS is a matter for Wiltshire Council, as the highways authority with responsibility for the public rights of way, and landowners, including the National Trust and English Heritage. Fences along public rights of way will be provided to prevent access onto private land, grazed grassland or the highway. An additional submission document of proposed non material changes [AS-068] details the proposed changes	AGREED

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					<p>to the Scheme.</p> <p>One of these changes was in response to several representations requesting the closure of the lay-by adjoining the eastbound carriageway of the existing A303 west of Winterbourne Stoke.</p> <p>This change followed confirmation by Wiltshire Council that the lay-by in Winterbourne Stoke is no longer required by them for operational reasons, Highways England has given a commitment that this lay-by will be closed, filled and profiled to prevent access, top-soiled and seeded to return it to a grassed verge.</p> <p>In terms of other ways of potential access, changing the status of the existing BOATs is beyond the scope of the Scheme and is a matter for Wiltshire Council to consider as the local highway authority.</p> <p>Wiltshire Council and the Trail Riders Fellowship have made proposals for changes to the treatment of the byways open to all traffic. The Applicant's</p>	

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					position is set out in detail [REP4a-001].	
3.14	Land plans [APP-005]	2.2 Land Plans		Limit Land Take: Land taken on a temporary basis must be returned and reinstated in a condition suitable for agricultural production.	The temporary possession of land will be limited to what is essential for the efficient construction of the scheme. The condition of the land will be recorded and, post-construction, it will be reinstated to its former condition, pursuant to the commitments in the MW-COM series of items in the OEMP. The Soils Management Strategy will be developed by the appointed contractor as stated in MW-GEO3 of the OEMP in line with the Outline Soils Management Strategy included in Annex A.3 of the OEMP.	AGREED
3.15	De-trunking plans [APP-015]	2.12 De-trunking plans	-	Who will be responsible for the maintenance of this road (De-trunked A303)?	It will become the responsibility of Wiltshire Council.	AGREED
3.16	Statement of Reasons Figures and Annexes [APP-023]	9.2 Schedule of negotiations with persons affected by the scheme	9.2.1/ 9.2.2 Statement of Reasons - Annex B	Meetings: Effective and comprehensive one to one meetings are needed with the farming community	Regular meetings and updates are taking place with the affected landowners and asset owners. This will continue as the scheme progresses to ensure that where possible, their individual requirements	AGREED

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					<p>are met. Since the submission of the DCO Application, drop in clinics have been provided in the local area and individual meetings with landowners are being arranged to aid people through the DCO and construction process. The ALO (OEMP, Table 2.1 Roles and Responsibilities During Construction) will continue the communication with landowners and tenants prior to and during construction.</p>	
3.17	<p>Environmental Statement (ES) Chapter 2- The Proposed Scheme [APP-040]</p>	<p>2.4 Construction, operation and long-term management (and Appendix 2.2, the Outline Environmental Management Plan [APP-187])</p>	<p>2.4.12 – 2.4.15 Construction compounds and site accesses</p>	<p>Further information is requested in regard to the proposed contractor site compounds.</p> <p>At the present time there are some very large areas of land to be taken on a temporary basis for compounds which greatly affects an agricultural business with insufficient explanation and justification.</p>	<p>Details of the construction compounds are provided in Chapter 2 [APP-040], with the proposed locations shown on ES Figure 2.7 [APP-061] and secured through the OEMP, with layouts shown indicatively in ES Figure 2.7 [APP-061]. Detail on the general management of the compounds is secured within MW-G28 of the OEMP, with the locations of the proposed slurry treatment plant and tunnel batching plant secured via MW-CH4. The potential environmental impacts of the compounds and the activities associated with them during</p>	AGREED

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					<p>the construction phase will be controlled by measures to limit or avoid dust, noise, spillage and disruption by construction traffic, as detailed within the OEMP, compliance with which is secured by paragraph 4 of Schedule 2 to the draft DCO. On completion, the construction compounds will be removed and the land reinstated as soon as practically possible. The OEMP, sets out the approach to the reinstatement of agricultural land (Item MW-COM4), with particular emphasis on undertaking preconstruction soil statements to record the baseline soil condition. In designing the Scheme and determining the land to be subject to compulsory acquisition and temporary possession powers, Highways England has considered alternatives and modifications to minimise the potential land take. This selection took into account various factors, including environmental impacts, meeting the objectives of the Scheme,</p>	

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					affordability, value-for-money, safety and construction and operational considerations. This process is reported in Section 5 of the Statement of Reasons.	
3.18	ES Chapter 7- Landscape and Visual Effects [APP-045]	7.3 Assessment and Methodology (and Appendix 2.1 [APP-186])	7.3.13 (Till Viaduct)	A screen should be attached to the parapet to help with the screening and reduce the noise impact	The Scheme provides an environmental barrier on the south side of the viaduct. Item D-LAN2 of the OEMP (compliance with which is secured through paragraph 4 of Schedule 2 to the draft DCO sets out that a 1.5m high environmental barrier must be provided by the Scheme along the southern aspect of the River Till bridge.	AGREED
3.19	ES Chapter 11- Road drainage and the water environment [APP-049]	11.3 Assessment methodology (and Appendix 2.1)	11.3.10 – 11.3.13 Consultation	Further information is needed in regard to the size and location of the drainage infiltration. Concern: The locations are greatly interfering with farm operations within fields. Solution: A new access route has been highlighted. This is not necessary and access could be created from the byway at green bridge no.2.	Following this consultation feedback, the number of drainage infiltration areas has been rationalised in the application Scheme in terms of reducing the number from five to four and locating them closer to the new road. Due to the reduced number, each infiltration area needs to be slightly larger to meet the storage capacity requirement and to provide permanently	AGREED

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				(Turners)	wet areas to create dew ponds and allow for biodiversity enhancements. Access to the infiltration pond by Green Bridge 2 on the northern side of the A303 will now be accessed from the byway. Access to the pond on the southern side of the new road, by the viaduct, will be taken from a track within the field margin. The revised proposals can be seen within APP-009 2.6 Rights of way and access plans (sheet 4).	
3.20	NFU's Relevant Representation [RR-2252]	Paragraph 6.3 of the NFU's Relevant Representation [RR-2252] regarding the creation of public rights of way	Boundaries	It has been stated by Highways England that fences will be erected along the new proposed public rights of way. Whose responsibility will it be to maintain these fences in the future? It should not fall to the landowner.	Fences along public rights of way would be provided to prevent access onto private land, grazed grassland or the highway. Once the standard of construction is agreed between landowners and Highways England and the boundary is in place, the maintenance of these will be passed to the landowner or Wiltshire Council. Where agricultural holdings and operations are reliant on new gated access, landowners will be consulted (via the ALO) on the type and form of gated	AGREED

