

BY E-MAIL

Secretary of State for Transport  
c/o Natasha Kopala  
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By email to: [REDACTED]@dft.gov.uk

21 December 2020

Dear Madam

**THE A303 (AMESBURY TO BERWICK DOWN) DEVELOPMENT CONSENT ORDER 2020 - CORRECTION REQUEST**

We write further to the above referenced development consent (the "**Order**") which was made by the Secretary of State for Transport on 12 November 2020, further to Highways England Company Limited's ("**Highways England**") application for development consent made under section 37 of the Planning Act 2008 ("**the 2008 Act**").

We have carefully reviewed the Order as published on the Planning Inspectorate's website on behalf of our client Highways England. In doing so we have identified within the Order a small number of what appear to be correctable errors.

Annexed to this letter are:

1. Annex A - a table of proposed corrections setting out the errors that have been identified, together with the reasons why such errors are considered to be correctable;
2. Annexes B to J which include extracts of the Order illustrating the proposed corrections in track changes.

Highways England therefore applies, and invites the Secretary of State, pursuant to section 119 of, and Schedule 4 to the 2008 Act, to make the corrections referred to in this letter and more particularly set out in the annexes.

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For the reasons set out against Article 2(1) in the enclosed Annex A and in light of the fact that procurement of the main works contract for the Scheme is currently ongoing, Highways England would be grateful if the Secretary of State was able to consider this request as a matter of urgency.

If it would be helpful to discuss any of the issues raised in this letter, please do not hesitate to contact Gordon McCreath [REDACTED]@pinsentmasons.com) or Jonathan Leary [REDACTED]@pinsentmasons.com).

Yours faithfully

Pinsent Masons LLP

This letter is sent electronically and so is unsigned

## The A303 (Amesbury to Berwick Down) Development Consent Order 2020

### Annex A - Table of Proposed Corrections

December 2020



#### Introduction

The following table lists a number of errors considered to be contained within the A303 (Amesbury to Berwick Down) Development Consent Order 2020 ("the Order") made on 12 November 2020 that Highways England, the undertaker with the benefit of the Order, has identified. The table is structured as follows:

- Column (1) identifies the provision of the Order that contains the correctable error Highways England has identified;
- Column (2) sets out the correction that Highways England considers to be appropriate; and
- Column (3) includes commentary on the correction.

Provision (1)	Correction (2)	Comment (3)
Art 2(1)	In the definition of "maintain", for "materially new or materially different environmental effects" substitute "materially new or materially worse adverse environmental effects"	<p>While first noted here in relation to the definition of "maintain", this proposed correction is sought elsewhere in the Order as noted in this table, but to avoid duplication, the justification for the correction is addressed here in relation to all instances.</p> <p>Throughout the examination (and before) Highways England has sought to preserve a proportionate degree of flexibility in the consent for which it has applied, in order to enable it to promptly deliver the scheme and to secure environmentally better outcomes. This is of particular importance to this Scheme in which, given the great sensitivity of the environment in which it is situated, relatively small changes to the magnitude of an effect may result in significant effects. As part of this proportionate flexibility, throughout the examination of the application Highways England's draft DCO employed the phrase "materially new or materially worse adverse environmental effects", a term that has precedent in its A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 and the M20 Junction 10a Development Consent Order 2017.</p> <p>Despite the widespread and detailed scrutiny of the DCO throughout the examination, no comment on or objection to the use of this wording was raised by the Examining Authority, Historic England, Wiltshire Council, National Trust or any other Interested Party at any point before, during or after examination.</p> <p>The purpose of this correction is therefore to restore the flexibility sought to provide for materially better environmental outcomes. The use of the phrase "materially new or materially different environmental</p>

Provision (1)	Correction (2)	Comment (3)
		<p>effects" puts Highways England in a position, where, faced with an opportunity to produce a materially better environmental outcome:</p> <ol style="list-style-type: none"> <li>1. when maintaining the authorised development under article 5 (maintenance of the authorised development);</li> <li>2. by departing from the vertical limits of deviation set out in article 7(6);</li> <li>3. in designing the tunnel, tunnel structure and number of tunnel cross-passages in accordance with article 7(7);</li> <li>4. in carrying out the ancillary works listed under that heading in Schedule 1; or</li> <li>5. by departing from the design shown on the works plans, engineering section drawings (plan and profiles) and engineering section drawings (cross sections) under requirement 3;</li> <li>6. when submitting details for approval under requirements that may be deemed to have been approved under paragraph 13(2) of Part 2 of Schedule 2,</li> </ol> <p>it would have to weigh the benefit of delivering that better environmental outcome against the significant programme delay and cost of seeking an amendment to the Order. Highways England considers it cannot have been the Secretary of State's intention to place barriers to delivering improved environmental outcomes in relation to the very sensitive environment in which the scheme is situated. The absence of objection by any Interested Party to the wording before, during or after the examination is consistent with this common-sense approach. It is noted that Secretary of State's statement of reasons makes no reference to this intention.</p> <p>The barriers presented by this drafting are very real and are acutely felt by Highways England as it procures the construction of the Scheme. Highways England is disincentivised from progressing bids from contractors that reflect better environmental outcomes and better value for money. This is because for the relevant Articles, it is not practicable to obtain the Secretary of State's opinion on whether the changes are proposed are "materially different" within the required procurement timescales, and for the other provisions of the Order it is not possible to establish with the required degree of certainty (particularly bearing in mind that non-compliance with the terms of the Order is a criminal offence)</p>

Provision (1)	Correction (2)	Comment (3)
		<p>whether the changes proposed would qualify as not materially different. If the Secretary of State or others subsequently disagree with Highways England's interpretation, changing the scope of the contract could result in procurement challenges, significant cost and programme impact through needing to instruct a change to the Contractors tendered solution post contract award and/or a lengthy reprocurement being required.</p> <p>In summary, then, the wording currently contained in the Order makes it significantly less likely that a solution which is a better environmental and heritage outcome and/or better value for money will be delivered. Given the very sensitive environment within which the Scheme is being delivered and the cost of the project to the public purse, in Highways England's opinion this is illogical.</p> <p>The proposed corrections are illustrated in track changes on the extracts of the Order included in Annexes B, D (note Annex D also illustrates other proposed corrections to article 7 – see below), F, G and I.</p>
Art 4	Delete "to be carried out within the Order limits".	<p>The Order does provide powers to carry out very limited activities beyond the Order limits under articles 14 (protective works to buildings) and 15 (authority to survey and investigate land).</p> <p>While the exercise of these powers is highly likely to be <i>de minimis</i> in environmental terms, the activities authorised may nonetheless constitute development requiring planning permission.</p> <p>The clear intention in the drafting of the Order was to ensure that such activities would benefit from development consent which would remove the requirement to obtain planning permission. This is acknowledged in article 7(1) (limits of deviation) which excepts the exercise of articles 14 and 15 from the requirement for the authorised development to be constructed within the Order limits. In this regard it is significant to note that article 3(1)(h) (disapplication of legislative provisions) expressly brings such works authorised by articles 14 and 15 and carried out outside of the Order limits within the remit of the scheduled ancient monument regime by removing the disapplication that it would otherwise benefit from under section 33(1)(f) of the Planning Act 2008.</p> <p>This approach is followed through in the key control documents of the OEMP and the DAMS. In relation to the OEMP, measures PW-NOI4 and MW-NOI5 are concerned with monitoring of noise and vibration in relation to buildings and to the protection of sensitive cultural assets from vibration, in relation to the preliminary works and main works respectively. In the DAMS, paragraph 5.1.3 (scope of archaeological</p>

