

APPENDIX 5



**Report to the First Secretary of
State and the Secretary of State for
Transport**

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**HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981
ROAD TRAFFIC REGULATION ACT 1984**

THE A303 TRUNK ROAD (STONEHENGE IMPROVEMENT) ORDER 200

**THE A303 TRUNK ROAD (STONEHENGE IMPROVEMENT) SLIP ROADS
ORDER 200**

**THE A303 TRUNK ROAD (STONEHENGE IMPROVEMENT)
(DETRUNKING) ORDER 200**

**THE A303 TRUNK ROAD (STONEHENGE IMPROVEMENT) SIDE ROADS
ORDER 200**

**THE A303 TRUNK ROAD (STONEHENGE IMPROVEMENT) COMPULSORY
PURCHASE ORDER (NO.) 200**

**THE A303 TRUNK ROAD STONEHENGE IMPROVEMENT (COUNTLESS
ROUNDBOUT TO LONGBARROW CROSSROADS) (PROHIBITION OF
CERTAIN CLASSES OF TRAFFIC AND PEDESTRIANS) ORDER 200**

AND

**THE A303 TRUNK ROAD STONEHENGE IMPROVEMENT (STONEHENGE
BYWAY) (PROHIBITION OF MOTOR VEHICLES) ORDER 200**

Dates of Inquiry: 17 February 2004 to 11 May 2004

Ref: HA61/4/3

scheme, and supports a solution which would take the A303 away from the WHS. He believes that further consideration should be given to Alternative Route 4.

The response of the Highways Agency to the objection of Councillor A J Brown-Hovelt

- 6.23.7 The published scheme is being promoted as an "exceptional environmental scheme". Its prime objective is to remove roads and traffic from the setting of Stonehenge in recognition of its status as a WHS. English Heritage, as custodians of the WHS and the Stonehenge Management Plan, supports the scheme in the belief that it provides the right solution for the Stones. The scheme could not be delivered through the WHS without the proposed tunnel. It is the tunnel solution that offers the heritage and environmental benefits required by the Stonehenge Management Plan.
- 6.23.8 The disposal of material from the tunnel and cuttings would be used as part of a package of essential landscaping to blend the proposed highway into the existing landform. This would reduce the visual intrusion of the published scheme so that it would have overall benefits in both landscape and visual terms.
- 6.23.9 The Highways Agency has demonstrated to the satisfaction of the Environment Agency and English Nature that the tunnel would not have an adverse impact on the chalk aquifer, and that it would not affect the viability of any of the river systems within the area.
- 6.23.10 The published scheme would achieve considerable compliance with policies contained in both statutory and non statutory plans from international through to local level.

6.24 The Trail Riders Fellowship

- 6.24.1 The Trail Riders Fellowship ("TRF") was formed in 1970 to record, protect and use public greenways and tracks. It has a written constitution, and a national membership (as at September 2003) of 3,217. The TRF objection (which has been authorised by the Fellowship) is to the Byway Regulation Order. The additional objection originally made to the Side Roads Order is withdrawn.
- 6.24.2 The Tunnel Regulation Order would prohibit pedestrians, cyclists, animals (ridden, led or driven by a person), vehicles drawn by animals, motorcycles (whose engine cylinder capacity is less than 50 cc) and invalid carriages from using the proposed tunnel. All of those classes of traffic, with the exception of motorcycles with an engine capacity of less than 50 cc, would be able to use the Stonehenge Byway. Motorcycles (whatever their engine capacity) would not be able to use the Byway.
- 6.24.3 At present, the A303 to the south of Stonehenge is joined from the south by a right of way shown on the current Definitive Map as Bridleway Amesbury 11. Following consideration of a Definitive Map Modification Order made under Section 53 (2) (b) of the Wildlife and Countryside Act

1981 at a public inquiry held on 24 and 25 February 2004 (reference FPS/K3930/7/27, Document TRF/0/2), this right of way has recently been reclassified as a Byway Open to All Traffic. It is therefore open to use by motorcycles, along with other vehicular traffic.