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					access to be provided. The upkeep of any gated access will be determined by the users and location of that access.	
3.21	NFU's Relevant Representation [RR-2252]	Paragraph 14.1 of the NFU's Relevant Representation [RR-2252] regarding an Agricultural Liaison Officer	Landowner Engagement	Liaison with landowners, tenants and agents is highlighted in the Outline Environmental Management Plan on page 65 but this is not adequate. The NFU would like to see that the main works contractors will have to employ an agricultural liaison officer to carry out liaison with landowners.	This role would be provided through the Agricultural Liaison Office (ALO), required by the OEMP. This role among other things would be to liaise with the Project Manager and Environmental Manager on landowner and community concerns relating to the works and act as the main interface with these stakeholders pursuant to the MW-COM series of items in the OEMP. Further detail on this role is located within the OEMP, table 2.1. The OEMP is secured by paragraph 4 of Schedule 2 to the draft DCO.	AGREED
3.22	-	-	Soil Survey	NFU require a Pre-construction detailed soil survey work to be undertaken by a competent person (e.g. a soil scientist) in order to produce specific soil resource topsoil and subsoil unit plans and restoration specifications	The ALO role within table 2.1 of the OEMP will be responsible for these activities throughout the construction period, as well as relying on information already collected within Chapter 13 of the Environmental Statement	AGREED

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				for areas of agricultural land within individual land holdings. These surveys would form the basis of the pre-construction condition assessments of the land prior to soil stripping operations and would be used to monitor the progress of soil handling and restoration operations.	[APP-051]. The OEMP has been updated at Deadline 6 to include an outline soils management strategy (Annex A.3) to be developed further by the appointed contractor(s). In addition to this, item MW-COM4 in the OEMP has been updated and item PW-COM2 has been created to include provision for preconstruction soil statements for individual land holdings that will be temporarily occupied during construction.	
3.23	Environmental Statement Chapter 2 (The Proposed Scheme) [APP-040] Section 2.4.	Section 2.4. Construction, operation and long-term management (and Appendix 2.2 [APP-187])	2.4.28 Construction Traffic	The long-term impacts of construction works must be outlined and mitigation actions agreed in advance of construction.	The Outline Environmental Management Plan sets out the approach to the management of temporary construction related environmental impacts. Compliance with the Outline Environmental Management Plan is secured through paragraph 4 of Schedule 2 to the draft DCO. Paragraph 9 of Schedule 2 requires Highways England to produce a traffic management plan for the construction phase; to include the content set out in item MW-TRA2 of the Outline	AGREED

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					<p>Environmental Management Plan.</p> <p>Further individual communication will be made with the affected land interests closer to the time, as required by item MW-COM1 of the Outline Environmental Management Plan.</p>	
3.24	Environmental Statement Chapter 11- Road drainage and the water environment [APP-049]	11.8 Design, mitigation and enhancement measures (and Appendix 11.1, 11.3 and 11.5) [APP-279] [APP-281] and [APP-283].	11.8.3 Construction	Drainage and Field Drainage: There is no mention of the drainage needs for this scheme.	Field drainage systems and overland flows from catchments adjacent to the highway boundary will be intercepted and picked up by the scheme's drainage proposals. The approach to drainage is set out in the Road Drainage Strategy, [REP2-009]. The potential for the proposed scheme to impact on existing drainage is set out in ES Chapter 11, Road Drainage and Water Environment [APP-049]. There will be no adverse impacts on land drainage as a result of the scheme, as control measures will be put in place by the OEMP, notably provision MW-COM7, which (in relation to agricultural drainage) requires the main	AGREED

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					works contractor to ensure that the existing land drainage system is not compromised as a result of construction, and MW-COM6 which provides for the production of water supply statements.	
3.25	NFU's Relevant Representation [RR-2252]	Paragraph 8.2 of the NFU's Relevant Representation [RR-2252] regarding waste and spoil.	Compulsory Acquisition	Land should also not be acquired for soil re-profiling either side of the new tunnel.	The land around the tunnel has been identified as permanent acquisition required for essential landscape mitigation and would become chalk grassland as set out in ES Chapter 7, Landscape and Visual Effects [APP-045], section 7.8 and Table 7.5.	AGREED
3.26	Outline Environmental Management Plan (REP6-011)	Table 2.1: Roles and responsibilities	Agricultural Liaison Officer	<p>Comment at engagement meeting (1 August 2019). Would like to see the role and responsibilities of the ALO revised to include the following:</p> <ul style="list-style-type: none"> - When the ALO will be appointed - How long the ALO will be appointed for - The qualifications required for the ALO 	In response to the NFU's request this has been included in the deadline 6 update of the OEMP.	AGREED

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3.27	ES Chapter 11- Road drainage and the water environment [APP-049]	11.3 Assessment methodology (and Appendix 2.1)	11.3.10 – 11.3.13 Consultation	<p>Further information is needed in regard to the size and location of the drainage infiltration.</p> <p>Concern: The locations are greatly interfering with farm operations within fields. (Moore)</p>	<p>Following consultation feedback, the drainage infiltration area in plots 03-03, 03-07, 03-08 and 03-10 in the application scheme have been rationalised and relocated within the field. The infiltration area needs meet the storage capacity requirement and to provide permanently wet areas to create dew ponds and allow for biodiversity enhancements as shown in the Rights of Way and Access plans [APP-098]. The locations have been determined by the topography of the land.</p>	AGREED
3.28	Tunnel Restriction Covenant			<p>The NFU would like to be consulted upon the proposed land covenant associated with the restriction about the Stonehenge tunnel.</p>	<p>The restrictions are required above the tunnel in order to secure protection from potentially conflicting future development and works that might jeopardise the structural integrity of the tunnel, as noted in the Statement of Reasons. An updated version of the DAMS was submitted at deadline 8 [REP8-008] and a further update is to be submitted at Deadline 9.</p> <p>Summary details on the restriction requirements are</p>	AGREED

