



National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Customer  
Services: 0303 444 5000

e-mail: [A303Stonehenge@planninginspectorate.gov.uk](mailto:A303Stonehenge@planninginspectorate.gov.uk)

---

Highways England  
c/o David Cox  
By email

Your Ref:

Our Ref: TR010025

Date: 7 August 2019

---

Dear David

## **Planning Act 2008 – Section 51**

### **Application by Highways England for an Order granting development consent for the A303 Amesbury to Berwick Down**

#### **Advice in response to email**

Thank you for your email dated 1 August 2019 concerning proposed amendments to the application promoted by Wiltshire Council (WC), the Trail Riders Fellowship and other Interested Parties (IP).

The agenda for the Issue Specific Hearing dealing with matters relating to traffic and transportation (ISH9) on 22 August 2019 will include an opportunity for the Examining Authority (ExA) to hear representations from the IPs on the merits of the proposed changes. If required to further assist its consideration of the issues, following ISH9 the ExA can request additional written evidence from the IPs.

In the meantime, it remains open to the IPs seeking the changes to prepare, in addition to any non-statutory consultation mentioned in the s51 advice to WC dated 29 July 2019<sup>1</sup>, any assessments to inform any further written submissions they may wish to make. For the avoidance of doubt, an ExA cannot compel an IP to provide information to an Examination under s89 of the Planning Act 2008.

Having considered the representations made at ISH9, together with any written evidence that is submitted afterwards, the ExA can either:

- Dismiss all the proposed changes and make its recommendation to the Secretary of State (SoS) based on the application as submitted; or

---

<sup>1</sup> Available at: <https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a303-stonehenge/?ipcsection=advice&ipcadvic=173dd6875b>

- if the ExA thinks that a proposed change, or changes, to the application is/are necessary to mitigate the impacts of the Proposed Development, ask the Applicant if it would be prepared to make the change(s).

If in the latter scenario an applicant declines to make the change(s), an ExA may decide, taking into account the significance of the impacts of the Proposed Development and the need for the mitigation, together with all other important and relevant matters, to recommend to the SoS that consent is not granted unless the mitigation is provided through the making of the change(s). It would then be for the SoS to consider how to deal with the recommendation in the course of the three-month Decision stage.

If you require any further advice or need clarification in respect of the above, please do not hesitate to contact me.

Yours sincerely

*Richard Price*

**Richard Price**  
**National Infrastructure Case Manager**

This communication does not constitute legal advice.  
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.