Provision (1)	Correction (2)	Comment (3)
		<p>mitigation) is clear that its measures apply in full to the exercise of articles 14 and 15 outside of the Order limits.</p> <p>The overall approach to the exercise of these ancillary powers outside of the Order limits was discussed with the key statutory heritage stakeholders during the examination, and this issue was understood by Highways England to have been resolved by the end of the examination. When considered in its entirety the sensitive environment in which the scheme is located and over which articles 14 and 15 may be exercised is appropriately protected.</p> <p>The inclusion of the qualification of "within the Order limits" to article 4 runs contrary to this approach and is in Highways England's view, a correctable error not mentioned in the Secretary of State's statement of reasons. The proposed correction is illustrated in track changes on the extract of the Order included in Annex C.</p>
Art 7	<p><b>Limits of deviation</b></p> <p>In paragraphs (2), (3), (3)(b), (4)(a), (4)(b) and (7)(b) after each instance of "necessary" insert the words "or convenient".</p>	<p>The limits of deviation are required to allow a proportionate degree of flexibility within the development consent to enable the detailed design to respond to ground conditions which will only be discovered when works begin, to enable design to deliver greater value for money through the value engineering process, and to allow for more refined designs that deliver better environmental outcomes.</p> <p>Throughout the examination Highways England maintained a very clear stance that the limits of deviation for which it had applied have been assessed in its Environmental Statement and that deviation within those limits would not lead to any materially different environmental outcome. This position was extensively and publicly tested through the examination. In this regard, limiting the exercise of the limits of deviation to what the undertaker considers to be "necessary" is fundamentally misconceived. The limits of deviation express the parameters of the development consent; the detailed design that comes forward from those parameters is carefully controlled through other measures, not least the Design Vision, Design Principles, Design Commitments and Design Consultation set out in section 4 of the Outline Environmental Management Plan, compliance with which is secured through requirement 4.</p> <p>In this regard Highways England notes that it is unaware of a precedent in the twelve other development consent orders made on its schemes where limits of deviation are subject to the qualification that they may be exercised where "necessary". In all but one instance limits of deviation are subject to no qualification. The sole exception is the M42 Junction 6 Development Consent Order 2020 in which the exercise of the limits of deviation are qualified as being exercisable where the undertaker considers it to</p>

Provision (1)	Correction (2)	Comment (3)
		<p>be "necessary or convenient" to deviate; the phrase that Highways England had sought to employ in its draft DCO for the A303 scheme.</p> <p>Consequently, Highways England considers that this correctable error not expressly referenced in the Secretary of State's statement of reasons can be remedied through the reinstatement of its preferred drafting using the phrase "necessary or convenient" which would restore the Order to the terms on which it was applied for. The proposed correction is illustrated in track changes on the extract of the Order included at Annex D.</p>
Article 7	In paragraphs (6) and (7), for "materially new or materially different environmental effects" substitute "materially new or materially worse adverse environmental effects"	See comments on article 2(1) above in respect of the definition of "maintain". The proposed correction is illustrated in track changes on the extract of the Order included at Annex D.
Article 50	<p>In paragraph (4) for ", or are proposed to be exercised for the express benefit of accommodation of owners," substitute</p> <p>", or are proposed to be exercised for the express benefit <b>or</b> accommodation of owners,"</p>	This is a minor but necessary typographical correction which is illustrated in track changes on the extract of the Order included at Annex E.
<b>Schedule 1 Authorised development</b>		
	In the first paragraph under the heading "Ancillary Works", for "materially new or materially different environmental effects" substitute "materially new or materially worse adverse environmental effects"	See comments on article 2(1) above in respect of the definition of "maintain". The proposed correction is illustrated in track changes on the extract of the Order included at Annex F.
<b>Schedule 2 Requirements</b>		
Para 3(1)	In Paragraph (1), for "materially new or materially different environmental effects" substitute "materially new or materially worse adverse environmental effects"	See comments on article 2(1) above in respect of the definition of "maintain". The proposed correction is illustrated in track changes on the extract of the Order included at Annex G.

Provision (1)	Correction (2)	Comment (3)
Para 9(1)	In paragraph (1), delete "and the Royal Mail Group"	<p>Highways England notes that Royal Mail Group, apart from the submission of its relevant representation, did not otherwise participate in the examination. Royal Mail Group's relevant representation summarised its duties as the sole Universal Service Provider designated under the Postal Services Act 2011 and noted that it relies on the strategic highway network to comply with the conditions of its licence and requested that it be consulted on traffic management during construction and that there be mechanisms in place to inform major road users about works affecting the local network.</p> <p>Highways England has had regard to its response to Royal Mail Group's pre-application consultation carried out under section 42 of the Planning Act 2008 as demonstrated in its consultation report (see table 5-12, reference CC#50) wherein Highways England noted that it would put in place measures to appropriately inform major road users informed about the progress of the works without the need for a specific requirement in the DCO.</p> <p>This is manifested in the OEMP, measure MW-12 which includes duties, when developing its traffic management plan, to consult "other relevant organisations regarding traffic management and control measures to be implemented to accommodate abnormal traffic" and the obligation for the TMP to include "procedures for informing local communities of all traffic management schemes in advance of works". As such, the reference to Royal Mail Group in requirement 9 is unnecessary, as its concerns are addressed through the OEMP measures. The matter is not referred to in the Secretary of State's statement of reasons and is therefore capable of correction to avoid the duplication of obligations. The proposed correction is illustrated in track changes on the extract of the Order included at Annex H.</p>
Para 13(3)(c)	In paragraph (3)(c), for "materially new or materially different environmental effects" substitute "materially new or materially worse adverse environmental effects"	See comments on article 2(1) above in respect of the definition of "maintain". The proposed correction is illustrated in track changes on the extract of the Order included at Annex I.
<b>Schedule 12 Documents to be certified</b>		
Column (2)	In column (2) for "The detailed archaeological mitigation strategy contained in document reference 8.11 (6) – Final Detailed Archaeological Mitigation Strategy (DAMS)" substitute; "The detailed archaeological mitigation strategy contained in document	<p>This correction is necessary to refer to the version of the DAMS that was submitted by Highways England in response to the Secretary of State's first consultation by letter dated 4 May 2020, following the close of the examination.</p> <p>The proposed correction is illustrated in track changes on the extract of the Order included at Annex J.</p>



Provision (1)	Correction (2)	Comment (3)
	reference 8.11 (7) Detailed Archaeological Mitigation Strategy (DAMS) – revised response to Department for Transport request for further information dated the 4th May 2020"	
Column (2)	In column (2) for "The outline environmental management plan contained in document reference 6.3 (7) Environmental Statement Appendix 2.2 Outline Environmental Management Plan (OEMP)" substitute; "The outline environmental management plan contained in document reference 6.3 (8) Final Outline Environmental Management Plan – revised response to Department for Transport request for further information, May 2020"	<p>This correction is necessary to refer to the version of the DAMS that was submitted by Highways England in response to the Secretary of State's first consultation by letter dated 4 May 2020, following the close of the examination.</p> <p>The proposed correction is illustrated in track changes on the extract of the Order included at Annex J.</p>