Issue No.	Document Reference	Section/Paragraph Reference	Sub-section	National Farmers Union Comment	Highways England Response	Status
					<p>listed below. The restriction requires notification to Highways England should any of the below restrictions apply:</p> <ol style="list-style-type: none"> 1. Development which would require planning permission, deep foundations, piling or influence existing ground conditions. 2. Changes in ground weight loading (either increasing or decreasing) such as: <ol style="list-style-type: none"> a. Any excavation (including boring and future archaeological research) below a depth of 1.2m in a defined area of the tunnel protection zone and below a depth of 0.6m in a defined area of the tunnel protection zone; b. Any additional loading as a result of building work or storage; c. Use by any vehicle or tractor trailer combinations with a gross vehicle weight greater than 44 tonnes, in accordance with Road Vehicle (Construction and 	

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					Use) Regulations; or d. Any new tree planting Highways England has consulted with the NFU on the proposed restrictions above the proposed tunnel. Restrictions proposed are to be included within the DAMS.	
3.29	Submissions of National Farmers Union on the examiners second written Questions	Examining Authority's Second Written Questions (ExQ2) published on 5 July 2019 [PD-014]	CA.2.38	Allington Track acquisition of this land: The NFU stated in its Written Representation that HE did not need acquire the land at Allington Track to achieve its objectives.	As detailed in CA.2.39 [REP6-026] Highways England is open to an agreement for the land at Allington Track and is discussing this with the land owner.	AGREED
3.30	Submissions of National Farmers Union on the Examiners Second Written Questions	Paragraph 2.8	DCO.2.21: Article 13 – Discharge of water	HE has now confirmed that under the Water Industry Act 1991 a drain will include an agricultural field drain. It is understood that a connection to a drain would only be authorised within the Order limits, that the connection is subject to the consent of the owner (which must not unreasonably be withheld) and that the owner may impose reasonable conditions on that consent. The NFU would like to know	The role of the ALO has been clarified in table 2.1 of the OEMP, the final version of which has been submitted at deadline 9, in respect of discharges to agricultural drains. This wording is now agreed.	AGREED

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				<p>how a landowner will be contacted in regard to a connection before any water is discharged. This process needs to be clarified and would suggest that perhaps this is defined and set out as a further role for the ALO to undertake. The NFU would like to see this clarified in the OEMP.</p>		
3.31	Water Supply	Private borehole and water supply mitigations		Request that the Inspector orders a binding Water Supply obligation upon the acquiring authority.	<p>Item MW-COM6 of the OEMP, the final version of which has been submitted at deadline 9, provides an obligation for water supply statements to be produced which impose various obligations in respect of supply.</p> <p>These statements should be seen in the context that, as set out in the Environmental Statement, Chapter 11, Road Drainage and the Water Environment [APP-049], section 11.9 and the Highways England Responses to the ExAs Written Questions – Agriculture (Ag.2) (REP6-019) the assessment shows no significant changes to</p>	AGREED

Issue No.	Document Reference	Section/Paragraph Reference	Sub-section	National Farmers Union Comment	Highways England Response	Status
					<p>hydrology, private water supply, surface water quality or groundwater quality (water supply) during either the construction or operational phases of the Scheme. Highways England has been working with and will continue to work with Wessex Water and other statutory utility providers in respect of water supplies.</p> <p>As the Scheme promoter, Highways England is responsible for ensuring that groundwater resources, including the supply and quality of groundwater, are protected during the construction and operation of the Scheme (MW-WAT2 and MW-WAT11) of the OEMP. Risks associated with water supplies will be mitigated through the implementation of measures included within the Outline Environmental Management Plan (OEMP), the final version of which has been submitted at deadline 9. The OEMP includes requirements that will ensure the contractor develops and</p>	

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					<p>implements measures as part of the CEMP to control the risk of pollution to water supplies (PW-WAT1) and implement surface water drainage in line with ES mitigation (PW-WAT2 and MW-WAT14). Furthermore, the OEMP includes requirements to implement methods to protect groundwater (MW-WAT1); to produce a Water Management Plan (MW-WAT2); to manage site drainage (MW-WAT3); to formulate spill response procedures (MW-WAT4); to have in place pollution incident monitoring (MW-WAT5); to incorporate protection measures for works in or adjacent to watercourses (MW-WAT6); to ensure protection measures to control pollution risk are included in the Water Management Plan (MW-WAT7); to agree seek approval from the EA for materials used for ground treatment (MW-WAT9); to develop a Scheme-wide Groundwater Management Plan (MW-WAT10); and to monitor water resources (MW-</p>	

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					<p>WAT15).</p> <p>The OEMP also includes provisions to notify land owners of works (MW-COM1; to liaise with landowners to maintain livestock water supplies); and to maintain private supplies (MW-COM6).</p> <p>The OEMP is secured through paragraph 4 of Schedule 2 to the draft Development Consent Order.</p>	
3.32	Outline Environmental Management Plan (REP6-011)	Table 1.2b REAC tables for main works	MW-COM6	<p>Within the commitment associated with MW-COM6, the term 'at the contractor's option', in the context of meeting the reasonable cost of providing an alternative water supply, is misleading. The text could be inferred to mean that the provision of an alternative water supply is 'at the contractor's option'. Clarification is sought on this.</p>	<p>Highways England has amended the commitments associated with requirement MW-COM 6 to 'the form and type of which will be at the contractor's option'.</p>	AGREED
3.33	Submissions of National Farmers Union on the Examiners Second Written	2.9 DCO.2.24: Article 15 – Authority to survey and investigate the land		<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</p>	<p>An updated OEMP was submitted on 5th September [REP8-006] to provide for the ALO to share this information (see table 2.1).</p>	AGREED

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	Questions			<p>undertaker intends to carry out. The NFU would as requested would like the notice to state</p> <ul style="list-style-type: none"> • Who will be taking entry • The date of entry and for how long • The type of equipment if any will be used. 		
3.34	Chapter 10 Geology and Soils [APP-048]	10.8 Design, mitigation and enhancement measures	10.8.12 Embedded mitigation measures	Soil: Details of how soils will be stored and kept clean during construction must be set out and further detail must explain how soil will be reinstated for agricultural use and what aftercare plan will be put in place.	Excavated topsoil will be managed in accordance with a Soils Management Strategy, which will be prepared by the Main Works Contractor in accordance with the Outline Soils Management Strategy included in the OEMP at Annex A.3. The requirement for the development of this document has been incorporated within the OEMP (reference MW-GEO3), which will be secured by paragraph 4 in Schedule 2 to the draft DCO [REP8-004].	AGREED
3.35	NFU's Relevant Representation [RR-2252]	Paragraph 15.1 of the NFU's Relevant Representation [RR-2252] regarding access to land and	Access	Insufficient detail has been provided as to how landowners and tenants are to access land severed by the construction works and as to	Landowner and tenant access during construction will be dealt with by the Agricultural Liaison Officer (ALO) who will give prior notification of access	AGREED