- 6.24.4 Some 400 m to the west of the junction of what is now Byway Amesbury 11, the A303 is joined from the north by Byway Amesbury 12.
- 6.24.5 At present, users of Byway Amesbury 11 and Byway Amesbury 12 can move between the two Byways using the A303. If the published scheme were carried out, the A303 in the section between Byway Amesbury 11 and Byway Amesbury 12 would be in tunnel. If the restrictions contained in the Byway Regulation Order were to apply, this would mean that users of motorcycles and other motor vehicles would not be able to move between Byway Amesbury 11 and Byway Amesbury 12 along the proposed Stonehenge Byway. Byway Amesbury 11 would thus become a dead end for those classes of user. (Byway Amesbury 12 would not, because it continues as Byway Wilsford cum Lake 1 to the south of the A303.)
- 6.24.6 To address this issue, the TRF seeks an exemption from the restriction of vehicular traffic on the 400m length of the Stonehenge Byway between the points at which it is joined by Byway Amesbury 11 and Byway Amesbury 12.
- 6.24.7 There is no objection from the TRF to the proposals contained in the Byway Regulation Order for the balance of the proposed Stonehenge Byway.
- 6.24.8 Should the published scheme be approved, Wiltshire County Council as the local highway authority would need to carry out a comprehensive review of the public rights of way within the Stonehenge area, and that is when the issue of the use of the Stonehenge Byway should be determined. This should be done in consultation with all appropriate user groups. There was no such consultation before the present draft Byway Regulation Order was published. The need for this comprehensive review is recognised in the Stonehenge Management Plan at paragraph 4.6.4, and in the Stonehenge Estate Land Use Plan (Document DD68) in management policy ACP1.
- 6.24.9 The Statement of Reasons produced by the Highways Agency for the making of the Byway Regulation Order referred to the preservation and improvement of the amenities of the area through which the Byway would run; the prevention of the use of the Byway by vehicles which are considered unsuitable having regard to the intended character of the road and the adjoining landscape; and the conservation and enhancement of the flora, fauna and beauty of the area.
- 6.24.10 Prohibiting those motor vehicles which would be affected by the Byway Regulation Order from the 400m between Byway Amesbury 11 and Byway Amesbury 12 would not improve the amenities of the area; that improvement would be achieved by placing the A303 in a tunnel. Vehicles of the type used by members of the TRF are not unsuitable,

having regard to the intended character of the road, a Byway replacing a trunk road which forms part of the ancient landscape. The Order would not conserve and enhance the flora, fauna and beauty of the area, because no flora or fauna exist on the surface of the A303 nor are any likely to colonise the surface of the Byway. The beauty of the area would not be affected by members of the TRF, whose sporadic and transient use already takes place in areas of beautiful countryside without any adverse effect.

6.24.11 The trail motor cycles used by members of the TRF are road legal, fuel efficient, quiet, unobtrusive and have a significantly lower impact on the surface and amenities of a route than agricultural vehicles, statutory undertakers' vehicles, transport vehicles for people with disabilities and emergency vehicles.

6.24.12 As presently drafted, the Byway Regulation Order would mean that motorised traffic (apart from those classes covered by the existing exemptions in the Order) would need to turn round at the northerly end of Byway Amesbury 11 and find an alternative route, probably using normal public roads, before being able to rejoin the byway network.

The response of the Highways Agency to the objection of the Trail Riders Fellowship

6.24.13 The Highways Agency would provide reasonable alternative routes for those users who would be banned from using the proposed tunnel. All but the 50 cc motorcycles would be permitted to use the Stonehenge Byway. In line with the WHS Management Plan aim that motorised traffic should be removed from the vicinity of the Stones, the Highways Agency considers, however, that it should not promote the use of the Byway between Byway Amesbury 12 and Byway Amesbury 11 by motor vehicles or motorcycles.

6.24.14 The Highways Agency consulted those it was required to consult under the relevant Regulations regarding the draft Byway Regulation Order.

6.24.15 The Order is being promoted to restrict vehicles from the immediate area of the Stonehenge monument from the outset because of the importance attached by the WHS Management Plan to removing vehicular traffic from that area. It is not premature to take this line now, leaving the comprehensive review of access requirements envisaged by the Management Plan and the Land Use Plan to be carried out by English Heritage and the National Trust in consultation with the relevant bodies when a decision has been taken on the Orders before these inquiries.