## **Annex B – Proposed Correction to Article 2(1) definition of “maintain”**

### **Interpretation**

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(a);

“the 1965 Act” means the Compulsory Purchase Act 1965(b);

“the 1980 Act” means the Highways Act 1980(c);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(d);

“the 1984 Act” means the Road Traffic Regulation Act 1984(e);

“the 1990 Act” means the Town and Country Planning Act 1990(f);

“the 1991 Act” means the New Roads and Street Works Act 1991(g);

“the 2008 Act” means the Planning Act 2008(h);

“address” includes any number or address for the purpose of electronic transmission;

“affected person” has the same meaning as in the 2008 Act;

“apparatus” has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act;

“authorised development” means the development and associated development described in Schedule 1 or any part of it and any other development authorised by this Order, which is development within the meaning of section 32 (meaning of development) of the 2008 Act;

“authorised person” means—

(a) a person acting in the course of that person’s duties who—

(i) is an employee, agent, contractor or sub-contractor of the undertaker; or

(ii) is authorised by the undertaker to exercise one or more of its functions under this Order; or

(b) a constable, Police Community Support Officer, an officer of the Driver and Vehicle Standards Agency, an officer of the Health and Safety Executive, a person authorised for the purposes of section 44 (powers of fire-fighters etc. in an emergency etc.) of the Fire and Rescue Services Act 2004(i), a person accredited by or under section 41 (accreditation under community safety accreditation schemes) of the Police Reform Act 2002(j), a traffic officer, acting in the execution of that person’s duties within the tunnel;

“book of reference” means the document of that description referenced in Schedule 12 (documents to be certified) certified by the Secretary of State as the book of reference for the purposes of this Order;

“bridleway” has the same meaning as in the 1980 Act;

“building” includes any structure or erection or any part of a building, structure or erection;

“byway open to all traffic” has the same meaning as in section 66(1) (interpretation of Part 3) of the Wildlife and Countryside Act 1981;

“carriageway” has the same meaning as in the 1980 Act;

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(a) 1961 c.33.

(b) 1965 c.56.

(c) 1980 c.66.

(d) 1981 c.66.

(e) 1984 c.27.

(f) 1990 c.8.

(g) 1991 c.22.

(h) 2008 c.29.

(i) 2004 c.21. Section 44 was amended by the Emergency Workers (Obstruction) Act 2006 (c.39).

(j) 2002 c.30. Section 41 was amended by the Police and Justice Act 2006.

“the classification of roads plan” means the plan of that description referred to in Schedule 12 certified by the Secretary of State as the classification of roads plan for the purposes of this Order;

“commence” means beginning to carry out any material operation (as defined in section 56(4) (time when development begun) of the 1990 Act) forming part of the authorised development other than operations consisting of archaeological investigations and mitigation works, ecological surveys and mitigation works, investigations for the purpose of assessing and monitoring ground conditions and levels, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, receipt of construction plant and equipment, erection of construction plant and equipment for the preliminary works, diversion and laying of underground apparatus and site clearance, and the temporary display of site notices or information, and “commencement” is to be construed accordingly;

“construct” includes execute, place, alter, replace, relay and remove and “construction” is to be construed accordingly;

“Convention” means the Convention Concerning the Protection of the World Cultural and Natural Heritage 1972, which was ratified by the United Kingdom as a State Party on 29 May 1984;

“cycleway” means a way constituting or comprised in a highway, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988(a)) with a right of way on foot and a right of way on horseback or leading a horse;

“Crown land plans” means the plans of that description referenced in Schedule 12 certified by the Secretary of State as the Crown land plans for the purposes of this Order;

“de-trunking plans” means the plans of that description referenced in Schedule 12 certified by the Secretary of State as the de-trunking plans for the purposes of this Order;

“ecological mitigation works” include bat roost and badger sett closures and provision of hibernacula;

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form;

“engineering section drawings (cross sections)” means the drawings of that description referenced in Schedule 12 certified by the Secretary of State as the engineering section drawings (cross sections) for the purposes of this Order;

“engineering section drawings (plan and profiles)” means the drawings of that description referenced in Schedule 12 certified by the Secretary of State as the engineering section drawings (plan and profiles) for the purposes of this Order;

“environmental statement” means the documents of that description referenced in Schedule 12 certified by the Secretary of State as the environmental statement for the purposes of this Order;

“Esso” means Esso Petroleum Company, Limited (company number 00026538) whose registered office is at Ermyn House, Ermyn Way, Leatherhead, Surrey, KT22 8UX, and any successor in title;

“flood risk activity” has the same meaning as in the Environmental Permitting (England and Wales) Regulations 2016(b);

“footpath” and “footway” have the same meaning as in the 1980 Act;

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(a) 1988 c.52.  
(b) S.I. 2016/1154.

“highway”, “highway authority” and “local highway authority” have the same meaning as in the 1980 Act;

“Historic England” means the Historic Buildings and Monuments Commission for England established under the National Heritage Act 1983(a), the functions of which include acting as a statutory consultee and advising the government on the historic environment, including advice to the Department of Digital, Culture, Media and Sport which acts on behalf of government as state party to the Convention;

“land plans” means the plans of that description referenced in Schedule 12 certified by the Secretary of State as the land plans for the purposes of this Order;

“limits of deviation” means the limits of deviation referred to in article 7 (limits of deviation);

“maintain” includes inspect (including recording the results of the inspection), repair, adjust, alter, remove or reconstruct, provided such works do not give rise to any materially new or materially ~~different~~ worse adverse environmental effects in comparison with those reported in the environmental statement, and any derivative of “maintain” is to be construed accordingly;

“Order land” means the land shown coloured pink, the land shown hatched pink, the land shown coloured blue and the land shown coloured grey on the land plans, and which is described in the book of reference;

“Order limits” means the limits of land to be acquired permanently or used temporarily as shown on the land plans, and the limits of land within which the authorised development, as shown on the works plans, may be carried out;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981(b);

“planning authority” means Wiltshire Council;

“preliminary works” means—

- (a) archaeological investigation and archaeological mitigation works;
- (b) ecological mitigation works;
- (c) investigations for the purpose of assessing ground conditions;
- (d) remedial work in respect of any contamination or other adverse ground conditions;
- (e) erection of any temporary means of enclosure;
- (f) diversion and laying of underground apparatus;
- (g) site clearance;
- (h) Work No. 1H(viii) to (xiv) inclusive;
- (i) Work No. 5; and
- (j) Work No. 7;

“restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;

“rights of way and access plans” means the plans of that description referenced in Schedule 12 certified by the Secretary of State as the rights of way and access plans for the purposes of this Order;

“Secretary of State” means the Secretary of State for Transport;

“shared use cycle track” means a way constituting or comprised in a highway, being a way over which the public have the following, but no other, rights of way, that is to say a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988) with a right of way on foot;

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(a) 1983 c. 47.

(b) 1981 c.67.