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		the haul road		whether landowners will be able to access the haul road during construction. It is stated in the Outline Environmental Management Plan on page 65 that the main contractors will liaise in regard to access routes but greater clarification is needed on this from Highways England.	arrangement to affected land owners and occupiers before general public release. Access to severed land will be maintained in situ or provided by temporary replacement, although this will not include the use of haul roads. Further detail on this role is located within the OEMP at table 2.1 and MW-TRA2, with the notification of any works secured by MW-COM1. The OEMP is secured by paragraph 4 of Schedule 2 to the draft DCO.	
3.36	NFU's Relevant Representation [RR-2252]	Paragraph 12.1 of the NFU's Relevant Representation [RR-2252]	Surface Run Off and Flood Risk	No details have been provided to landowners and occupiers on how any increase in surface run off of water from the new road, the haul road or the construction compounds will be dealt with during construction. Therefore, there is concern that retained land may flood during the construction works.	The detailed flood risk assessment (FRA), as set out in ES Appendix 11.5 [APP-283], includes consideration of changes in topography, for example in relation to engineered embankments and cuttings. The FRA shows there will be no increase in flood risk as a result of the scheme or adverse effects on ground or surface water flow pathways. In terms of road surface run off, the Road Drainage Strategy [REP2-009] states that landscaping would replicate natural surface flow	AGREED

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					<p>channels directing runoff to the low point adjacent to the underpass for the B3083. From here, a culvert would divert water under the A303 in to the dry valley. This is secured pursuant to Requirement 10 of the draft DCO.</p> <p>The design of the haul roads and compounds will ensure that flood risk is managed safely throughout the construction and implementation period and does not cause increased risk levels from those assessed in the Flood Risk Assessment. This is secured through the OEMP, which requires a Flood Risk Management Plan (MW-WAT12) and Flood Risk (MW-WAT13) to be considered by the Main Works Contractor. The OEMP will be secured in Schedule 2, Requirement 4 of the draft DCO.</p> <p>A specific provision for the management of construction site drainage, including in relation to flood risk, is provided in the OEMP in</p>	

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					provision MW-WAT3.	
3.37	Submissions of National Farmers Union on Outstanding Issues [AS-094]	Paragraph 2.5	Outline Soils Management Plan: OEMP: Annex A.3	The NFU is pleased that HE has now drafted an Outline Soils Management Plan and the wording that has been included at MWCOM4.	The version of the OEMP submitted at deadline 8 provides detailed information regarding the soils management process within the MW-COM series of requirements and as part of the Outline Soils Management Strategy included as Annex 3 of the OEMP. This includes the provision of Soil Resource Plans and Preconstruction soil statements against which restoration proposals will be able to be considered.	AGREED
3.38	Submissions of National Farmers Union on the Examiners Second Written Questions	2.11 Fg.2.3: Flood risk and drainage:		How the water from the construction phase and particularly how dewatering of the tunnel arisings slurry will be controlled to prevent flood risk and contamination. The NFU would definitely like to see this explicitly set out in the OEMP.	OEMP paragraphs MW-WAT3, MW-WAT4, MW-WAT7, MW-WAT12, MW-WAT13 cover any discharge type of water during the construction phase of the Scheme. Further detail on the treatment of slurry from tunnel arisings is provided within paragraph 25.7.16 of Comments on Written Representations [REP3-013] and item 8.1 of the agenda at Flood risk issue specific hearing [REP4-032].	AGREED

4 Matters Under Discussion

Issue No.	Document Reference	Section/Paragraph Reference	Sub-section	National Farmers Union Comment	Highways England Response	Status
4.1	ES Chapter 7 - Landscape and Visual Effects [APP-045]	7.3 Assessment and Methodology	Chalk Grassland	<p>Members are concerned that to create chalk grassland successfully requires a lot of management including grazing with livestock for establishment.</p> <p>If the correct management is not undertaken this will lead to area of rough rank grass and scrub.</p>	<p>Chalk grassland areas will be managed through the maintenance contracts awarded by Highways England / Landowner agreements. A 'Landscape and Ecology Management Plan' will be produced which will stipulate the management of chalk grassland, to ensure that the target habitat is established. This will be secured through item MW-LAN1 in the OEMP, compliance with which is secured pursuant to Requirement 4 in Schedule 2 to the draft DCO.</p> <p>In addition, item MW-LAN4 contains management obligations in respect of planting and seeding works Landscape management measures considered during the Environmental Assessment can be found within the Outline Landscape and Ecology Management Plan [APP-267].</p>	UNDER DISCUSSION
4.2	NFU's Relevant Representation	Paragraph 15.2 of the NFU's Relevant	Access	In particular there is an issue for one farm business that	The response to the issue is provided in full within the	UNDER DISCUSSION

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	[RR-2252]	Representation [RR-2252] regarding access to land.		requires permanent access to Countess Road and as yet this has not been resolved with Highways England.	<p>Applicant's response to ExQ2 Ag.2.5 [REP6-019]. Highways England's position on the issue remains as set out in its written summary of oral submissions made at the Compulsory Acquisition Hearing held on 9 and 10 July 2019 [REP5-002, at pages 2-31 to 2-32].</p> <p>In summary, an access for combine harvesters has been proposed crossing National Trust land to the north to reach Countess Road. The National Trust has offered a route across its land to provide a combine harvester access for the benefit of Mrs Sandell's agricultural business. It is intended that this access would be arranged by private agreement outside of the DCO.</p> <p>The view of Mrs Sandell's land agent is understood to be that an access for combine harvesters only is not sufficient, stating that an access should be provided for all agricultural vehicles from Countess Road. Following an analysis of vehicle movements of types required by Mrs Sandell's and Mr Sawkill's agricultural businesses (the</p>	N