6.24.16 To allow vehicles along the 400m between Byways 11 and 12 (which comes within about 250m of Stonehenge itself) beyond those covered by existing exemptions would have an adverse effect upon precisely those amenities of the area which would be improved by placing the A303 in the proposed tunnel.

6.25 The Byways and Bridleways Trust

6.25.1 The Byways and Bridleways Trust ("BBT") is managed by 7 Trustees. It was created to protect the heritage of public rights over roads, bridleways and byways. The objection to the Orders in this case has been approved by the Trustees.

6.25.2 The BBT accepts that traffic flow along the A303 needs to be improved. This should not be achieved, however, at the expense of damage to the rights of way network in the area.

The status of the public rights of way affected by the Side Roads Order

6.25.3 During the consultation period on these Orders, the BBT has consistently highlighted the existence of carriageway rights over a number of public rights of way which join with or cross the A303. These routes are, however, not recorded on the Definitive Map for the area as Byways Open to All Traffic subject to vehicular rights, as the BBT considers they should be on the available evidence. They are shown on the Definitive Map instead as Bridleways or Footpaths, and the Highways Agency has referred to them with that status in the Side Roads Order. The Highways Agency should have resolved the status of these rights of way before producing the draft Orders, and shown them in those Orders at their true status.

6.25.4 Until 1 January 2026, public rights continue to exist, whether they are shown on the Definitive Map or not. The relevant highway authority has a duty under Section 130 of the Highways Act 1980 to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority. The Highways Agency is the highway authority for the A303, and they should take that duty seriously.

6.25.5 Belatedly, the Highways Agency has introduced an amendment to Article 1 (1) (b) and to Article 1 (3) of the draft Side Roads Order (shown in Document HA/0/13) which would address in practical terms the issue raised by the BBT. It would provide for the automatic recognition of any higher status subsequently found to apply to the rights of way concerned; but it is unreasonable to deal with this important matter, which has consistently been raised with the Highways Agency over many months, at this late stage.

6.25.6 The BBT ask that the draft Orders be amended so as to take account of the true nature of the rights of way concerned, as created by Act of Parliament, where they are affected by the A303 improvements, so as not to prejudice the rights of those who rely on the status of Byway Open to All Traffic for their recreation.

Ultra vires purchase of land

6.25.7 The proposed revised line of the A303 is superimposed in places over highways which were created by Act of Parliament. The failure of the local highway authority to record accurately these old carriageways does

not alter the fact that they are, in law, publicly maintainable highways. If the Highways Agency is buying those areas of land which currently form the A303 or the B3083 where coincident with the published scheme, it should not be expending public money on the compulsory acquisition of ancient lanes which are also existing highways. Payment for existing highway land goes beyond the powers available in the Highways Act 1980.

Traffic regulation on the proposed Stonehenge Byway

- 6.25.8 The Highways Agency should have undertaken early consultation with appropriate user groups on the proposals contained in the Byway Regulation Order.
- 6.25.9 The BBT objects to the prohibition of any vehicle using the section of the proposed Stonehenge Byway which links Byway Amesbury 11 and Byway Amesbury 12. These routes are pivotal to the byway network in this area. Whilst there may be legitimate amenity issues which militate against certain traffic traversing the entire length of the proposed new Byway, there is no benefit or reason to preclude traffic between Amesbury 11 and Amesbury 12. There is no nearby alternative recorded byway route which would provide a north/south connection in the rights of way network. The user of the byway network with a motorcycle or motor vehicle would need to find a link either 4km west or 5km east for any north/south journey.