“Southern Electric Power Distribution plc” means the company of that name (company number 04094290, whose registered office is at No.1 Forbury Place, 43 Forbury Road, Reading, United Kingdom, RG1 3JH);

“special category land plans” means the plans of that description referenced in Schedule 12 certified by the Secretary of State as the special category land plans for the purposes of this Order;

“special road” means a highway which is a special road in accordance with section 16 (general provisions as to special roads) of the 1980 Act or by virtue of an order granting development consent;

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8) (statutory undertakers’ land) of the 2008 Act;

“street” means a street within the meaning of section 48(a) (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act;

“traffic authority” has the same meaning as in section 121A(b) (traffic authorities) of the 1984 Act;

“traffic officer” means an individual designated under section 2 (designation of traffic officers) of the Traffic Management Act 2004(c);

“traffic regulation measures plans (clearways and prohibitions)” means the plans of that description referenced in Schedule 12 certified by the Secretary of State as the traffic regulation measures plans (clearways and prohibitions) for the purposes of this Order;

“traffic regulation measures plans (speed limits)” means the plans of that description referenced in Schedule 12 certified by the Secretary of State as the traffic regulation measures plans (speed limits) for the purposes of this Order;

“tribunal” means the Lands Chamber of the Upper Tribunal;

“trunk road” means a highway which is a trunk road by virtue of—

- (a) section 10 (general provision as to trunk roads) or 19(1) of the 1980 Act (provisions as to trunk roads);
- (b) an order made or direction given under section 10 of that Act;
- (c) an order granting development consent; or
- (d) any other enactment;

“tunnel” means the road tunnel to be constructed as part of Work No. 1 and as shown by a solid blue line on the tunnel area plan;

“tunnel approaches” means the western and eastern approaches to the tunnel, the linear extent of which is shown by dashed blue lines on the tunnel area plan;

“tunnel area” means the extent of the public highway to be comprised in and along the tunnel and the tunnel approaches;

“tunnel area plan” means the plan of that description referenced in Schedule 12 certified by the Secretary of State as the tunnel area plan for the purposes of this Order;

“tunnel limits of deviation plan” means the plan of that description referenced in Schedule 12 certified by the Secretary of State as the tunnel limits of deviation plan for the purposes of this Order;

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(a) There are amendments to section 48 which are not relevant to this Order.  
(b) As inserted by paragraph 70 of Schedule 8 to the 1991 Act, and subsequently amended by section 271 of the Greater London Authority Act 1999 Act; paragraphs 70 and 95 of Schedule 1 to the Infrastructure Act (c.7); S.I. 1999/1920 and S.I. 2001/1400.  
(c) 2004 c.18.

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, winterbournes, sewers and passages through which water flows except a public sewer or drain;

“undertaker” means Highways England Company Limited (Company No. 09346363) of Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ;

“works plans” means the plans of that description as referenced in Schedule 12 certified by the Secretary of State as the works plans for the purposes of this Order and

“World Heritage Site” means the Stonehenge part of the Stonehenge, Avebury and Associated Sites World Heritage Site as inscribed by the United Nations Educational, Scientific and Cultural Organization pursuant to the Convention.

**Annex C – Proposed Correction to Article 4(1)**

**Development consent, etc. granted by the Order**

4.—(1) Subject to the provisions of this Order, including the requirements in Schedule 2 (requirements), the undertaker is granted development consent for the authorised development ~~to be carried out within the Order limits.~~

(2) Any enactment applying to land within or adjacent to the Order limits has effect subject to the provisions of this Order.

## **Annex D – Proposed Corrections to Article 7**

### **Limits of deviation**

7.—(1) The following provisions of this article have effect subject to the requirement that the undertaker must, save for any works or operations authorised under articles 14 (protective works to buildings) or 15 (authority to survey and investigate land), construct the authorised development within the Order limits.

(2) In constructing and maintaining the non-linear works comprised in the authorised development, the undertaker may deviate laterally within the limits of deviation for those works shown on the works plans, to the extent the undertaker considers necessary or convenient.

(3) In constructing or maintaining the linear works comprised in the authorised development the undertaker may deviate laterally from the lines or situations shown on the works plans to the extent of the Order limits, so far as the undertaker considers to be necessary or convenient, save that—

- (a) in constructing or maintaining any linear work, other than Work No. 1F, in deviating laterally from the centrelines shown on the works plans, the situation of the centreline may be varied up to a maximum of 3 metres either side of the centreline of that work as shown on the works plans;
- (b) in constructing or maintaining Work No. 1F, the undertaker may deviate laterally within the Order limits so far as the undertaker considers to be necessary or convenient, and the lateral limits of deviation provided for in sub-paragraph (a) does not apply; and
- (c) in constructing or maintaining the authorised development comprised in Work No. 6(a), the undertaker may deviate laterally only within the bounds of the carriageway and verges of the existing A303 (to be de-trunked under this Order).

(4) Except in the case of Work No. 1F, in constructing or maintaining the authorised development, the undertaker may deviate vertically from the levels shown on the engineering section drawings (plan and profiles) and the engineering section drawings (cross sections)—

- (a) to any extent upwards as the undertaker considers to be necessary or convenient but not exceeding 0.5 metres, or, in relation to the parts of the authorised development referred to in column (1) of the table below, not exceeding the permitted limit for each such part, set out in the corresponding entry in column (2) of that table; and
- (b) subject to paragraph (5), to any extent downwards as the undertaker considers to be necessary or convenient, but not exceeding 1 metre, or, in relation to the parts of the authorised development referred to in column (1) of the table below, not exceeding the permitted limit for each such part, set out in the corresponding entry in column (3) of that table.

<i>(1)</i> <i>Part of authorised development</i>	<i>(2)</i> <i>Upwards vertical limit of deviation</i>	<i>(3)</i> <i>Downwards vertical limit of deviation</i>
Works Nos. 1A and 2	1 metre	1 metre
Work Nos. 1B and 1H	0.5 metres	0.5 metres
Work Nos. 1C, 3A, 3B, 3C, 4, 5 and 7	0.5 metres	1 metre
(1) Work No. 1D, save for (2) the level of the ground above the structure comprised in Work No. 1D(i), which is to be reinstated at existing ground level subject to the limits in columns (2) and (3)	(1) 0.5 metres (2) 0.25 metres	(1) 3 metres (2) 0.25 metres



which are to apply by reference to existing ground level		
(1) Work No. 1E, save for (2) the level of the ground above the structures comprised in Work No. 1E(i), which is to be reinstated at existing ground level subject to the limits in columns (2) and (3) which are to apply by reference to existing ground level	(1) 0.5 metres (2) 0.25 metres	(1) 4 metres (2) 0.25 metres
(1) Work No. 1G save for (2) the level of the ground above the structures comprised in Work No. 1G(i) and (ii), which is to be reinstated at existing ground level subject to the limits in columns (2) and (3) which are to apply by reference to existing ground level	(1) 0.5 metres (2) 0.25 metres	(1) 3 metres (2) 0.25 metres
Work No. 6	0.25 metres	0.25 metres
Work No. 8	3 metres	3 metres, but not lower than the existing ground levels

(5) In constructing and maintaining the authorised development comprised in Work No. 1F the undertaker may deviate vertically—

- (a) upwards, to the maximum upper limit of deviation for the crown of the tunnel, as shown on the tunnel limits of deviation plan;
- (b) upwards, to the maximum upper limit of deviation for the finished road level shown on the tunnel limits of deviation plan; and
- (c) downwards, to a depth not exceeding the level at 36 metres above ordnance datum.