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					<p>tenant on Mrs Sandell's land), the Applicant disagrees, and considers that access for all agricultural and heavy goods vehicles, with the exception of combine harvesters with a towed head unit, can be achieved using the existing road network.</p> <p>The Applicant is continuing to work with the landowners' agent and the National Trust with a view to reaching agreement on the additional access for the combine harvester.</p>	
4.3	SUBMISSIONS OF NATIONAL FARMERS UNION ON OUTSTANDING ISSUES [AS-094]	2.8 Land to be taken for Tunnel Arisings: S Moore	Land acquisition	<p>HE has still not provided any further evidence or reasoning as to why the tunnel arisings should be dumped on 135 acres of good quality agricultural land and not taken off site. The evidence given in Appendix 12.1 is not acceptable. This issue still needs to be addressed by HE.</p> <p>If it can be proven that it is essential to take the 135 acres for the tunnel arisings, then HE need to set out why the arisings need to be landscaped as set out on proposed design plans to date.</p>	<p>The Tunnel Arisings Management Strategy, Appendix 12.1 [APP-285] sets out the reasoning for placement of tunnel arisings on the land to the east of Parsonage Down.</p> <p>The requirement for essential landscaping in this area is to ensure that the new highway is integrated into the existing landform. This was explained by the Applicant in oral submission during Issue Specific Hearing 4, as recorded at Section 8.1 of [REP04-032].</p> <p>The drainage treatment area is</p>	UNDER DISCUSSION

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				<p>Further, why it is necessary to have the balance pond. Confirmation is required that it will be possible to reinstate the area to chalk grassland, how long reinstatement is likely to take and when would the land be able to be returned to Mr. Moore.</p>	<p>intended to store runoff water from the A303 road then treat it to improve the water quality before discharging it to ground. It is located within this area since the area is already required for essential landscape mitigation and placing the drainage treatment area here removes the need to use any other additional land that would otherwise be unaffected by the Scheme. Further details on the drainage treatment area are outlined in the updated road drainage strategy, Appendix 11.3 [REP2-009].</p> <p>The Applicant considers that reinstatement to chalk grassland is feasible. The programme for reinstatement will be subject to the overall programme for the works and the Applicant is not currently in a position to confirm the date by which any reinstatement would be completed.</p>	

5 Matters Not Agreed

Issue No.	Document Reference	Section/Paragraph Reference	Sub-section	National Farmers Union Comment	Highways England Response	Status
5.1	ES Chapter 7 – Landscape and Visual Effects [APP-045] and ES Chapter 13- People and Communities [APP-051]	7.3 Assessment and Methodology and 13.9 Assessment of effects (and Figure 13.2 [APP-180])	LVIA Public Rights of Way and other accesses- Fig 7.3 and 13.9.93 Access to open space and nature	<p>More land will have to be taken to create the proposed cycle and pedestrian track.</p> <p>Creating this byway is seen to be totally unnecessary by the NFU's members.</p> <p>There is no need to create a cycle pedestrian track all the way along the existing A303, taking land out of production between Yarnbury castle and Amesbury</p>	<p>Highways England has a responsibility to all road users, not just motor vehicles, which is why this is included as a requirement for the Scheme.</p> <p>As heard at the Traffic and Transport hearing on 13th June 2019 (summarised in REP4-034) and within paragraphs 25.1.21 to 25.1.25 inclusive of the Comments on Written Representations [REP3-013].</p> <p>The new public rights of way route is intended to address Highways England's requirement to provide parallel routes to new trunk roads for non-motorised users, including cyclists in accordance with their Cycling Strategy as set out in Interim Advice Note 195/16. This document is part of the Design Manual for Roads and Bridges (DMRB), a suite of documents which contains requirements and advice relating to works on motorway and all-purpose trunk roads. The Applicant</p>	NOT AGREED

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					<p>wishes to ensure that the Scheme is integrated within the existing byway network and, where the opportunity exists, to create legacy benefits for non-motorised users in accordance with its Strategic Business Plan and Road Investment Strategy, which are aligned with Government policy to encourage walking, cycling & horse-riding through national and local policies and plans. Details are shown on the Rights of Way and Access Plans [APP-009] and described in Schedule 3 to the draft development consent order. This approach aligns with Government policy to encourage cycling and walking (Cycling and Walking Investment Strategy https://www.gov.uk/government/publications/cycling-and-walking-investmentstrategy). The proposals would link Yarnbury Castle and Winterbourne Stoke and allow access all the way through the WHS to Amesbury, making it easier for walkers, cyclists and horse riders to access and</p>	

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					<p>enjoy the WHS. The majority of the new public rights of way would be restricted byways accessible to pedestrians and those using mobility scooters, cycles, horses and carriages. These routes would not be available for the public use of motorised vehicles. Where possible, new public rights of way are to be provided parallel to existing or proposed highway, or along existing field boundaries, to minimise the impact on agricultural land.</p>	
5.2	ES Chapter 8 – Biodiversity [APP-046]	8.8 Design, mitigation and enhancement measures	8.8.5 Habitat loss and fragmentation	<p>NFU members have raised an issue over the location of the bridge as they believe the bat flight path to be further east to the location of green bridge no.1.</p>	<p>The justification for and location of Green Bridge No. 1 has been provided in detail as part of the Highways England Comments on Written Representations [REPS3-013].</p> <p>Green Bridge No. 1 has more than one function. It provides a restricted byway connection between Winterbourne Stoke and the existing byway SLAN3 at Yarnbury Castle. It also provides a route for bats, to accommodate a known bat corridor in this vicinity. Based on our surveys it is assumed the bats will use the route to</p>	NOT AGREED

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					<p>access suitable foraging habitat around woodland at the edge of Parsonage Down and in the adjacent grassland. The species recorded during the surveys tended to be 'edge habitat' adapted bats. These species tend to cross gaps; however, they tend to be at a higher risk of direct mortality if crossing a road.</p> <p>As such, a green bridge and associated landscaping and planting are considered to be suitable mitigation measures in the proposed location.</p>	
5.3	ES Chapter 10-geology and soils [APP-048]	10.8 Design, mitigation and enhancement measures (and Appendix 12.1)	10.8.17 Embedded mitigation measures	Waste and Spoil: The NFU strongly believes that land should not be compulsory purchased for the scheme to take waste and spoil from the construction works.	Chalk excavated from the tunnel will be placed and contoured on land to the east of Parsonage Down to avoid the adverse effects associated with transporting the materials off-site. The selection of the proposed deposition site has taken into account its proximity to the tunnel and its topography in relation to the essential landscaping mitigation already proposed in its vicinity. Further information can be found in ES Appendix 12.1, Tunnel Arisings	NOT AGREED