The response of the Highways Agency to the objection of the Byways and Bridleways Trust

The status of public rights of way affected by the Side Roads Order

- 6.25.10 The modifications to the Side Roads Order which the Highways Agency has sought in Document HA/0/13 meet the objection raised by the BBT in connection with the contested status of public rights of way which join with or cross the existing A303. The highway authority for these public rights of way is Wiltshire County Council. It is not the Highways Agency. The Highways Agency considered that it could not take into account the alleged status of each of these rights of way when it was not the highway authority for them, and when no modification Order seeking amendment to the Definitive Map for the area had been proposed. It would have been wrong for the Highways Agency to prejudge the issue of the status of these rights of way before any application to change that status had been made and before a decision had been arrived at on such an application.
- 6.25.11 The Highways Agency followed what had been recorded as to the status of these rights of way on the Definitive Map.
- 6.25.12 Given that applications have now been made to amend that status, the modifications requested to the draft Side Roads Order provide for the automatic recognition of higher rights over the public rights of way concerned if these are shown to exist.

Powers for the purchase of land

- 6.25.13 As regards the purchase by a highway authority of land already owned by the same or another highway authority, generally there are two types of land included in any road improvement scheme. The first is freehold land held by the Crown or the relevant local highway authority or some other landowner. The second is highway land vested in the Crown or in the local highway authority, but where the sub soil is vested in the adjoining landowner or landowners.
- 6.25.14 In this case, the route of the present A303 is owned by the Crown. Such parts of that route as would no longer be required for highway purposes (for the new route or for mitigation) would be offered to the former owners of the land. Where land which is held freehold is required for the route or for mitigation and is shown as being held by the Crown, it would remain in the ownership of the Crown. All parcels of land required for the new route and for essential mitigation are included in the draft Compulsory Purchase Order, however, even if already owned by the Crown. This ensures that, in the event that it is found that the Crown only owns the top soil, this ownership can be made complete to include the sub soil.
- 6.25.15 Powers to purchase land compulsorily are only used in the last resort. The Highways Agency would not purchase any land presently used or shown as a right of way unless the sub soil was not owned. In some instances, however, the line of the new trunk road would cross the line of public rights of way, in which case those rights would be stopped up by the Orders. At that point, the land would revert to the previous owner, and it would then be purchased by the Crown for the new right of way (the new trunk road) with the re provided original right of way along a new alignment.
- 6.25.16 The Highways Agency consulted those it was required to consult on the proposal to restrict traffic along the Stonehenge Byway.

Traffic regulation on the proposed Stonehenge Byway

- 6.25.17 As indicated in paragraph 6.24.13 above, reasonable alternative routes would be provided by the scheme for those users who would be banned from using the proposed tunnel.
- 6.26 **Mr R Wort**
- 6.26.1 Mr Wort was brought up in the area of Stonehenge and has many longstanding family connections with the area. In the past, he was one of the partners running Countess Farm. His objection is a personal objection.
- 6.26.2 Stonehenge was given to the nation in 1918. In 1927, there was a national appeal "to restore and preserve the open surroundings of Stonehenge", and the Stonehenge Protection Committee, set up at that time, established suitable policies for the Stonehenge landscape. They