(6) The maximum vertical limits of deviation referred to in paragraphs (4) and (5) do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State certifies accordingly, following consultation with the planning authority and any other person the Secretary of State considers appropriate having regard to the proposed deviation in question and the statutory roles and responsibilities of such person, that a deviation in excess of these limits would not give rise to any materially new or materially ~~different~~ worse adverse environmental effects in comparison with those reported in the environmental statement.

(7) Without limitation on the scope of paragraphs (2) to (6), in constructing or maintaining the authorised development the undertaker may—

- (a) subject to sub-paragraph (b), deviate by up to 3 metres from the points of commencement and termination of any linear works;
- (b) in relation to the points of commencement and termination of the parts of the authorised development referred to in column (1) of the table below, the undertaker may deviate from those points of commencement and termination so far as the undertaker considers it necessary or convenient, in a generally westerly direction by the corresponding limit set out in column (2) or in a generally easterly direction by the corresponding limit set out in column (3); and
- (c) in constructing or maintaining Work Nos. 1E, 1F and 1G, deviate from the design of any tunnel or tunnel structure and vary the number of tunnel cross-passages shown on the engineering section drawings (plan and profiles) and the engineering section drawings (cross sections) to the extent that to do so would not give rise to any materially new or

materially ~~different~~ ~~worse~~ ~~adverse~~ environmental effects in comparison with those reported in the environmental statement.

<i>(1)</i> <i>Part of the authorised development</i>	<i>(2)</i> <i>Deviation permitted in a generally westerly direction</i>	<i>(3)</i> <i>Deviation permitted in a generally easterly direction</i>
Point of commencement of Work No. 1E and point of termination of Work No. 1D	200 metres	1 metre
Point of commencement of Work No. 1F and point of termination of Work No. 1E	200 metres	1 metre
Point of commencement of Work No. 1G and point of termination of Work No. 1F	1 metre	30 metres
Point of commencement of Work No. 1H and point of termination of Work No. 1G	1 metre	30 metres

(8) In this article, references to—

- (a) “linear works” are references to any works shown on the works plans by way of a centreline; and
- (b) “non-linear works” are references to any other works shown on the works plans.

(9) Despite the provisions of article 2(4), the distances and lengths referred to in this article are not to be taken as being approximate.

## **Annex E – Proposed Correction to Article 50(4)**

### **Consent to transfer benefit of Order**

**50.**—(1) The undertaker may, regardless of any provision in any enactment, with the consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefits of the provisions of this Order that apply to the undertaker; and such statutory rights as may be agreed between the undertaker and the transferee; or
- (b) grant to another person (“the grantee”) for a period agreed between the undertaker and the grantee any or all of the benefit of the provisions of this Order that apply to the undertaker and such related statutory rights as may be so agreed.

(2) Where an agreement has been made in accordance with paragraph (1), references in the provisions of this Order and any document certified under it that apply to the undertaker are to be read as references to the transferee or the grantee, or any other person who may exercise, enjoy or be responsible for any functions of the undertaker pursuant to that agreement, as the case may be.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker, save where those benefits or rights are exercised by a statutory undertaker or by an owner or occupier of land pursuant to paragraph (2) of article 22 (compulsory acquisition of rights) of this Order, in which case liability for the payment of compensation must remain with the undertaker.

(4) The consent of the Secretary of State under this article is not required where the powers of article 22(1) (compulsory acquisition of rights) are, with the consent of the undertaker given under article 22(2), proposed to be exercised by a statutory undertaker rather than by the undertaker, or are proposed to be exercised for the express benefit ~~of or~~ accommodation of owners and occupiers of land, as identified in column (4) of the table in Part 3 of Schedule 3 (permanent stopping up of highways and private means of access and provision of new highways and private means of access) to this Order.

(5) The consent of the Secretary of State is not required for a transfer or grant under this article where the transfer or grant is made to Southern Electric Power Distribution plc for the purposes of undertaking Work No. 1C(v) and associated ancillary works.

(6) For the purposes of this article “statutory undertaker” includes Esso.

**Annex F – Proposed Correction to "Ancillary works" listed in Schedule 1 (Authorised Development)**

**SCHEDULE 1**

Articles 2 and 4

**AUTHORISED DEVELOPMENT**

**In the administrative area of Wiltshire Council**

The authorised development is situated in the administrative area of Wiltshire Council;

a nationally significant infrastructure project as defined in sections 14 (nationally significant infrastructure projects: general) and 22 (highways) of the 2008 Act, and associated development within the meaning of section 115(2) (development for which development consent may be granted) of the 2008 Act, comprising—

**Work No. 1** – as shown on sheets 1 to 11 of the works plans and being the construction of a new all-purpose dual carriageway ('the new A303') and of improvements to the existing A303 to include—

- (a) **Work No. 1A** – as shown on sheets 1, 2, 3 and 4 of the works plans and being the construction of the new A303 and of improvements to sections of the existing A303, to include—
  - (i) the improvement of the existing A303 eastbound and westbound single and dual lane carriageway;
  - (ii) the construction of a new bridge (Green Bridge One) to carry a new restricted byway and private means of access over the new A303 as shown illustratively on sheet 3 of the rights of way and access plans;
  - (iii) the construction of new restricted byways on the northern and southern sides of the new alignment of the A303 as shown illustratively on sheets 1, 2 and 3 of the rights of way and access plans;
  - (iv) the construction of a new byway open to all traffic as shown illustratively on sheets 2 and 3 of the rights of way and access plans;
  - (v) the construction of a new bridge to carry the new A303 over the realigned B3083 (forming part of Work No. 2);
  - (vi) the construction and installation of a new variable message sign;
  - (vii) the construction of new private means of access, as shown illustratively on sheets 2 and 3 of the rights of way and access plans.
- (b) **Work No. 1B** – as shown on sheet 4 of the works plans and being the construction of the new A303, to include—
  - (i) the construction of a new viaduct crossing the River Till, to carry the new A303 over the River Till;
  - (ii) the construction of new private means of access, as shown illustratively on sheet 4 of the rights of way and access plans; and
  - (iii) the construction and installation of a new variable message sign.
- (c) **Work No. 1C** – as shown on sheets 4 and 5 of the works plans and being the construction of the new A303, to include—
  - (i) the construction of a new bridge (Green Bridge Two) to carry the realigned byway open to all traffic WSTO6B over the new A303 as shown illustratively on sheet 4 of the rights of way and access plans;

