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Dear Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 Application by Highways England (“the Applicant”) for an Order granting Development Consent for the construction of a new two-lane dual carriage way for the A303 between Amesbury and Berwick Down in Wiltshire.

Further to your letter on behalf of the Secretary of State dated 4 May 2020, please find below and attached Highway’s England (“the Applicant”) response in the order as presented in the letter itself. The following documents are enclosed:

- **An updated version of the Detailed Archaeological Mitigation Strategy (DAMS)**
A clean and tracked changed version of this document is enclosed, which replaces the one submitted at Deadline 10 [AS-133]. This incorporates the changes proposed in this letter which have also been discussed with Wiltshire Council and Historic England.
- **An updated version of the Outline Environmental Management Plan (OEMP)**
A clean and tracked changed version of this document is enclosed, which it is proposed replaces the one submitted at Deadline 10 [AS-129]. This incorporates the changes proposed in this letter which have also been discussed Wiltshire Council and Historic England.

The response by Highways England to each of the issues as presented in the letter is as follows:

OEMP, Paragraph 1.1.12 -HEMP

1. It is understood from MW-G11 that the consolidated version of the Handover Environmental Management Plan (“HEMP”) also contains the Landscape Environmental Management Plan (“LEMP”). This should be clarified in paragraph 1.1.12 at page 5 of the OEMP.

Highway England’s response:

Agreed. Para. 1.1.12 has therefore been amended to reflect this (changed wording shown in bold):

*‘Towards the end of the construction phase to which a CEMP relates, the main works contractor will prepare a final version of that CEMP **and its associated Landscape and Ecology***

Management Plan (LEMP) for the operational and maintenance phase of the Scheme, in the form of a Handover Environmental Management Plan (HEMP), subject to The Authority approval, and, in the case of those areas that will be the responsibility of Wiltshire Council, Wiltshire Council approval, in consultation with the relevant stakeholders as set out in this OEMP. This will then be implemented by the maintenance authority responsible for the maintenance of the relevant part of the Scheme during the operational phase. Once the main works is complete, multiple phase specific HEMPs will be consolidated into a single HEMP'.

OEMP, PW-LAN1-ES Chapter 7, Section 7.8 Retained Vegetation

2. The Secretary of State understands that the fencing of retained trees and other vegetation may be subject to Site Specific Written Schemes of Investigation ("SSWSIs") and Method Statements ("MSs") if thought necessary by Wiltshire Council to protect archaeological remains following the consultation indicated. This should be clarified in PW-LAN1 in Table 3.2a: REAC tables for the preliminary works at pages 32-33 of the OEMP.

Highway England's response:

At preliminary works stage, the OEMP currently provides that consultation on fencing in relation to retained vegetation is only required with the members of HMAG for fencing being installed within or affecting the WHS and with Wiltshire Council on the fencing requirements related to the protection of the Nile Clumps (Tree Preservation Order No. 275). New text has been included within the Action/Commitment column of PW-LAN1 to reflect the potential for fencing works to require an Archaeological Method Statement and, where relevant, archaeological investigation under a SSWSI:

'Should it be agreed, through consultation with HMAG and Wiltshire Council for fencing being installed within or affecting the WHS, and with Wiltshire Council for the Nile Clumps (or if agreement cannot be reached, if thought necessary by Wiltshire Council (in consultation with Historic England)), that protection of archaeology is required prior to installation of fencing, the preliminary works contractor (all) shall undertake fencing of retained vegetation in accordance with an Archaeological Method Statement and where required under the DAMS, a SSWSI.'

The following wording has also been added to the Reporting Criteria column:

Where appropriate, method Statements for fencing developed in consultation with Wiltshire Council and Historic England and, for fencing within or affecting the WHS, HMAG, and approved by Wiltshire Council (in consultation with Historic England) prior to the part of the preliminary works to which it relates commencing.

Where appropriate, production of SSWSIs in consultation with Wiltshire Council and Historic England and, for sites within or affecting the WHS, HMAG, and approval by Wiltshire Council (in consultation with Historic England) prior to the part of the preliminary works to which it relates commencing.

OEMP, PW-GEO3 -Soils Management Strategy

3. The Secretary of State considers that for consistency, the wording of the first paragraph should follow that of MW-GEO3. The phrase, '...and be consistent with the DAMS and any Heritage Management Plan, Archaeological Method Statement or SSWSI' should therefore be added before the final sentence of the first paragraph of PW-GEO3 in Table 3.2a: REAC tables for the preliminary works at page 40 of the OEMP.