Specific objections to particular elements of the published scheme

- 10.215 It is argued by objectors that any ***Winterbourne Stoke Bypass should be restricted to a single carriageway*** [6.7.11, 6.8.13]. If it were backed by a comprehensive programme of traffic calming, objectors claim that a single carriageway bypass would be sufficient to cater for existing traffic levels [6.8.13].
- 10.216 The Highways Agency responds, however, by pointing out that the existing single carriageway route through Winterbourne Stoke is already overloaded at certain times. Predicted flows would exceed by 16% the capacity of even a wide single two lane carriageway by 2008 [6.7.19, 6.8.35]. All justifiable traffic calming measures have already been undertaken in Winterbourne Stoke [6.8.35].
- 10.217 I conclude that a single carriageway bypass for Winterbourne Stoke would be inadequate to deal with existing and future traffic levels.
- 10.218 Dr and Mrs Moon argue that there is ***no need for an interchange between the A303 and the A360*** [6.15.8, 6.15.9]. Their contention is that there are existing viable alternative routes to the A303 from north and south, which are well known to and widely used by local traffic. The omission of a Longbarrow Interchange from the published scheme would save money, and reduce environmental damage to the complex of barrows in the immediate area of Longbarrow Crossroads. The Highways Agency responds that the omission of a junction at Longbarrow Crossroads would significantly inconvenience local traffic and local communities [6.15.23].
- 10.219 The omission of an A303/A360 interchange is put forward in more detail as part of Alternative Route 8, and I reach a conclusion on the proposal when I consider that Alternative Route from paragraph 10.561 below.
- 10.220 I deal next with ***objections concerning the proposed Stonehenge Byway***. The Byway would run from Longbarrow Crossroads to Stonehenge Road. Along the 2.1km stretch of the proposed tunnel, it would follow the line of the former A303 [4.52]. It would have a surface around 12m wide, with a 3m width of hard surface [4.53].
- 10.221 The Tunnel Regulation Order would prohibit pedestrians, cyclists, animals ridden, led or driven by a person, vehicles drawn by animals, motor cycles with an engine cylinder capacity of less than 50cc and invalid carriages from using the proposed tunnel. All of those classes of traffic, with the exception of motor cycles of less than 50cc, would be able to use the Stonehenge Byway [6.24.2]. Most motor vehicles would, however, be excluded from the Byway under the provisions of the Byway Regulation Order. The exceptions would be vehicles carrying people with disabilities operated by English Heritage or the National Trust, the vehicles of statutory undertakers and the emergency services, agricultural vehicles, and vehicles being used to gain access to Stonehenge Cottages [1.7]. Vehicles excluded from both the tunnel and the Byway (small motor cycles) would be diverted around a northern

- route, using the A360, the Packway and the A345 roads [4.52].
- 10.222 The National Trust objects to these proposals, because it considers that the proposed Byway should be classified as a bridleway from the outset, thereby excluding all motor vehicles from using it. The Trust considers that allowing motorised vehicles to use the Byway would harm the setting of Stonehenge and associated monuments [6.1.57] and prejudice the achievement of Objective 23 of the Stonehenge Management Plan, which includes the proposal to downgrade byways within the WHS to bridleways [6.1.58]. The Trust considers that the limited number of vehicles for which access to the Byway is necessary could be accommodated by way of private means of access and wayleaves [6.1.59].
- 10.223 The Highways Agency responds by making the point that it is necessary to make reasonable alternative provision for non tunnel users, and this category includes drivers of horse drawn carriages, who would be prohibited from using a bridleway [6.1.91].
- 10.224 Amesbury Town Council takes a different line in relation to the exemptions contained in the Byway Regulation Order. The Town Council considers that the exemption of "invalid carriages and disabled transport vehicles designed specifically to carry up to eight disabled or less able bodied persons and driven by a designated representative from English Heritage or the National Trust" is a discriminatory measure, designed to aid English Heritage and the National Trust rather than the wider community of people with disabilities. The Town Council considers that the exemption should be made available to all types of transport for people with disabilities, with no restriction on drivers or operators [6.22.8]. The Highways Agency responds that the limited exemption is intended to restrict vehicular use of the Byway in order to minimise the impact of vehicles on the Byway in the immediate area of Stonehenge.
- 10.225 A third Issue in relation to permitted vehicles on part of the Byway is raised by objectors representing rights of way interests.
- 10.226 What is now Byway Amesbury 11 (following reclassification during the course of the inquiries) joins the present A303 from the south close to Stonehenge [6.24.3]. Some 400m to the west of that junction, the A303 is joined from the north by Byway Amesbury 12 [6.24.4]. At present, users of the two Byways can move between them by using the A303 [6.24.5]. If this 400m section of the A303 were placed in tunnel, however, and the restrictions contained in the Byway Regulation Order were to apply, this would mean that users of motor cycles and other motor vehicles would not be able to move between Byway 11 and Byway 12 along the proposed Stonehenge Byway. Byway Amesbury 11 would therefore become a dead end for those classes of users [6.24.5].
- 10.227 To address this issue, the objectors concerned seek an exemption from the restriction on vehicular traffic on the 400m length of the proposed Stonehenge Byway between the junctions of that route with Byway Amesbury 11 and Byway Amesbury 12 [6.24.6, 6.25.9].
- 10.228 This is opposed by the Highways Agency on the basis that allowing