- (ii) the construction of new eastbound and westbound merge and diverge slip roads for a new grade-separated junction ('the new Longbarrow Junction') between the realigned A360 and the new A303 (forming part of Work No. 4);
  - (iii) the construction of a new bridleway between the southern roundabout of the new Longbarrow Junction and the existing A360, as shown illustratively on sheet 5 of the rights of way and access plans;
  - (iv) the construction of crossovers within the new central reservation at the new Longbarrow Junction;
  - (v) the provision of a temporary electricity substation for the benefit of Southern Electric Power Distribution plc;
  - (vi) the construction and installation of a new variable message sign; and
  - (vii) the construction of new private means of access, as shown illustratively on sheets 4 and 5 of the rights of way and access plans.
- (d) **Work No. 1D** – as shown on sheets 5 and 6 of the works plans and being the construction of the new A303, to include—
- (i) the construction of a new bridge (Green Bridge Four), to carry a new restricted byway and private means of access (part of Work No. 6) over the new A303, as shown illustratively on sheet 5 of the rights of way and access plans;
  - (ii) the construction of new western portal approach retaining walls and associated works for the new A303;
  - (iii) the construction of new tunnel service buildings;
  - (iv) the provision of a temporary electricity substation;
  - (v) the construction of a crossover within the new central reservation at the new Longbarrow Junction;
  - (vi) the construction of a new bridleway running on the south side of the new A303 westbound carriageway and westbound diverge slip road as shown illustratively on sheet 5 of the rights of way and access plans; and
  - (vii) the construction of new private means of access, as shown illustratively on sheet 5 of the rights of way and access plans.
- (e) **Work No. 1E** – as shown on sheet 6 of the works plans and being the construction of the new A303, to include—
- (i) the construction of a new cut and cover section of tunnel; and
  - (ii) the construction of a western portal for the new A303 tunnel.
- (f) **Work No. 1F** - as shown on sheets 6, 7 and 8 of the works plans and being the construction of part of the new A303, comprising a new twin bore highway tunnel, comprising two bores, one for eastbound traffic and one for westbound traffic, with a two-lane carriageway in each direction, and including cross-passages connecting the two tunnels.
- (g) **Work No. 1G** – as shown on sheet 8 of the works plans and being the construction of the new A303, to include—
- (i) the construction of a new cut and cover section of tunnel;
  - (ii) the construction of new tunnel service buildings; and
  - (iii) the construction of an eastern portal for the new A303 tunnel.
- (h) **Work No. 1H** – as shown on sheets 8, 9, 10 and 11 of the works plans and being the construction of the new A303 and of improvements to sections of the existing A303, and the improvement of connecting highway junctions, to include—
- (i) the construction of new tunnel service buildings;
  - (ii) the construction of new eastern portal approach retaining walls and associated works for the new A303;

- (iii) the construction of new eastbound and westbound merge and diverge slip road connections between the new A303 and the existing junction of the A303 with the A345 (Countess Roundabout), together with retaining walls and associated works, and tie-ins to existing carriageway;
- (iv) the construction of two new bridge structures to carry the new A303 on a flyover above the Countess Roundabout;
- (v) the construction of a crossover within the new central reservation on the flyover above the Countess Roundabout;
- (vi) the removal of an existing subway to the east of the existing Countess Roundabout and replacement provision of new at-grade crossing facilities for non-motorised users on the A345;
- (vii) works associated with tie-ins to existing carriageways approaching and crossing the existing River Avon Bridge carrying the new and improved A303;
- (viii) works to effect the stopping up of the existing A303 central reserve opening at the junction of the existing A303 with the existing side road known as Allington Track;
- (ix) the construction of a new realigned eastbound access from the A303 into the existing Amesbury Road;
- (x) works to effect the stopping up of the existing eastbound access from Amesbury Road onto the A303;
- (xi) the construction of a new realigned A303 eastbound access from the existing A3028 Double Hedges Road onto the A303;
- (xii) works to effect the stopping up of the existing access between byway AMES1 and the eastbound carriageway of the A303;
- (xiii) works to effect the stopping up of the section of byways BULF12 and AMES2 between the existing A303 and the junction between the existing Amesbury Road and the existing A3028;
- (xiv) the construction of new private means of access, as shown illustratively on sheets 8 and 11 of the rights of way and access plans;
- (xv) the provision of a temporary electricity substation; and
- (xvi) the construction and installation of new variable message signs.

**Work No. 2** – as shown on sheets 3 and 12 of the works plans and comprising—

- (a) the realignment of the B3083, passing under the new A303 (Work No. 1A); and
- (b) the construction of new private means of access, as shown illustratively on sheet 3 of the rights of way and access plans.

**Work No. 3** – as shown on sheets 2, 3, 4 and 5 of the works plans and being the improvement of the existing A303, to include—

- (a) **Work No. 3A** – as shown on sheets 2, 3 and 4 of the works plans and comprising—
  - (i) the construction of a new byway open to all traffic, as shown illustratively on sheets 2 and 3 of the rights of way and access plans;
  - (ii) the construction of new private means of access, as shown illustratively on sheets 2 and 3 of the rights of way and access plans; and
  - (iii) works to support the reclassification of the existing A303 from a trunk road to a C road, including closure of an existing lay-by, and including the construction of a shared use cycle track.
- (b) **Work No. 3B** – as shown on sheet 4 of the works plans and being—
  - (i) the construction of a new bridleway to the north of the existing A303, as shown illustratively on sheet 4 of the rights of way and access plans; and
  - (ii) the construction of new private means of access, as shown illustratively on sheet 4 of the rights of way and access plans.

- (c) **Work No. 3C** – as shown on sheets 4 and 5 of the works plans and being—
  - (i) the construction of a new highway link from the existing A303 to the southern roundabout of the new Longbarrow Junction (Work No. 4), including the construction of a cycleway; and
  - (ii) the construction of new private means of access, as shown illustratively on sheets 4 and 5 of the rights of way and access plans.

**Work No. 4** – as shown on sheets 5, 14 and 15 of the works plans and being the realignment of the existing A360 and forming part of the new Longbarrow Junction, to include—

- (a) the construction of a new bridge (Green Bridge Three) to carry the realigned A360 over the new A303;
- (b) the construction of two new roundabouts connected by a short length of dual carriageway;
- (c) the construction of a new single carriageway two-way link road and tie-in from the new northern roundabout (forming part of the new Longbarrow Junction) to the existing A360 (north);
- (d) the construction of a new single carriageway two-way link road and tie-in from the new southern roundabout (forming part of the new Longbarrow Junction) to the existing A360 (south);
- (e) the construction of new private means of access, as shown illustratively on sheets 5, 14 and 15 of the rights of way and access plans;
- (f) the construction of a new right of way, partly shared use cycle track and partly restricted byway running southwards from the existing Airman’s Corner roundabout, and broadly parallel with the alignment of the existing A360, save where it runs to the east of the dew pond, to its junction with the existing Longbarrow roundabout, as shown illustratively on sheets 5 and 14 of the rights of way and access plans;
- (g) the construction of a new restricted byway running northwards from the junction between byway BSJA9 and the A360, to the new A303, as shown illustratively on sheets 5 and 15 of the rights of way and access plans; and
- (h) the construction of a new bridleway running southwards from the western end point of byway BSJA9 and then south-eastwards to its junction with byway WFOR16, as shown illustratively on sheet 15 of the rights of way and access plans.

**Work No. 5** – as shown on sheet 13 of the works plans and being the realignment and change to vehicle priority layout at the Rolleston Cross junction, to include—

- (a) the construction of a realigned section of the existing east-west length of the B3086, known as ‘the Packway’;
- (b) the construction of a realigned section of unclassified road from the north of the existing Rolleston Cross Junction;
- (c) the construction of a realigned section of the existing north-south B3086;
- (d) the construction of a realigned section of the existing unclassified highway 094402 (the Packway); and
- (e) the construction of new private means of access, as shown illustratively on sheet 13 of the rights of way and access plans.