Issue No.	Document Reference	Section/Paragraph Reference	Sub-section	National Farmers Union Comment	Highways England Response	Status
					Management Strategy [APP-285].	
5.4	Design and Access Statement (DAS) [APP-295] Section 6 Design Rationale	6.3 Western section: Winterbourne Stoke bypass to Longbarrow junction	6.3.6 Green Bridge one constructed over the new A303	<p>New pedestrian, cyclist and horse riding route is not necessary (north west of green Bridge 1). It is not for HE to be creating these byways.</p> <p>Green bridge no.1 should only create farm access and should not create or provide any public access.</p>	These proposed routes would provide access for non-motorised users (NMUs) from Winterbourne Stoke and the existing A303 near Scotland Lodge to byway SLAN3 near Yarnbury Castle. From there, routes are available to the north towards Chitterne and Tilshead and to the south towards Stapleford. These routes would also provide an alternative for NMUs on byway SLAN3 who do not wish to use the existing crossing of the A303. A track along the north side of the A303 is required to provide access to agricultural land where existing accesses from the A303 are being stopped up: see PMA references a and b on Sheet 2 of the Rights of Way and Access Plans [APP-009] and DCO Schedule 3.	NOT AGREED
5.5	Design and Access Statement (DAS) [APP-295] Section 6	6.4 Central Section the World Heritage Site	6.4.6 Green Bridge Four	Green bridge should be located along A360 so no new right of way has to be created and no further land has to be	While the restricted byway across Green Bridge No. 4 will accommodate permitted farm vehicles needing access to adjacent land, it will also	NOT AGREED

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	Design Rationale			<p>taken.</p> <p>Byway should only be created to provide farm access.</p>	<p>create interconnectivity within the WHS and a visual link between the historic barrows in the area. The position of the bridge was determined following feedback received from the supplementary consultation, which sought people's views on this.</p> <p>Highways England has designed a scheme that removes the surface A303, and the accompanying sight and sound of traffic on it, from a large proportion of the WHS enabling beneficial change to the setting of many monuments and asset groups that contribute to the OUV of the WHS, particularly within the central part of the WHS surrounding Stonehenge. The Scheme has been sensitively designed with the use of a 2 mile long tunnel with canopies helping to reduce the sight of portals, retained deep road cuttings, essential chalk grassland mitigation to enable landscape integration and a 150m long Green Bridge No. 4 to enable visual and physical landscape connectivity and</p>	

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					<p>public access.</p> <p>The Scheme is assessed to have a Slight Beneficial effect on the OUV of the WHS as a whole. Overall, the OUV of the WHS would be sustained.</p> <p>Green Bridge No. 4 maintains visual and physical landscape connectivity between barrow groups to the north and south of the road and provides access between the two groups via new NMU routes. This, combined with the essential chalk grassland mitigation, improves the visitor's ability to appreciate the setting, in the context of reduced views and sounds of traffic.</p>	
5.6	NFU's Relevant Representation [RR-2252] and REP5-017	Section 3 of the NFU's Relevant Representation [RR-2252] and Paragraph 4.0	Compulsory Acquisition	The DCO will contain powers to acquire compulsorily so much of the Order land as is required for the authorised development, or to facilitate, or is incidental to it. Further, the guidance as to negotiations either before or parallel with formal processes may well give rise to a "legitimate expectation" that such will occur, and a failure to conduct	Highways England has engaged with all landowners and occupiers with a view to acquiring their land interest by agreement. This process is ongoing between the relevant parties and is recorded within the Land Acquisition and Temporary Possession Negotiations Schedule [REP6-016]. This claim was also responded to during the	NOT AGREED

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				<p>such negotiations deprives landowners of the benefit that negotiations may have brought, especially in relation to where different locations and lesser rights might have been achieved.</p> <p>The NFU and the land agents acting believe that no meaningful negotiations have taken place alongside the formal procedures for compulsory purchase. Therefore, a compelling case cannot be made.</p>	<p>Compulsory Acquisition hearing on 9th July (4.3) [REP5-002].</p> <p>Highways England is satisfied that the condition in section 122(3) of the Planning Act 2008 (PA 2008) is met and that there is a compelling case in the public interest for compulsory acquisition.</p> <p>Further justification is provided in section 5 of the Statement of Reasons as to why compulsory acquisition is required, and how specific conditions relating to compulsory acquisition have been met.</p>	
5.7	Design and Access Statement (DAS) [APP-295] Section 6 Design Rationale	6.4 Central Section the World Heritage Site	6.4.20/6.4.21 Conversion of the existing A303 route into a restricted byway and improved NMU connectivity within the WHS	Conversion of unused land to green byway - this does not need to be downgraded. The existing road should be maintained as it is to provide access for agricultural businesses, with a tarmacked finish being the preferred surface.	The proposals for converting the 'old' A303 into a restricted byway (with PMA rights) through the WHS have been developed in consultation with Wiltshire Council and with heritage bodies to meet the objective of protecting and enhancing the WHS. Agricultural uses will be limited to those who require direct access to land adjacent the 'old' A303. These will be finalised and agreed through	NOT AGREED

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					the accommodation works process. Surfacing detail within the WHS can be found within D-CH26 of the OEMP.	
5.8	National Farmers Union (REP4-052 and REP4-053)	Comments on Updated Outline Environmental Management Plan	4.1.2 - Oral submission: Agricultural Liaison Officer: Under '2 Project Team Roles and Responsibilities'	The ALO (or their company) will be contactable from 7am to 7pm during the construction phase to landowners, agents and occupiers and will provide 24-hour team or company contact details for use in the event of emergency (Point 3).	<p>Point 3 of the submission has not been included as the ALO's (and the ALO's company, if relevant) contact arrangements shall be determined on appointment by the contractor. Highways England's 24-hour phonenumber will be available in case of emergency.</p> <p>The OEMP submitted at deadline 9 states: "<i>The ALO will be contactable by all landowners and occupiers during day time working hours defined by the contractor through a direct phone number. 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>	NOT AGREED
5.9	(Rev 4) Draft Development Consent Order;	3.0 DCO Article 29: Temporary Use of Land for Constructing the	Notice Periods	The NFU request the Highways England reconsider the 14 days' notice period for informing landholders of	As stated in the HE submission at Deadline 7 [REP7-021] Comments on any further information requested	NOT AGREED