- vehicles on that section of the proposed Stonehenge Byway would bring them within approximately 250m of the Stonehenge monument, and would have an adverse effect on precisely those amenities of the area which would be improved by placing the A303 in a tunnel [6.24.16] In line with the requirements of the Development Plan and the supplementary planning guidance contained in the Stonehenge Management Plan.
- 10.229 The objectors counter by pointing out that both the Management Plan and the Stonehenge Land Use Plan indicate that there should be a comprehensive review of access requirements for vehicular traffic in the WHS [6.24.8]. They say that the time to consider any restriction of rights is when that review takes place. They contend that the justifications for the Byway Regulation Order put forward in the statement of reasons by the Highways Agency would not be met by the removal of vehicular rights between Byways 11 and 12 [6.24.9]. The prohibition would not improve the amenities of the area; that would be achieved by the tunnel [6.24.10]. Vehicles used by such as members of the Trail Riders' Fellowship would not be unsuitable having regard to the intended character of the road [6.24.10]. They would have less impact than agricultural vehicles, statutory undertakers' vehicles, emergency vehicles and transport vehicles for people with disabilities [6.24.11]. Nor would the Order conserve the flora, fauna or beauty of the area [6.24.10]. As presently drafted, the Byway Regulation Order would mean that motorised traffic (apart from those classes covered by existing exemptions in the draft Order) would need to turn back at the northerly end of Byway 11 and find an alternative route before being able to rejoin the byway network [6.24.12]. This would involve using a link either 4km west or 5km east to continue a north/south journey [6.25.9].
- 10.230 I note that the County Council appears already to have committed itself to prohibiting motor vehicles from using byways within the WHS [5.2.7], although it is not clear from the evidence produced to the inquiries that that decision was taken following the sort of comprehensive review of access requirements and further detailed studies envisaged by the Stonehenge Management Plan.
- 10.231 It is necessary for the proposed arrangements to make reasonably convenient provision to replace rights of access and rights of way affected by the scheme. If the proposed Byway were reduced to a bridleway, this would offer no replacement provision along a direct route between Longbarrow Crossroads and Stonehenge Road for horse drawn carriages, in effect requiring them to follow the same diversion which motor cycles of less than 50cc would be expected to use. It is one thing to expect a powered vehicle to take such a route. In my view it is a different matter to impose that additional distance on a carriage driver. It might be that such a proposal would be found acceptable if it were properly investigated, but no evidence to that effect was presented to the inquiries. I consider that relatively few carriage drivers would be likely to use the Stonehenge Byway, and in my view those that would do so would be less intrusive than many of the classes of permitted vehicles regarded as acceptable under the Byway Regulation Order.

- 10.232 **I conclude** that the proposal contained in the published scheme that the right of way between Longbarrow Crossroads and Stonehenge Road should be a Byway Open to All Traffic should be supported.
- 10.233 As regards the limitation on the operators of vehicles for people with disabilities exempted from the Byway Regulation Order, I understand the point made by the Amesbury Town Council, but the exemption they seek would open the whole length of the proposed Byway to all orange card holders, for example. I consider that this would represent too wide an exemption, when reasonable alternative provision is proposed by English Heritage and the National Trust for people with access related disabilities. **I conclude** that the restriction proposed by the Highways Agency in this respect should be supported.
- 10.234 As regards the short distance of the proposed Byway between Byways Amesbury 11 and Amesbury 12, I entirely take the point made by the objectors - if the short distance between those two connections were not open to motor vehicles using Byway 11, then that Byway would be turned into a dead end. At the moment it can be used with the A303 as part of a rights of way network, but, if the present Byway Regulation Order were confirmed as requested by the Highways Agency, then that would no longer be possible. I cannot see how such an arrangement can represent a reasonably convenient alternative provision, as required for the approval of the Side Roads Order. Nor can I see how it would improve the amenities of the area to ban motorised users of Byways 11 and 12 from using the 400m length of the Stonehenge Byway. Those users would still be able to take their vehicles perfectly legally to within around 250m of Stonehenge on either Byway 11 or Byway 12; they simply would not be able to travel between the two. This seems to me to be completely illogical.
- 10.235 **I conclude** that the amendment sought by rights of way users to remove the exemption which would deny access to motor vehicles to the 400m of the proposed Stonehenge Byway between the junctions of that proposed Byway with Byways Amesbury 11 and 12 should be supported, and I shall recommend accordingly.
- 10.236 I appreciate that to many this will seem an illogical position, when considerable funds would be committed, if the published scheme were approved, to removing traffic from the immediate surroundings of Stonehenge. What my conclusion underlines, however, is the good sense of the proposal in paragraph 4.6.4 of the Stonehenge Management Plan that there should be a thoroughgoing review of rights of way in the WHS. In my view such a review would benefit substantially from consultation with and the involvement of interested parties.
- 10.237 The Byways and Bridleways Trust raises two other points of objection to two of the Orders before the inquiries, not limited to the Stonehenge Byway, but it is convenient to deal with these matters also here.
- 10.238 The first point of objection relates to the impact of the Side Roads Order on public rights of way in the area affected by the published scheme. A number of public rights of way which join or cross the A303 are shown on

