

### **A303 Amesbury to Berwick Down Stonehenge: Comments on Draft Documents**

These queries relate solely to matters raised by the drafting of documents, and not the merits of the proposal. They are limited by the time available for consideration, and raised without prejudice to the acceptance or otherwise of the eventual application. They are provided to assist the preparation of the next iteration.

#### **Section Drawings**

No comments. These look to be good practice documents.

#### **Land Plans**

No comments, although the amendment to red line boundary is noted.

#### **Book of Reference**

<b><i>Point no.</i></b>	<b><i>Para</i></b>	<b><i>Extract from Document</i></b>	<b><i>Question/Comment</i></b>
<b>1</b>	Para 1.1.2	This Book of Reference lists the plots of land over which the Applicant is seeking powers of compulsory acquisition (Articles X & Y) and powers of temporary possession (Articles X & Y) in the DCO for the purposes of the Scheme.	<p>The guidance ("Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land", Annex D, in particular paragraphs 9 and 10) suggests that sections of the BoR should cross-refer to the relevant articles in the Draft DCO. This has not been done here. Whilst the Applicant might not consider it feasible to amend the tables themselves, some additional explanatory text might be useful.</p> <p>The description of land offers no further information under which Article each plot is to be considered. Currently the only source of information is on the Land Plans.</p> <p>A desirable approach can be seen in M20 Junction 10a or a hybrid approach can be seen in Lake Lothing Third River Crossing.</p>

## Works Plans and Sample Sections

<b>Point no.</b>	<b>Para</b>	<b>Extract from Document</b>	<b>Question/Comment</b>
<b>1</b>		General	The plans do not show the area within which linear works may be carried out – either by reference to a limit of deviation or a shaded polygon. Presumably this is because at these locations the Order Limits are being used to define the limits of deviation for the linear works.
<b>2</b>		Work No 7	This polygon shows the area within which work number 7 may be carried out, but would normally be shaded.

## Explanatory Memorandum

<b>Point no.</b>	<b>Para</b>	<b>Extract from Document</b>	<b>Question/Comment</b>
<b>1</b>	General		The EM in referring to individual provisions frequently merely states that they have been included in previous orders. The EM should explain why the provision in this form is necessary and appropriate for this particular order – see PINS Advice Note 15.
<b>2</b>	General		The EM frequently states that an article is 'based on' the Model Provisions or another precedent. The EM should identify and justify the changes from the MPs or other quoted precedents.
<b>3</b>	2.3	The land proposed for the new carriageway and embankments alone is [xx] hectares.	The figure included within the EM should be consistent with all other references to the size of the scheme.

<b>4</b>	5.4		<p>The EM should justify the extended definition of “maintain”, in particular the inclusion of “adjust” and “alter” which are outside the ordinary meaning of the word.</p> <p>The EM should also explain why the maintenance powers available to highway authorities under the Highways Act 1980 are insufficient.</p> <p>The EM should explain whether the definitions related to the tunnel are new or drawn from precedent elsewhere.</p>
<b>5</b>	5.9		The EM should explain the effect of the provisions to be disapplied and justify their disapplication – as has been done in para 5.12 in relation to consents
<b>6</b>	5.14		There are certain elements of the temporary possession regime under the NPA 2017 that are fixed by the statute itself, e.g. as to notices being required to identify the period of temporary possession. The EM should justify why such elements are not appropriate in this case.
<b>7</b>	5.15		As comment on 5.9 above.

#### **Development Consent Order**

<b><i>Point no.</i></b>	<b><i>Para</i></b>	<b><i>Extract from Document</i></b>	<b><i>Question/Comment</i></b>
<b>1</b>		General	The applicant will be asked to maintain a list of all plans and other documents that will require Secretary of State certification (including plan/document references), updated throughout the examination process, and supplied to the Examining authority before the close of the examination.

2		General	<p>The application DCO and any subsequent versions of the submitted to the examination:</p> <ul style="list-style-type: none"> <li>• should be supplied in both .pdf and Word formats, the latter showing any changes from the previous version by way of tracked changes.</li> <li>• should be accompanied by a document explaining the changes made– see e.g. <a href="#">Document explaining changes made to dDCO for Deadline 5</a> in the A19 (Testo’s Junction) DCO examination</li> </ul> <p>The examination timetable will usually provide a deadline for receipt of the applicant’s final or preferred version of the DCO. That version should be supported by a report of the outcome of validating it through the Publishing section of the legislation.gov.uk website</p>
3	A2		<p>Can the various plans referred to in A2 each be identified by Drawing and Revision Numbers in the next version of the draft DCO?</p> <p>As an alternative, Schedule 13 should be populated with the relevant drawing and revision numbers.</p>
4	A2(1)		<p>The EM should justify this extended definition, in particular the inclusion of “adjust”, “alter” and “remove” which are outside the natural meaning of “maintain” and could allow variations of the scheme as may be approved.</p>
5	A2(1)		<p>The Works Plans refer to ‘Highway Work Limit of Deviation (indicative)’:</p> <ul style="list-style-type: none"> <li>• The titles used in the DCO and works plans should be consistent to avoid confusion;</li> <li>• Precise, not indicative, limits should be used in the application documents for certainty.</li> </ul>
6	A5(2)		<p>Although this general and extensive provision has been included in made orders, the EM should explain why it is necessary and justified for this particular project. The EM should also explain whether there are any specific enactments that are causing concern. What are the limits of the provision? How far does “adjacent” extend from the Order limits?</p>
7	A8(6)(b)		<p>There should be some limits on the changes that may be made to the tunnel design rather than the unbridled scope given by this provision. What degree of variation has been assessed in the ES?</p>

<b>8</b>	Part 4 (operational provisions)		It is assumed that the tunnel provisions are based on the Silvertown Tunnel Order 2017. If there are any differences, these should be highlighted, explained and justified in the EM. The EM should explain why the traffic regulation powers in the existing legislation are inadequate in relation to this scheme, and need to be supplemented /supplanted by the provisions of this Order.
<b>9</b>	A54		The Order limits encompass land which will not be owned by the undertaker and may not be subject to rights. The EM should explain why any such land should be treated as operational land and thus capable of being developed under Highways England's Permitted Development rights.
<b>10</b>	R3		This requirement refers to a preliminary scheme design. To what extent is the design 'preliminary'? Does this approach have precedent in other orders?