Highways England response:

Agreed. Item PW-GEO3 has been amended as follows:

'The preliminary works contractor (utilities, roads, archaeology) shall produce a detailed Soils Management Strategy (SMS) based on the Outline SMS within Annex A.3. The SMS shall identify the nature and types of soil that will be affected and the methods that will be employed for stripping soil and the restoration of agricultural land (where restoration of agricultural land is required) and be consistent with the DAMS and any Heritage Management Plan, Archaeological Method Statement or SSWSI. The strategy shall be appended to the CEMP.'

OEMP, MW-G5 – Preparation of a CEMP

4. For consistency, the Secretary of State considers the reporting criteria for MW-G5 in Table 3.2a: REAC tables for the preliminary works at page 45 of the OEMP should reflect those of PW-G1 (CEMP Preparation) re: approval of Heritage Management Plans ("HMPs"), SSWSIs and MSs at page 27 of the OEMP.

Highway England's response:

Highways England would note that the difference between these two items arises because Table 3.2b splits out the identification and reporting criteria of the subsidiary plans into item MW-G7, whereas Table 3.2a considers the minimal subsidiary plans at the preliminary works stage in one item. However, it has in any event amended item MW-G5 by adding the following paragraph at the end of the Reporting Criteria column:

As noted in MW-G7, each Heritage Management Plan, SSWSI and archaeological method statement shall be prepared in consultation with Wiltshire Council and Historic England and, for sites within or affecting the WHS, HMAG, and approved by Wiltshire Council (in consultation with Historic England) prior to the part of the main works to which it relates commencing.'

OEMP, MW-G11 – Handover Environmental Management Plan

5. Under reporting criteria, Wiltshire Council's approval responsibilities in MW-G11 at page 47 of Table 3.2b REAC tables for the main works should include archaeological matters, to accord with approval responsibilities elsewhere in the OEMP.

Highways England response:

As noted at the final DCO hearing [REP8-019 item 4.1(i)], sub-paragraph (13) of Requirement 4 of the DCO requires the CEMPs to be converted into HEMPs and requires the authorised development to be operated and maintained in accordance with the HEMP.

There is no need for the Secretary of State to also approve the HEMPs as he or she will have previously approved the CEMPs that are then to be converted into the HEMPs.

Similarly, therefore, for Wiltshire Council, as they would have been consulted on the relevant parts of the final CEMP that deal with archaeology and have approved any associated HMP, SSWSIs and archaeological method statements, they would not need to do so again in the HEMP. This approach is consistent with other highways DCOs.

Highways England notes that Wiltshire Council did not request such approval in the Examination: see the Council's extensive discussion of the HEMP in its final DCO hearing summary [REP8-028 section 4.8], where the focus is in relation to the Council approving those parts of the HEMP which will relate to those parts of the Scheme for which it is to become the

maintenance authority, and its Closing Submission [AS-112] where the Council confirmed that it was content with the OEMP save for minor unrelated issues.

HEMPs would be approved by Highways England, following the consultation required by MW-G11 of the OEMP.

As noted in MW-G11, each phase HEMP and the consolidated HEMP shall identify heritage assets within land to be retained by the Authority or Wiltshire Council and, where relevant, any restriction or constraint on maintenance regimes and the exercise of other DCO powers necessary to ensure (i) the continued retention or preservation in situ of the assets that were previously identified in Heritage Management Plans and Archaeological Method Statements and (ii) continued application of provisions of the DAMS required for the protection of heritage assets post-construction.

The provisions of the DAMS and following Archaeological Method Statements have or will have been agreed and approved by Wiltshire Council and the HEMP will – and indeed must, pursuant to paragraph 5 of Schedule 2 of the draft DCO - simply replicate these. No further approval is therefore required.

OEMP, MW-CH8 – Ground Movement Monitoring Strategy

6. The Secretary of State considers in MW-CH8 at page 59 of Table 3.2b REAC tables for the main works the trigger levels established should be subject to the approval of Wiltshire Council, consistent with the Council's approval of the HMP (MW-CH1) in Table 3.2b REAC tables for the main works at page 57 of the OEMP

and

DAMS, para 5.2.8 – Ground movement monitoring stations

8. The Ground Movement Monitoring Strategy ("GMMS") is noted as being subject to consultation with Wiltshire Council, Historic England and HMAG. It should also be subject to the approval of Wiltshire Council, consistent with the Council's approval of the HMP (MW-CH1).