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	Submissions of National Farmers Union on Outstanding Issues Following the Hearing and Publication of the Draft DCO	Authorised Development		<p>impending temporary land take. It is requested that as a minimum, this notice period is increased to at least 28 days.</p> <p>The NFU would like the notice which is served by HE to take temporary possession to state how long the temporary occupation will be for and for details on the programme of works to be provided by the contractor.</p>	by the Examining Authority and received at Deadline 5 and 6, a longer period is likely to have the unintended consequence of leading to a more cautious approach to be adopted to the exercise of the power which could lead to land being possessed earlier than otherwise might have been the case. The Applicant considers the 14 day notice period proposed is reasonable in the context of this Scheme and is necessary to ensure its timely delivery.	
5.10	Submissions of National Farmers Union on Outstanding Issues [AS-094]	Paragraph 2.6	Construction Compounds:	At MW – CH4 in the OEMP it does state that the slurry treatment plant and the batching plant have to be located to the west of the existing tall hedgerow at Longbarrow. The NFU would like it made clear which plots of land this refers to and which construction compound this will be. This needs to be made clear in the DCO in the relevant schedules. HE has also referred to ‘soil treatment works’ and the NFU believes that where these types of works are to take place again	Highways England notes this comment, however the plots in which the slurry treatment and batching plants are to be located are large and as such overlap into areas of the Scheme where the plants are not to be located e.g. east of the hedgerow. Listing the plots would contradict the intention of MW-CH4 which is to restrict the location of the plants. Highways England considers that the current wording within MW-CH4 is appropriate. Soil treatment would take place in the construction compounds,	NOT AGREED

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				should be made clear in the relevant schedules in the DCO.	whose location is limited by MW-G28 and so no reference is needed within the DCO.	
5.11	Submissions of National Farmers Union on Outstanding Issues [AS-094]	Paragraph 2.5	Outline Soils Management Plan: OEMP: Annex A.3	The NFU would like it to be made clearer that during the aftercare period there would be annual monitoring of the physical soil characteristics and soil nutrient levels to set the aftercare management requirements for the following year. The landowners should be able to approve and agree the reinstatement works before and after soil replacement. A final report to determine the final handover condition of the agricultural soil should be produced.	MW-COM5 of the OEMP details the monitoring of agricultural land. This includes for 'further inspections of restored agricultural land with the landowner/tenant and Highways England's soils experts (and valuer, if required) to assess the progress of the restoration... Concerns will be assessed by all parties and appropriate remedial actions or compensation agreed within the parameters of the compensation code and/or any previous agreements made at the time of acceptance of the initial restoration works and handover to the landowner/tenant. It is not considered appropriate to include for annual monitoring of the physical soil characteristics and soil nutrient levels for all agricultural land within the OEMP as this is unlikely to be required in all instances. If required, this would be included within the	NOT AGREED

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					'further inspections' stated within MW-COM5.	
5.12	NFU's Relevant Representation [RR-2252]	Paragraph 4.2 of the NFU's Relevant Representation [RR-2252] regarding construction compound sites.	Rights	The two largest compound sites 05 -07 and 05 -15 (BoR Plots) have been highlighted under Schedule 4 "Land in which only New Rights ETC May Be Acquired" and the description only highlights the purpose for which rights over land may be acquired or restrictive covenants may be imposed. There is no description referring to the treatment of waste soil.	<p>The rights associated with Plots 05-07 and 05-15 are required for the installation, use, protection and maintenance of, and access to, statutory undertakers' apparatus (for the benefit of the relevant statutory undertaker and for the Applicant); and the provision, maintenance and retention of ecological or landscape mitigation including re-profiling.</p> <p>The land required for utilities is yet to be fully determined and may fall outside of the proposed Highway boundary and therefore flexibility on the rights area is required.</p> <p>The detail on the specific location of the soil treatment works is provisional and will be finalised during detailed design. Indicative max height of 20m assumed in Environmental Statement (ES para 7.4.2 (a) [APP-045], and stated to the ExA during Issue Specific Hearing 8, agenda</p>	NOT AGREED

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					<p>item 4, iv [REP4-031].</p> <p>Indicative details of the construction compounds are provided in the Environmental Statement Chapter 2 [APP-040] and restriction on location and design are secured through MW-G28 of the OEMP and locations fixed as shown in Figure 2.7 and referred to in paragraphs 2.4.12 - 2.4.15 of the Environmental Statement [APP-061].</p>	
5.13	NFU's Relevant Representation [RR-2252]	Paragraph 4.3 of the NFU's Relevant Representation [RR-2252]	Construction Compounds	The NFU would like to see the description of works being explicitly detailed for each compound under Schedule 4 and 7 of the DCO.	<p>A full response was provided at Deadline 3 with respect to this issue [REP3-013] which explains that such detail is not known at this stage of the project.</p> <p>Indicative construction compound layouts are provided in the Environmental Statement Chapter 2 [APP-040], with the proposed locations shown on the General Arrangement Drawings [APP-012], with layouts shown indicatively in ES Figure 2.7 [APP-061].</p> <p>Within each site area allowance has been made for</p>	NOT AGREED

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					<p>'working space', these are allowances for additional space around the perimeter of each specific site facility / installation to allow adequate, segregated and safe circulation of personnel and construction equipment. This would include for example forklifts unloading deliveries of construction materials from HGV articulated vehicles, consideration has been made on the space required for turning and reversing these large pieces of construction equipment.</p> <p>Specific detail on the locations and types of the works will be defined during the detailed design stage when the chosen construction contractor has been appointed.</p> <p>The main works contractor will also be required, as per paragraph 4 of Schedule 2 of the draft DCO to develop a detailed Construction Environmental Management Plan (CEMP) which will be based on the requirements of item MW-G28 within the</p>	