the Definitive Map for the area as bridleways or footpaths, and the Highways Agency has adopted that status in references to them in the Side Roads Order. The rights of way concerned are, however, the subject of longstanding disputes concerning their status, and the Byways and Bridleways Trust argues that these disputes should have been resolved before the draft Orders were produced [6.25.3].

- 10.239 It is in my view unfortunate that such disputes were not resolved before the Orders were drafted, but I accept that their resolution was not in the hands of the Highways Agency [6.25.10]. In the circumstances, I do not see that the Highways Agency had any alternative but to show the rights of way concerned in the draft Orders with the status for each of them which is shown on the Definitive Map [6.25.11]. Given that applications have now been made to amend that status in each case, modifications requested by the Highways Agency to the Side Roads Order would provide for the automatic recognition of any higher status subsequently found to apply to the routes concerned [6.25.5, 6.25.12]. I consider that that proposed modification would deal satisfactorily with this point of objection. It is not possible for me to recommend the alternative approach advocated by the Byways and Bridleways Trust of amending the draft Orders to reflect the status claimed for the disputed rights of way [6.25.6], because I do not consider that all the relevant evidence regarding the status of the routes concerned was before me at the inquiries, and third party rights might be affected by decisions which were not advertised as to be taken at these inquiries.
- 10.240 On the other hand, I note that the modification sought by the Highways Agency to meet this point of objection would effectively be rendered worthless if the County Council were to proceed without any further consideration of the matter to promote Orders prohibiting motor vehicles from any of the rights of way concerned which might be found to be subject to vehicular rights. A wide ranging review of rights of way in the WHS would avoid that situation.
- 10.241 I conclude that the objection regarding the way in which various rights of way have been recorded by the Highways Agency in the draft Side Roads Order cannot be sustained.
- 10.242 The second issue raised by the Byways and Bridleways Trust concerns the power of the Highways Agency to acquire land for the proposed new line of the A303 where that line coincides with the line of existing publicly maintainable highways [6.25.7].
- 10.243 I agree with the Highways Agency that, in some instances, where the proposed line of the new trunk road would cross the line of existing public rights of way, the existing public rights would be stopped up by the Orders, and new public rights would be created [6.25.15]. The land concerned would, however, only be acquired under the Compulsory Purchase Order by the Crown if it was not already owned, or if the existing ownership was only of a limited right, such as a right extending only to the topsoil and not including the subsoil [6.25.14, 6.25.15]. I do not see that this would involve any payment from public funds for rights which the public already enjoy, and I do not consider that the Highways

Agency's proposals in that regard extend beyond the powers available in the Highways Act 1980 and the Acquisition of Land Act 1981.