Highways England response:

The Ground Movement Monitoring Strategy is to be approved by the Secretary of State. This is secured through the operation of Requirement 4(8) and (11) of the draft DCO and item MW-CH8 of the OEMP. Wiltshire Council will be consulted prior to the discharge of the requirement and so will also be able to give its views on appropriate trigger levels for determination by the Secretary of State.

This is appropriate as the matters to be considered within the document are not just a matter of archaeology, but also relate to engineering design and safety. Highways England notes that Wiltshire Council were content and did not raise concerns with regards to the Secretary of State's approval of this document, notwithstanding the extensive discussion of this matter at the final cultural heritage hearing – see the summary of that hearing from Highways England [REP 8-016 section 4.1(i) and 4.3 (iv)] and Wiltshire Council [REP8-28] and Wiltshire Council's final submission on the OEMP [AS-112].

OEMP, D-LAN4 – Stakeholder Engagement

7. The Secretary of State considers consultation with Wiltshire Council on the general appearance and finishes of Countess Flyover should also take place, for consistency and be added to D-LAN4 in 3.2b REAC tables for the main works at page 65 of the OEMP.

Highways England response:

Consultation with Wiltshire Council on the design of Countess Flyover is already required via their membership of the Scheme Design Consultation Group, which will be consulted on the external appearance of Countess Flyover pursuant to paragraph 4.5.4 (b) of the OEMP.

The River Till Viaduct, Green Bridges 1 to 3 and the B3083 underbridge are outside of the WHS and so are considered differently within the document from the matters discussed in section 4 of the OEMP. This is why they form part of D-LAN4.

DAMS, paragraph 6.3.16 – Ploughzone Sampling

9. The Secretary of State considers that the following wording should be appended to the DAMS in paragraph 6.3.16:

‘Within the WHS [“World Heritage Site”], the Scientific Committee will be consulted, independently of HMAG, before decisions are made on baseline sample size, or on decisions arising from application of the reflexive approach. Each instance of advice given by members of the Scientific Committee will be published as an addendum to the appropriate SSWSI, explaining the reasons why the outcome might differ from the advice given.’

Highways England response:

The Applicant has carefully considered the wording proposed by the Secretary of State and, as alluded to above, has made amendments to the DAMS to reflect the points raised.

The continuing role of the Scientific Committee as set out in their current Terms of Reference is to, ‘inform and advise HMAG and Highways England in the pursuit of their functions on the A303 Stonehenge Amesbury to Berwick Down scheme, where these relate to the WHS and its OUV, providing advice in relation to historic environment impacts as the project proceeds through its design, assessment, mitigation and construction stages’. The Scientific Committee consists of independent experts and is not required to provide a consensus view, but rather to capture the full range of expertise and advice of the Committee’s membership. This can result in a wide range of different points of advice being provided. The Scientific Committee was consulted regularly during development of the archaeological evaluation strategy and the DAMS, and in particular the Archaeological Research Agenda (section 4 of the DAMS). Continued engagement with the Scientific Committee is secured in the DAMS at paragraph 8.1.17, which provides for the Scientific Committee to be kept informed of the progress of the archaeological mitigation works within the WHS through an ongoing programme of regular meetings, and for site visits to be arranged to allow members of the Scientific Committee to view the fieldwork in progress.

The Applicant proposes to hold a series of collaborative technical workshops following selection of the Archaeological Contractor, in order to consult the Scientific Committee and HMAG experts in developing further the site-specific research questions and specialist strategies that will feed into the content of the SSWSIs submitted to Wiltshire Council for approval. These workshops will allow effective consultation with the Scientific Committee in respect of both Ploughzone Sampling and Tree Hollows, including sample sizes. The requirement for the workshops will be secured via additions to the DAMS, compliance with which is required by paragraph 5 of Schedule 2 of the draft DCO. The consultation process will be reported on in the summary report which sets out the consultation undertaken on the relevant SSWSI that is required to be produced under the DAMS (paragraph 8.5.7).