**Work No. 6** – as shown on sheets 5, 6, 7 and 8 of the works plans and being the conversion of part of the existing A303 to a new restricted byway, to include—

- (a) the construction of a new restricted byway running from the existing Longbarrow roundabout eastwards, generally along the line of the existing A303 to the junction between Stonehenge Road and footpath AMES13, as shown illustratively on sheets 5, 6, 7 and 8 of the rights of way and access plans, and including the provision of a new turning head at the junction between Stonehenge Road and footpath AMES13;

- (b) the construction of a new restricted byway crossing over the new A303 on Green Bridge Four (Work No. 1D), then running westwards to meet the existing A360, as shown illustratively on sheet 5 of the rights of way and access plans; and
- (c) the construction of new private means of access, as shown illustratively on sheets 5, 6, 7 and 8 of the rights of way and access plans.

**Work No. 7** – as shown on sheet 11 of the works plans and being the realignment of part of the existing unclassified Allington Track, to include—

- (a) works to effect the stopping up of part of bridleway AMES29 between Equinox Drive and byway AMES1 as shown illustratively on sheet 11 of the rights of way and access plans;
- (b) works to effect the stopping up of byway AMES1 as shown illustratively on sheet 11 of the rights of way and access plans;
- (c) works to support the reclassification of byway AMES1 as a footpath, as shown illustratively on sheet 11 of the rights of way and access plans;
- (d) works to effect the stopping up of Allington Track over a length between its existing junction with the A303 (including works to effect the stopping up of its access to the A303) and its junction with the existing access track running in parallel with the westbound carriageway of the A303, between Allington Track and byway AMES1;
- (e) the construction of a new length of byway open to all traffic between Equinox Drive and byway AMES1, as shown illustratively on sheet 11 of the rights of way and access plans;
- (f) the construction of a length of new unclassified road between Equinox Drive and Allington Track, as shown illustratively on sheet 11 of the rights of way and access plans; and
- (g) the construction of new private means of access, as shown illustratively on sheets 5, 6, 7 and 8 of the rights of way and access plans.

**Work No. 8** – as shown on sheets 3 and 12 of the works plans and being—

- (a) works to effect the processing, deposition or use of excavated material, landscaping works and re-profiling works including the creation of chalk grassland habitat;
- (b) the construction of new private means of access as shown on sheets 3 and 12 of the rights of way and access plans.

**Work No. 9** – as shown on sheets 9 and 10 of the works plans and being the extension of two existing substations and related electricity cabling for provision of power to the authorised development.

### Ancillary Works

For the purposes of or in connection with the construction of any of the works and other development mentioned above, ancillary or related development which does not give rise to any materially new or materially ~~different-worse~~ adverse environmental effects in comparison with those reported in the environmental statement, consisting of—

- (a) works within highways, including—
  - (i) alteration of the layout of any street permanently or temporarily, including increasing or reducing the width of the carriageway of any street by increasing or reducing the width of any kerb, footway, cycleway, or verge within the street; and altering the level or increasing the width of any such kerb, footway, cycleway or verge within the street, works for the strengthening, improvement, repair, maintenance or reconstruction of any street;
  - (ii) street works, including breaking up or opening a street, or any sewer, drain or tunnel under it, and tunnelling or boring under a street;
  - (iii) relocation or provision of new road traffic signs, signals, street lighting, road restraints and carriageway lane markings;



- (iv) works to place, alter, remove or maintain street furniture or apparatus (including statutory undertakers' apparatus) in, under or above a street, including mains, sewers, drains, pipes, cables, cofferdams, lights, fencing and other boundary treatments; and
  - (v) works to facilitate traffic management, provide vehicle recovery services and to deliver information relating to the authorised development;
- (b) other works and development—
- (i) for the strengthening, alteration or demolition of any building;
  - (ii) to place, alter, divert, relocate, protect, remove or maintain services, plant and other apparatus and equipment belonging to statutory undertakers, utility companies and others in, under or above land, including mains, sewers, drains, pipes, cables, lights, cofferdams, fencing and other boundary treatments including bollards;
  - (iii) comprising ramps, steps, footpaths, footways, shared use cycle tracks, cycleways, bridleways, equestrian tracks, non-motorised user routes or links, byways open to all traffic, restricted byways, private means of access, laybys and crossing facilities;
  - (iv) comprising embankments, cuttings, viaducts, bridges, aprons, abutments, shafts, foundations, retaining walls, drainage works, drainage treatment areas, ponds, lagoons, outfalls, pollution control devices, pumping stations, impounding sumps, culverts, wing walls, fire fighting system water tanks and associated plant and equipment, highway lighting and fencing;
  - (v) comprising settlement monitoring and mitigation measures for the benefit or protection of, or in relation to, any land, building or structure, including monitoring and safeguarding of existing infrastructure, utilities and services affected by the authorised development;
  - (vi) comprising landscaping, re-grading, re-profiling, contouring, noise barriers, works associated with the provision of ecological and archaeological mitigation, and other works to mitigate any adverse effects of the construction, operation or maintenance of the authorised development;
  - (vii) comprising the processing, deposition or use of excavated materials;
  - (viii) comprising areas of hard or soft landscaping works, or public realm, at various locations adjacent to the new or improved highway and associated works;
  - (ix) comprising site preparation works, site clearance (including fencing and other boundary treatments, vegetation removal, works of demolition, including demolition of existing structures, and the creation of alternative highways or footpaths) and earthworks (including soil stripping and storage and site levelling);
  - (x) comprising construction compounds and working sites, temporary structures, storage areas (including storage of excavated material and other materials), temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction-related buildings, temporary worker accommodation facilities, welfare facilities, office facilities, other ancillary accommodation, construction lighting, haulage roads and other buildings, machinery, apparatus, processing plant, works and conveniences;
  - (xi) comprising service compounds, plant and equipment rooms, offices, staff mess rooms, welfare facilities, and other ancillary and administrative accommodation;
  - (xii) comprising ground investigation works, including the installation and monitoring of associated apparatus;
  - (xiii) comprising works for the benefit or protection of the authorised development; and
  - (xiv) comprising works of whatever nature, as may be necessary or expedient for the purposes of, or for purposes associated with or ancillary to, the construction, operation or maintenance of the authorised development.

### **Annex G – Proposed Correction to Paragraph 3 of Schedule 2 (Requirements)**

#### **Preparation of detailed design, etc.**

3.—(1) The authorised development must be designed in detail and carried out so that it is, subject to the limits of deviation, in accordance with the works plans, the engineering section drawings (plan and profiles) and the engineering section drawings (cross sections) unless otherwise agreed in writing by the Secretary of State, following consultation with the planning authority on matters related to its functions and any other person the Secretary of State considers appropriate having regard to the proposed amendment in question and the statutory roles and responsibilities of such person, and provided that the Secretary of State is satisfied that any amendments to the works plans, the engineering section drawings (plan and profiles) and the engineering section drawings (cross sections) would not give rise to any materially new or materially ~~different~~ worse adverse environmental effects in comparison with those reported in the environmental statement.

(2) Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to be substituted for the corresponding works plans, engineering section drawings (plan and profiles) or engineering section drawings (cross sections) and the undertaker must make those amended details available in electronic form for inspection by members of the public.