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					<p>OEMP.</p> <p>The potential environmental impacts of the compounds and the activities associated with them during the construction phase will be controlled by measures to limit or avoid dust, noise, spillage and disruption by construction traffic, as detailed within the Outline Environmental Management Plan (OEMP) – MW-G28, MW-G29, MW-NOI3, MW-WAT7, MW-TRA3, PW-NOI3 and PW-G6.</p>	
5.14	<p>Submissions of National Farmers Union on Outstanding Issues</p> <p>[AS-094]</p>	Paragraph 2.4	Field Drainage: OEMP:MW-COM7	<p>Further to a meeting on the 1st August 2019 and a conference call on the 7th August 2019 HE has carried out further drafting to the wording in the OEMP to cover 'Field Drainage' but this is not acceptable to the NFU. The following comments are made:</p> <p>- The wording does now include "so far as reasonably practicable to a condition that is as effective as the previous condition on completion". The NFU is not in agreement "to so far as reasonably practicable".</p>	<p>The approach to field drainage systems and overland flows are set out in the Road Drainage Strategy, ES Appendix 11.3 [APP-281]. The potential for the scheme to impact on existing drainage is set out in ES Chapter 11, Road Drainage and Water Environment [APP-049].</p> <p>The main works contractor will ensure that the existing land drainage system is not compromised as a result of construction. Land drainage systems will be maintained during construction and</p>	NOT AGREED

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				<p>It should state “The drainage would be reinstated in a condition that is at least as effective as the previous condition.</p> <p>- The wording does now include “any field drainage affected by the Scheme shall be either reinstated or diverted to a secondary channel” This as requested by the NFU but the wording “if reasonably practicable” is not and should be deleted.</p> <p>- The wording does now include that the ALO shall record the location, condition and characteristics of drains cut. This is as requested but for the ALO to be able to do this the NFU believes it is essential that HE agree to take on the services of a suitable qualified drainage consultant who will act as a drainage expert during the design process and liaise with landowners through the ALO to consult on the pre and post drainage schemes. This is essential and has not been included so far in the OEMP.</p>	<p>reinstated on completion. This is secured through MW-COM7 in the OEMP.</p> <p>The Agricultural Liaison Officer (ALO) will coordinate drainage surveys to establish the existing drainage position including any related farm drainage that may be affected by the Scheme. This will include the design of any land drainage works required during construction, and on the design and timing of any land drainage works required for the subsequent restoration of the land. This is secured in Table 2.1 of the OEMP.</p> <p>These tasks will be undertaken in discussion with relevant landowners, with the detailed design of the land drainage systems being in accordance with DMRB HA 106.</p>	

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				<p>The consultation needs to take place before the ALO will inform of the design, layout and timings.</p> <p>- Wording needs to be included to cover</p> <ul style="list-style-type: none"> o Existing drainage were encountered will be appropriately marked. o Temporary drainage will be installed where necessary within the working corridor to maintain the integrity of the existing field drainage system during construction. o Where it is reasonable for the reinstatement of drainage to involve works outside of the order limits it will be done subject to the agreement of the landowner. o Records of the existing and remedial drainage will be maintained by the Applicant with copies provided to the Landowner and occupier following completion of the construction. <p>The NFU would like clarification on how a dispute over field drainage will be dealt</p>		

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				with. The NFU cannot state how important it is for field drainage systems to be reinstated correctly after big infrastructure schemes are constructed through agricultural land. The NFU is expecting HE to agree to this wording otherwise the OEMP will not meet the requirements expected of an OEMP for a scheme like this.		
5.15	Submissions of National Farmers Union on Outstanding Issues Following the Hearing and Publication of the Draft DCO	2.2 – Article 15 adjacent land access wording		<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 is very concerned that the following is included under Article 15:</p> <ul style="list-style-type: none"> At 15 (1) (b) it is stated that 'the undertaker where reasonable necessary may enter any land which is adjacent to, but outside the Order limits'. <p>The NFU after checking the wording of other DCOs</p>	<p>This issue has been discussed at:</p> <ul style="list-style-type: none"> The response to DCO.1.36 first written question [REP2-030]; The summary of submissions of the first DCO ISH (see agenda item 3.9 [REP4-029]); The response to DCO.2.22 second written question [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 to make clear</p>	NOT AGREED

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				<p>believes that this is not normally requested</p> <p>and the DCO will only allow the undertaker to enter land within the Order limits which is affected by the authorised scheme to carry out any surveys or investigation.</p> <p>Further under Article 2: Interpretation, there is no meaning of the word “adjacent”.</p> <p>The NFU 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 this wording to be deleted.</p>	<p>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 required (in the context that Article 15 requires such use to be 'reasonably necessary').</p>	
5.16	Submissions of National Farmers Union on Outstanding Issues Following the Hearing and Publication of	2.3 – Article 15 discharge of water wording		<p>Further at 15 (1) (b) (iii) it is stated that without limitation on the scope of sub-paragraph (i) that the undertaker may investigate the nature of the surface layer, subsoil and groundwater and remove soil</p>	<p>An amendment to the article 15(1)(b)(ii) was made in revision 4 of the DCO, submitted at Deadline 6. As is explained in the “Explanation of Changes to the DCO” document [REP6-036] the</p>	NOT AGREED

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	the Draft DCO			<p>and water samples and discharge water from sampling operations on to the land.</p> <p>This wording highlighted in bold above is not normally included in the article covering surveys and investigation in a DCO and as Article 15 is drafted for the A303, the discharge of water from sampling operations on to land could take place within and outside the Order limits.</p> <p>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.</p> <p>The NFU would like this wording to be deleted.</p>	<p>reason for the change is:</p> <p>"Article 15(1)(b)(ii) has been amended to clarify that the authority to carry out surveys and investigate land includes the discharge of water from sampling operations. This amendment has been made as a result of the Applicant's ongoing consideration of the draft DCO and in light of the fact that not all water discharged from sampling operations is itself a sample. It should be noted that any discharges made would remain subject to the control measures in the DCO including the requirements and protective provisions, as well as background environmental protection legislation".</p> <p>This power is required in relation to this Scheme, due to the on-going groundwater monitoring and sampling that will take place to inform the detailed design and to reflect the commitments given in the OEMP.</p> <p>The purpose of groundwater quality sampling is to collect a</p>	

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					<p>sample that is representative of the aquifer from which the well or borehole draws water. To achieve this, prior to taking a sample of groundwater, it is good practice to remove the water that is in the borehole, discharge it, and allow the borehole to refill from the aquifer that is being monitored. Typically, three well volumes will be removed. For a borehole that is 50m deep where the water table is 15 metres below ground level this would be around 200 litres of water. To put this into context, 200 litres is the volume of water that would fall over an area of 10 metres by 10 metres if there was 2 mm of rain. This quantity of water would quickly evaporate or infiltrate into the ground and back to the aquifer it came from.</p> <p>As such, this power is considered necessary, and is not disproportionate.</p>	

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