With regard to decisions arising from the application of the reflexive approach, these are a concomitant part of the iterative development of the mitigation strategy as described in paragraph 6.1.24 of the DAMS. The iterative development of the mitigation strategy and application of a reflexive approach are intended to enable the Archaeological Contractor

effectively to direct effort on site to addressing the Archaeological Research Agenda, to which the Scientific Committee have contributed. Consultation with the Scientific Committee prior to every reflexive decision - and responding on every point of advice made - regarding ploughzone sampling or tree hollow sampling would be impractical given the role of the Committee as described above, rather than a decision-making or monitoring body. It would also conflict with the intention and purpose of the reflexive, iterative approach as outlined above, which may require decisions to be made within a short timeframe, subject to the consultations and if necessary approvals set out in paragraph 6.1.24 of the DAMS. The regular meetings and site visits referred to above, combined with a commitment to explain why any outcomes might differ from the key points of advice given, would allow regular, effective consultation with the Scientific Committee in respect of the application of the reflexive approach for both Ploughzone Sampling and Tree Hollows. These regular meetings and site visits will provide a forum for on-going engagement with the Scientific Committee on the application of the reflexive approach, which is considered the most appropriate and practical means of obtaining input given its iterative nature and purpose.

The Applicant has therefore made the following amendments to the DAMS to reflect the above proposals. Whilst these amendments do depart from the Secretary of State's proposed wording, they nevertheless secure the key principles – namely explicitly acknowledging the consultative role of the Scientific Committee in terms of identifying initial sample sizes and advising on the application of the reflexive approach for ploughzone sampling and tree hollows. The wording proposed by the Applicant is intended to provide more detail of how this will be achieved in practice, having regard to the contents of the DAMS as a whole, while staying true to the intentions behind the Secretary of State's proposed wording.

In respect of the proposal to publish the advice as a formal addendum to the appropriate SSWSI, it is important to note that the SSWSIs themselves would not prescribe the detail of the reflexive approach, given its iterative nature and purpose. Therefore, in order to be consistent with the approach currently proposed by Highways England in discussions with HMAG to documenting decisions arising of the reflexive strategy, it is proposed that separate written records of the key advice given and Highways England's responses to it will be circulated to the Scientific Committee, Wiltshire Council, Historic England and HMAG and made available online. Highways England considers that this produces an appropriate and proportionate level of transparency and oversight.

DAMS paragraph 6.3.16 has been amended as follows (new wording is shown in bold):

*'The sampling conducted during the evaluations has characterised key aspects (mean assemblage richness and mean total artefacts per test excavation) of the ploughzone artefact population. Further sampling will aim to over-represent rarer artefact classes that, where present, add greater value to the findings. The sampling will consider lithic material concentrations and areas that may be transitional between areas of activity, as well as areas that contain lower concentrations of lithics or appear to be devoid of lithics. In some areas, a sample of up to 100% of the artefact content of the ploughsoil may be necessary, combined with a systematic sample to capture background distributions and transitional areas. Sample excavation will be utilised to test hypotheses and assumptions and in order to answer and continually review specific research questions in an iterative and reflexive manner, in consultation with Wiltshire Council and Historic England, and for sites within the WHS, HMAG. **For sites within the WHS, the Scientific Committee will be consulted on initial sample size through a collaborative technical workshop with the Archaeological Contractor and members of HMAG, the outcome of which, including the Applicant's response to the consultees' key comments and an explanation of why any of those comments have not been actioned, will be included in the summary report setting out the consultation undertaken on the relevant SSWSI referred to in paragraph 8.5.7. Members of the Scientific Committee will also be invited to regular meetings and to view the excavations within the WHS in accordance with paragraph 8.1.17 and advise on the application of the***

reflexive approach. Advice given by members of the Scientific Committee regarding application of the reflexive approach will be circulated in writing to HMAG, Wiltshire Council, Historic England and the Scientific Committee as soon as reasonably practicable after that advice has been given alongside, where relevant, an explanation of the reasons why any key advice provided is not proposed to be followed, and made available online.'

DAMS, paragraph 6.3.51 – Tree Hollows

10. The Secretary of State considers the following wording should be appended to paragraph 6.3.51:

'Within the WHS, the Scientific Committee will be consulted, independently of HMAG, before decisions are made on representative sample size, or on decisions arising from application of the reflexive approach. Each instance of advice given by members of the Scientific Committee will be published as an addendum to the appropriate SSWSI, explaining the reasons why the outcome might differ from the advice given.'

Highways England response:

Please refer to our response above regarding ploughzone sampling: the Applicant considers that the same approach is relevant in respect of tree hollows.

