



# Department for Transport

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**(NOTE: All representations should be submitted by email to the Planning Inspectorate at the address below)**

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To:

Highways England, Historic Buildings  
and Monuments Commission for  
England ("Historic England") and  
Natural England

4 May 2020

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Dear Sir/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.**

### **REQUEST FOR COMMENTS AND FURTHER INFORMATION**

The Examining Authority ("ExA") submitted on 2 January 2020 a Report and Recommendations in respect of its findings on the above application to the Secretary of State for Transport ("the Secretary of State").

In accordance with section 107 of the Planning Act 2008, the Secretary of State had until 2 April 2020 to make a decision on the Development Consent Order ("DCO") application. However, in order to allow for further work to be carried out before the application is determined, the Secretary of State has set a new deadline for a decision on the Application of 17 July 2020 in a Written Ministerial Statement<sup>1</sup> laid in Parliament on 29 April 2020.

The Secretary of State would be grateful if the Applicant, Historic England and Natural England where highlighted in bold could provide further information or comments on the matters set out below:

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<sup>1</sup> <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2020-04-29/HCWS212/>

**Document 6.3 (7) Environmental Statement Appendix 2.2 – Outline Environmental Management Plan (OEMP) [Examination Library document AS-129<sup>2</sup>]**

As part of the Secretary of State's consideration of the requirements of the National Policy Statement for National Networks ("NPSNN")<sup>3</sup>, **the Applicant** is requested to provide an updated OEMP that addresses the following points:

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.

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.

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.

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.

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.

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.

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.

<sup>2</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-001763-6.3%20Appendix%202.2\(7\)%20%E2%80%93%20Outline%20Environmental%20Management%20Plan%20\(OEMP\)\\_FINAL.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-001763-6.3%20Appendix%202.2(7)%20%E2%80%93%20Outline%20Environmental%20Management%20Plan%20(OEMP)_FINAL.pdf)

<sup>3</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/387222/npsnn-print.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/387222/npsnn-print.pdf)

## **Detailed Archaeological Mitigation Strategy (“DAMS”) [Examination Library document REP9-017<sup>4</sup>]**

The Secretary of State also requests that **the Applicant** provides an updated DAMS that addresses the following points:

### 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).

### 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.’*

### 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.’*

The Secretary of State would also welcome the comments of **Historic England** on the proposed amendments to the OEMP and DAMS above and its assessment of the extent to which the amendments might help to minimise the harm to the Stones and surrounding environment of the WHS.

## **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<sup>5</sup>]), which had not featured in previous iterations of the draft DCO [REP9-031<sup>6</sup>]. 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

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<sup>4</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-001693-Highways%20England%20-%208.11%20\(Rcv%205\)%20%E2%80%93%20Final%20Detailed%20Archaeological%20Mitigation%20Strategy%20\(DAMS\)%20-%20Clean.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-001693-Highways%20England%20-%208.11%20(Rcv%205)%20%E2%80%93%20Final%20Detailed%20Archaeological%20Mitigation%20Strategy%20(DAMS)%20-%20Clean.pdf)

<sup>5</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-001743-3.1%20\(8\)%20dDCO.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-001743-3.1%20(8)%20dDCO.pdf)

<sup>6</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-001685-Highways%20England%20-%208.63%20Applicant%E2%80%99s%20Response%20to%20Rule%2017%20Letter.pdf>

([REP9-025<sup>7</sup>] and [REP9-026<sup>8</sup>]). 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:

#### **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.

#### **The deadline for any response is 18 May 2020.**

Given the coronavirus (COVID 19) emergency, the Planning Inspectorate are currently unable to accept hard copies of consultation responses. Responses to the matter outlined in this letter should therefore be submitted by email to: [A303Stonehenge@planninginspectorate.gov.uk](mailto:A303Stonehenge@planninginspectorate.gov.uk). If you will have difficulty in submitting a response by the consultation deadline, or difficulty in submitting a response by email, please inform the Case Team.

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<sup>7</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-000802-8.10.5%20Cultural%20heritage%20\(CH.1\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-000802-8.10.5%20Cultural%20heritage%20(CH.1).pdf)

<sup>8</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-000803-8.10.6%20Design%20\(De.1\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-000803-8.10.6%20Design%20(De.1).pdf)

The responses will be published on the project page for the A303 Stonehenge DCO on the Planning Inspectorate's website as soon as possible after the above deadline at:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a303-stonehenge/>

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the A303 Amesbury to Berwick Down road scheme, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Susan Anderson  
Head of Transport Infrastructure Planning Unit