

Wiltshire Council

Cabinet

15th March 2016

Subject: A303 – Stonehenge Improvement

Cabinet member: Councillor Fleur de Rhé Philipe
Economic Development, Skills and Strategic Transport

Key Decision: No

Executive Summary

In 2014, the then coalition Government published a plan outlining how £15.1 billion will be invested in 84 schemes across the national road network between 2015 and 2021.

That wider commitment included £2 billion to improve (as a dual carriageway expressway) the A303 and A358 in the south west, including a twin bored tunnel at Stonehenge.

Dualling the A303 and A358 is a nationally significant infrastructure project (NSIP) as defined by the Planning Act 2008.

Part of the A303 runs through the Stonehenge World Heritage Site and there are significant heritage elements to this project.

This NSIP will be promoted by Highways England under the requirements of the Planning Act to secure a Development Consent Order (DCO) to allow work to begin. This process will involve detailed engagement with the general public, local communities and stakeholders. The first round of engagement with local communities on plans for the A303/A30/A358 corridor will begin early in 2016.

The purpose of this report is to explain the DCO process, and to set out the main implications for the Council.

Proposal(s)

It is recommended:

- a. that Cabinet notes the report,
- b. acknowledges the inevitable resource implications for the Council,
- c. acknowledges the need for strong governance arrangements

(items b. and c. above will be the subject of future reports)

Reason for Proposal

To ensure that the Council's role in the DCO process is properly discharged

Parvis Khansari
Associate Director for Highways & Transport

Wiltshire Council

Cabinet

Date of meeting

Subject:	A303 – Stonehenge Improvement
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Purpose of Report

2. In 2014, the then coalition Government published a plan outlining how £15.1 billion will be invested in 84 schemes across the national road network between 2015 and 2021.

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Relevance to the Council's Business Plan

3. Improvements along the A303 help meet the priorities of the Council's Business Plan, including:
 - Outcome 1 - Wiltshire has a thriving and growing local economy
 - Outcome 2 – People in Wiltshire work together to solve problems locally and participate in decisions that affect them
 - Outcome 3 - Everyone in Wiltshire lives in a high quality environment
 - Outcome 6 – People are as protected from harm as possible and feel safe

Main Considerations for the Council

4. In 2005, a Public Inquiry was held to consider the then Highways Agency's published proposal for improvements at Stonehenge to place the A303 in a 2.1km bored tunnel.
5. The then Wiltshire County Council formally resolved to support the scheme – that resolution remains extant.
6. On the 20 July 2005, the Inspector's Report on the Public Inquiry into the A303 Stonehenge Improvement was published. In his Report, the Inspector recommended in favour of the Published Scheme promoted at the Inquiry, and he further recommended that the Scheme Orders should be made, subject to some minor modifications.
7. On the same day, the then Minister of State for Transport announced that, as a result of a substantial increase in the cost of the Published Scheme, the Government had decided to review whether the Scheme still represented value for money and the best option for delivering improvements to the A303 and to the setting of Stonehenge.
8. On 6 December 2007, the then Roads Minister announced that the whole scheme had been cancelled due to increased costs.
9. Improvement to the A303/A358/A30 corridor has long been considered a priority by a strong coalition of businesses, LEPs, local authorities, emergency services and cross-party MPs.
10. The route experiences considerable congestion, and road safety problems, and is seen as an extremely unreliable access point to the South West, resulting in restraints to development and business growth along the corridor.
11. The inherent lack of resilience in transport routes linking the South West with UK and international markets is highlighted time and time again when the limited road or rail links to the area are closed due to accidents, flooding or even routine maintenance works.
12. In 2013, Authorities along the corridor (Somerset, Devon, and Wiltshire), the Highways Agency and Heart of South West Local Enterprise Partnership collaborated to bring together a case for investment, seeking a commitment from Government to progress a whole route improvement over time, based on the considerable wider economic benefits and direct transport benefits it would deliver. The prospectus prepared in support of that position is attached as **Appendix 1**.
13. In December 2014, the then coalition government published their Road Improvement Strategy (RIS)¹ outlining a long-term programme for motorways and major roads, including:
 - £3.5 billion on 20 new schemes that will address some of the most long-standing and notorious network hotspots, including building a tunnel at least

¹ <https://www.gov.uk/government/collections/road-investment-strategy>

1.8 miles long at Stonehenge and dualling the whole of the A303, transforming connectivity to and from the South West

14. Highways England has advised that their challenge is to start on site at Stonehenge prior to 2020.
15. Wiltshire Council has been involved (with key partners) with the development of the most recent World Heritage Site Management Plan for Stonehenge (Stonehenge, Avebury and Associated Site May 2015) and is a signatory to its overarching aim of protecting the outstanding universal values of the site.