Paragraph 6.3.51 has been amended as follows:

A representative sample (but no less than 12.5% of the confirmed tree hollows) will be identified as above for 100% excavation. The strategy will adopt a reflexive approach as part of the iterative process such that the sample size may be revised in response to the results of the systematic sampling, in order to ensure the sample remains representative and areas of high potential for meaningful interpretation are maximised (refer to paragraph 6.1.24). For sites within the WHS, the Scientific Committee will be consulted on representative sample size through a collaborative technical workshop with the Archaeological Contractor and members of HMAG, the outcome of which, including the Applicant's response to the consultees' key comments and an explanation of why any of those comments have not been actioned, will be included in the summary report setting out the consultation undertaken on the SSWSI referred to in paragraph 8.5.7. Members of the Scientific Committee will be invited to regular meetings and to view the excavations within the WHS in accordance with paragraph 8.1.17 and advise on the application of the reflexive approach. Advice given by members of the Scientific Committee regarding application of the reflexive approach will be circulated in writing to HMAG, Wiltshire Council, Historic England and the Scientific Committee as soon as reasonably practicable after that advice has been given alongside, where relevant, an explanation of the reasons why any key advice provided is not proposed to be followed, and made available online.

Stone Curlew Breeding Plots DCO Requirement

11. At Deadline 9 of the Examining Authority's examination, the Applicant stated that they had secured both a 'replacement' and 'additional' stone curlew plots through a new Requirement in the draft DCO (Requirement 12 of [AS-121]), which had not featured in previous iterations of the draft DCO [REP9-0316]. In each case, these details would need to be in accordance with the stone curlew breeding plot specification document, including a regime of management measures ([REP9-0257] and [REP9-0268]). The draft Requirement would also require the Secretary of State to consult with Natural England prior to certifying that the relevant matters have been secured.

It is considered that amendments to the wording of Requirement 12 from that submitted by the Applicant [AS-121] would be needed to ensure the tests of necessity, relevance, enforceability

and precision can be satisfied. The Secretary of State therefore seeks comments from the Applicant and Natural England on the revised wording below:

Stone curlew breeding plots

12 .—(1) No part of the preliminary works shall begin until-

(a) written details have been submitted to the Secretary of State—

(i) demonstrating that the undertaker has secured land to ensure the provision of the replacement stone curlew breeding plot in accordance with the stone curlew breeding plot specification;

(ii) including in relation to that plot, a regime of management measures substantially in accordance with those contained in the stone curlew breeding plot specification; and

(b) the Secretary of State, following consultation with Natural England, has approved the matters listed in sub-paragraph (a).

(2) The undertaker must—

(a) provide the replacement stone curlew breeding plot prior to the beginning of any works to remove the existing stone curlew breeding plot; and

(b) maintain the replacement stone curlew breeding plot, in accordance with the details approved by the Secretary of State under sub-paragraph (1)(b).

(3) No part of the authorised development may be commenced until—

(a) written details have been submitted to the Secretary of State—

(i) demonstrating that the undertaker has secured land to enable the provision of the additional stone curlew breeding plots in accordance with the stone curlew breeding plot specification; and

(ii) including in relation to those plots, a regime of management measures substantially in accordance with those contained in the stone curlew breeding plot specification and a timetable for their implementation; and

(b) the Secretary of State, following consultation with Natural England, has approved the matters listed in sub-paragraph (a).

(4) The undertaker must provide and maintain the additional stone curlew breeding plots in accordance with the timetable and details approved by the Secretary of State under sub-paragraph (3)(b).

(5) In this paragraph—

“stone curlew breeding plot specification” means the stone curlew breeding plot specification referred to in Schedule 12 certified by the Secretary of State as the stone curlew breeding plot specification for the purposes of this Order, and “replacement stone curlew breeding plot”, “existing stone curlew breeding plot” and “additional stone curlew breeding plots” have the same meaning as in the stone curlew breeding plot specification.

Highways England response:

We are content for Requirement 12 in Schedule 2 to the draft DCO to be amended to reflect the drafting proposed by the Secretary of State in the letter, which is reproduced above. However, it is suggested that the heading of the Requirement should read ‘Stone’ curlew breeding plots’ and is additionally underlined in the above text.

If you have any further queries or clarification of our responses, please do not hesitate to contact me.

Yours faithfully



Derek Parody, A303 Stonehenge Project Director