**Annex H – Proposed Correction to Paragraph 9 of Schedule 2 (Requirements)**

**Traffic management**

9.—(1) No part of the authorised development is to commence until a traffic management plan which makes provision for traffic management proposals required to facilitate the construction of that part and which is substantially in accordance with the OEMP has been submitted to and approved in writing by the Secretary of State, following consultation with the local highway authority ~~and the Royal Mail Group Limited.~~

(2) The relevant part of the authorised development must be constructed in accordance with the approved plan referred to in sub-paragraph (1).

## Annex I – Proposed Correction to Paragraph 13 of Schedule 2 (Requirements)

### **Applications made under requirements**

13.—(1) Where an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement (including consent, agreement or approval in respect of part of a requirement) included in this Order the Secretary of State must give notice to the undertaker of the decision on the application within a period of eight weeks beginning with—

- (a) the day immediately following that on which the application is received by the Secretary of State;
- (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 15; or
- (c) such longer period as may be agreed between the parties.

(2) Subject to sub-paragraph (3), in the event that the Secretary of State does not determine an application within the period set out in sub-paragraph (1), the Secretary of State is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) Where—

- (a) an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement included in this Order;
- (b) the Secretary of State does not determine such application within the period set out in sub-paragraph (1); and
- (c) the application is accompanied by a report that considers it likely that the subject matter of the application is to give rise to any materially new or materially ~~different-worse~~ adverse environmental effects in comparison with those reported in the environmental statement,

then the application is taken to have been refused by the Secretary of State at the end of that period.

**Annex J – Proposed Corrections to Schedule 12 (documents to be certified)**

<i>(1)</i> <i>Document</i>	<i>(2)</i> <i>Description</i>
book of reference	The book of reference contained in document reference 4.3 (3) Book of Reference
classification of roads plan	The classification of roads plan contained in document reference 2.13 (1) Classification of Roads Plan
Crown land plans	The Crown land plans contained in document reference 2.4
detailed archaeological mitigation strategy	The detailed archaeological mitigation strategy contained in document reference 8.11 (76) – <del>Final Detailed Archaeological Mitigation Strategy (DAMS)</del> revised response to Department for Transport request for further information dated the 4th May 2020
de-trunking plans	The de-trunking plans contained in document reference 2.12 (1) De-trunking Plans
engineering section drawings (cross sections)	The engineering section drawings (cross sections) contained in document reference 2.8 Engineering Section Drawings (Cross Sections)
engineering section drawings (plan and profiles)	The engineering section drawings (plan and profiles) contained in document reference 2.7 Engineering Section Drawings (Plan and Profiles)
environmental statement	<p>The environmental statement, figures and appendices contained in document references 6.1 Environmental Statement, 6.2 Environmental Statement Figures, 6.3 Environmental Statement Appendices and 6.4 Environmental Statement Non-Technical Summary, subject to the following substitutions and corrections—</p> <p>6.1 Environmental Statement, each of the following chapters are to be read as incorporating the corresponding corrections contained in the document reference 8.45 Errata Report, in relation to that chapter—</p> <ul style="list-style-type: none"> <li>(a) Chapter 5: Air Quality;</li> <li>(b) Chapter 7: Landscape and visual;</li> <li>(c) Chapter 10: Geology and Soils; and</li> <li>(d) Chapter 13: People and communities.</li> </ul> <p>6.2 Environmental Statement Figures—</p> <ul style="list-style-type: none"> <li>(a) Environmental Masterplan Figures 2.5A to 2.5S are to be substituted with Environmental Masterplan Figures 2.5A to 2.5S Revision 2;</li> <li>(b) Figure 13.2 Existing NMU Routes is to be substituted with the Figure 13.2 Existing Public Rights of Way contained in Appendix A of document reference 8.45 Errata Report; and</li> <li>(c) Figures 13.3A and 13.3B Proposed NMU Routes is to be substituted with Figures 13.3A and 13.3B Proposed NMU Routes (Revision 3).</li> </ul> <p>6.3 Environmental Statement Appendices—</p> <ul style="list-style-type: none"> <li>(a) Each of the following appendices are to be read as incorporating the corresponding corrections and substitutions contained in document reference 8.45 Errata Report in relation to that appendix—</li> </ul>

	<ul style="list-style-type: none"> <li>(i) Appendix 6.1 Heritage Impact Assessment;</li> <li>(ii) Appendix 6.3 Archaeological Gazetteer;</li> <li>(iii) Appendix 6.9 Cultural Heritage Setting Assessment;</li> <li>(iv) Appendix 7.10 Arboricultural Impact Assessment;</li> <li>(v) Appendix 8.25 Habitats Regulation Assessment (HRA): Statement to Inform Appropriate Assessment;</li> <li>(vi) Appendix 11.2 Water Framework Directive Compliance Assessment; and</li> <li>(vii) Appendix 11.4 Groundwater Risk Assessment;</li> </ul> <ul style="list-style-type: none"> <li>(b) Appendix 8.7B Aquatic macrophyte survey River Till is to be substituted with the Appendix 8.7B Aquatic macrophyte survey River Till – Corrected Version – August 2019, contained in Appendix B of the document reference 8.45 Errata Report;</li> <li>(c) Appendix 8.9A Aquatic macro-invertebrate survey River Avon is to be substituted with the Appendix 8.9A Aquatic macro-invertebrate survey River Avon Corrected Version – August 2019, contained in Appendix B of the document reference 8.45 Errata Report;</li> <li>(d) Appendix 11.3 Road Drainage Strategy is to be substituted with Appendix 11.3(1) 6.3 Environmental Statement Appendices Appendix 11.3: Road Drainage Strategy; and</li> <li>(e) Appendix 11.5 Level 3 Flood Risk Assessment is to be substituted with Appendix 11.5 (1) Level 3 Flood Risk Assessment which is to be read as incorporating the corrections contained in document reference 8.45 Errata Report in relation to that appendix.</li> </ul>
land plans	The land plans contained in document reference 2.2 Land Plans
outline environmental management plan	The outline environmental management plan contained in document reference 6.3 <del>(87) Environmental Statement Appendix 2.2 Outline Environmental Management Plan (OEMP) Final Outline Environmental Management Plan - revised response to Department for Transport request for further information, May 2020</del>
rights of way and access plans	The rights of way and access plans contained in document reference 2.6 (1) Rights of Way and Access Plans
special category land plans	The special category land plans contained in document reference 2.3 Special Category Land Plans
stone curlew breeding plot specification	The stone curlew breeding plot specification contained in document reference 8.58 – Stone curlew breeding plot specification
traffic regulation measures plans (clearways and prohibitions)	The traffic regulation measures plans (clearways and prohibitions) contained in document reference 2.11 Traffic Regulation Measures Plans (Clearways and Prohibitions)
traffic regulation measures plans (speed limits)	The traffic regulation measures plans (speed limits) contained in document reference 2.10 Traffic Regulation Measures Plans (Speed Limits)
tunnel area plan	The tunnel area plan contained in document reference 2.15 Tunnel Area Plan
tunnel limits of deviation plan	The tunnel limits of deviation plan contained in document reference 2.16 Bored Tunnel Limits of Deviation Plan

works plans	The works plans contained in document reference 2.5 Works Plans
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