Development Consent Order Process

16. Section 22 of the Planning Act 2008 sets out criteria for Highway schemes to be considered as nationally significant infrastructure projects and therefore capable of being dealt with under the Development Consent Order (DCO) process.
17. This process was introduced with an aim that it would be a one stop shop for any significant infrastructure project (including some processes which normally the Council may have been the decision maker). The Stonehenge project falls into this category.
18. The role of the Council within this process is likely to be a statutory Consultee (and one of the principal consultees). It is inevitable that there will be a number of Council facets that will be engaged.
19. Highways England will also be looking to the Council to broker local consultation with Parish/Town Councils and other representative groups and individuals with a local interest.
20. Recent meeting with Highways England suggests that local consultation will commence mid February.
21. The recent consultation exercise associated with Army Basing² was a successful exercise in reaching a wide range of stakeholders, hosted locally by Area Boards. The Defence Infrastructure Organisation (DIO) led the exercise, however Area Boards had a key community engagement role, and facilitated a number of very well attended events in their local areas. The document attached as **Appendix 2** explains further.
22. Given the sensitivity of the project, there are likely to be conflicts which develop over competing (and often strongly held) views - it will be necessary for the Council to establish an appropriate process within which key decisions will be made.
23. To avoid unnecessary delays for significant infrastructure there are fairly rigid time constraints at each stage of the process and therefore It will be necessary for the Council to pull together significant information within tight time frames. The table below shows the various stages associated with a typical DCO - the process is not dissimilar to an examination for soundness regarding adoption of a core strategy or development plans.

² Relocation of troops from Germany by 2020

Stage		Year 1											Year 2								
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
Pre-Application	Options, Consultation and Design (Flexible)																				
Acceptance		28d																			
Pre-Examination			3m/Flex																		
Examination					6 months																
Decision													3 months		3 months						
Post Decision																		6 wks			

24. **Pre application stage** begins when Highways England inform the Planning Inspectorate they intend to submit a Development Consent Order application in the future. Highways England are required to do a pre submission consultation on the proposal.
25. The length of time for this consultation varies depending on the project. There is also at this stage a requirement on Highways England to agree a Statement of Community Consultation (SOCC) with affected local authorities. The SOCC will form part of the formal application.
26. Before the consultation period commences, Highways England will agree a SOCC with Wiltshire Council which will be published. The SOCC will provide details of where and when scheme information can be viewed and how people can comment.
27. The Council will need to consider its position on a number of aspects; impacts on our own transport network, local communities, economic impacts, environmental/heritage impacts; land ownership, etc.
28. There are significant potential conflicts that could arise that may need to be reconciled by the Council including tensions contrasting local and wider County issues, economy vs environmental or community needs etc.
29. As a key stakeholder, it is anticipated that collaborative working arrangements will need to be agreed between the Council and Highways England; to ensure effective flow of information at all levels and to assist in discussion and resolution of issues as they arise. This collaborative and constructive working arrangement has already commenced and will continue throughout the decision making process, as well as through construction and into operation of the scheme.
30. This information and potential conflicts also need to be considered at the examination stage however careful preparation at this stage will minimise difficulties at the more public pre-examination and examination stages.

31. **Acceptance:** begins when Highways England submit a formal application for development. PINS have 28 days to satisfy themselves that the application is in order.
32. Within 2 weeks of submission, Wiltshire Council will be required to submit to PINS a report commenting on the adequacy of the consultation.
33. **Pre-examination:** Stakeholders and members of the public will be able to register with the Planning Inspectorate and provide a written summary of their views of the application. At the pre-examination stage, everyone who has registered and made a representation will be invited to attend a preliminary meeting, run and chaired by an Inspector. This stage of the process would take approximately 3 months from notification that application has been accepted for examination.
34. Within 2 weeks of submission, Wiltshire Council will be required to submit to PINS a report commenting on the adequacy of the consultation.
35. **Examination:** The planning inspectorate has six months from close of pre examination to carry out the examination. During this stage, people who have registered to have their say are invited to provide more details of their views in writing. PINS carry out a number of issue specific hearings and site visits, similar to Public Inquiries.
36. There will be requests for additional information, questions, representations and responses; all delivered to a set of deadlines established at the preliminary meeting. Deadlines cannot be missed.
37. Wiltshire Council will be required to submit a Local Impact Report to PINS, setting out how we see the impacts of the scheme.
38. Highways England will develop a statement of common ground with each key stakeholder. This process will commence as early as is practical and should be completed before public hearings are held.
39. **Decision:** From the close of Examination, the Planning Inspectorate have 3 months to prepare a report and recommendation to the relevant Secretary of State. The SoS then has a further 3 months to make the decision on whether to grant or refuse development consent. The SoS has powers to make changes or impose requirements to the DCO.
40. **Post Decision:** Once a decision has been issued by the Secretary of State, there is a six week period in which the decision may be challenged (judicial Review) in the High Court.
41. The above points go some way to explaining the main aspects of the DCO process, however the Planning Inspectorate website offers a good deal of additional information³.
42. Of particular relevance is their "*Advice note two: The role of local authorities in the development consent process*" – a copy is attached as **Appendix 3**

³ <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Overview & Scrutiny Engagement

43. None

Safeguarding Implications

44. None

Public Health Implications

45. The condition and operation of roads, byways, footpaths and related infrastructure can have serious safety implications. A key outcome of the scheme is to improve safety along the corridor.

Procurement Implications

46. None

Equalities Impact of the Proposal

47. A full assessment will be undertaken by Highways England as part of the DCO process

Environmental and Climate Change Considerations

48. The scheme has significant implications for heritage, archaeology and ecology, all of which will need to be properly explored through the DCO process. As a signatory to the WHS Management Plan and member of WHS Partnership Panel, the Council, and its partners have a responsibility to protect the outstanding universal value of the site and any decisions relating to this will be monitored by UNESCO.

49. The scheme will provide benefits in improved traffic flows, reduced delays and a consequential reduction in noise and emissions.

Risk Assessment

50. None

Risks that may arise if the proposed decision and related work is not taken

51. The DCO process may be delayed.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

52. Although Highways England are the scheme promoter, the demand on Council resource will be high.

53. Early indications are that work will begin in earnest in early 2016, and several service areas across the Council will be asked to become engaged to a significant level in a process that will be driven by tight deadlines (in order to achieve a start no later than 2020)
54. There is little doubt that the Council's available resource will be stretched beyond present capacity – it will for CLT and Cabinet to consider how to balance those demands against other competing priorities.

Financial Implications

55. We recognise that the programme will require resources. At this stage detailed analysis is underway. As such the principle is that any additional costs are borne by external fees or reprioritisation of internal resources. Further work will identify in more detail the impact on resources; if this reveals additional pressures on the Medium Term Financial Plan then funding will need to be identified. A further report will come forward with this detail in 2016.

Legal Implications

56. Given the complexity and unfamiliarity of the DCO process, Members and officers will require legal support throughout the process. The level of resource required could be significant.

Options Considered

57. None.

Conclusions

58. The Council's engagement in the DCO process will have significant (currently unfunded) resource implications, requiring detailed contributions from a wide range of service areas including specialised input from planning, highway, archaeology, ecology and economy experts.
59. The Council has no direct experience of the DCO process, and both Members and officers will need to become familiar with the legal, procedural and practical implications.
60. Engagement in the DCO process is highly likely to be controversial, and the Council will need to establish a strong and well understood governance arrangement to manage political and professional inputs.

Proposal

61. It is recommended:
- a. that Cabinet notes the report,
 - b. acknowledges the inevitable resource implications for the Council,
 - c. acknowledges the need for strong governance arrangements

(items b. and c. above will be the subject of future reports)

Reason for Proposal

62. To ensure that the Council's role in the DCO process is properly discharged.

Parvis Khansari
Associate Director of Highways & Transport

Report Author:

Allan Creedy – Head of Service Sustainable Transport

Background Papers

The following documents have been relied on in the preparation of this report:

Appendices

- Appendix 1** "A303 Corridor Improvement Programme" : Outline economic case and proposed next steps - April 2013
- Appendix 2** "Army Basing - Salisbury Plain; Consulting for a Masterplan" : Defence Infrastructure Organisation – February 2014
- Appendix 3** "The Role of Local Authorities in the Development Consent Process" : Planning Inspectorate – February 2015