- 10.244 I conclude that this basis of objection cannot be sustained.
- 10.245 Some objectors argue that *the closure of the A344 junction with the A303 should be pursued immediately*, regardless of the outcome of these inquiries, on road safety or environmental grounds or both [6.4.31 to 6.4.34, 6.6.58, 6.8.9, 6.8.11, 6.8.21, 6.10.14, 8.2.1].
- 10.246 The Highways Agency responds that closure of the A344 junction would cause increased congestion on the A303 if it took place without the A303 being provided with a dual carriageway. This would lead to more frequent queues and delays. Both local and long distance traffic would be attracted to inappropriate local roads. Response times for emergency vehicles would suffer. Visitor Centre traffic from the east would be subject to a longer route and to potential delay [6.8.33, 8.2.8]. The A344 is the responsibility of Wiltshire County Council. The County Council has made it plain that, as highway authority, it would not be prepared to close the A344/A303 junction without the completion of an A303 Stonehenge Improvement Scheme.
- 10.247 I conclude that the closure of the A344 independently of the proposed improvement of the A303 would not be justifiable, in that it would increase congestion on the A303 and elsewhere in the local road system, causing additional problems for emergency vehicles.
- 10.248 Objectors contend that *the Countess flyover should be omitted from the scheme*. They argue that the flyover would cause increased noise, visual intrusion and pollution in Amesbury [6.8.15, 6.19.3]. In their view, the retention of a surface level roundabout with the addition of safety features for cyclists and pedestrians would continue to provide a proper transition between the continuous dual carriageway to the east and the mix of single and dual carriageway to the west. The point is made that the flyover was not included in the scheme at the time of the public consultation in 1999. It was added later in the light of anticipated traffic problems which could flow from English Heritage's preferred site for the new Visitor Centre at Countess East [6.8.14]. That site does not have planning permission for the new Visitor Centre, and there is substantial opposition to the grant of such permission [6.8.16].
- 10.249 The Highways Agency responds that the public consultation in 1999 was presented with options for Countess Roundabout which included both grade separated and at grade solutions. The majority of respondents favoured grade separation. While the design contained in the published scheme would cater for the estimated traffic flows if the Visitor Centre were relocated to Countess East, the published scheme does not prejudice the relocation of the Visitor Centre to another location [6.8.37]. In the longer term, an at grade roundabout would not secure sufficient capacity for the A303 alone, and congestion would occur [6.8.38].
- 10.250 I note that the concern about air quality and noise is not supported by evidence produced to the inquiries [6.9.25, 6.17.15, 6.19.9 and 6.16.17].

were to be made, the Highways Agency would be in a position to carry out the published scheme.

- 10.634 With the modifications requested by the Highways Agency, which are set out in the form of the Order contained in Document HA/0/53, I conclude that the Compulsory Purchase Order should be made.

Conclusion on the Tunnel Regulation Order

- 10.635 The Highways Agency asks for the Tunnel Regulation Order to be made in the modified form contained in Document HA/0/53. The modifications suggested are set out in Document HA/0/13. I consider that these modifications could be made in accordance with Regulation 11 of the Secretary of State's Traffic Orders (Procedure) (England and Wales) Regulations 1990. No party raised any objection to the proposed modifications at the inquiries.

- 10.636 No specific point of objection has been raised to the Tunnel Regulation Order [6.30.1]. I consider that the types of vehicular traffic listed in the Order would be unsuitable to use the tunnel, having regard to the character of the road it would provide. I consider that it is expedient to impose the restrictions contained in the Order, and I conclude that the Tunnel Regulation Order should be made in the modified form contained in Document HA/0/53.

Conclusion on the Byway Regulation Order

- 10.637 The Highways Agency asks for the Byway Regulation Order to be made in the modified form contained in Document HA/0/53. The modification suggested is set out in Document HA/0/38. I consider that this modification could be made in accordance with Regulation 11 of the Secretary of State's Traffic Orders (Procedure) (England and Wales) Regulations 1990. The modification (and indeed the original proposal which it replaced) was the subject of objection by Amesbury Town Council [6.22.8]. For the reasons given in paragraph 10.233 above, I conclude that the objection should not be sustained, and that the Order should not be amended in that respect.

- 10.638 In relation to the objection of the National Trust to the provisions of the Byway Regulation Order, for the reasons given at paragraph 10.231 above, I conclude at paragraph 10.232 that the objection should not be sustained.

- 10.639 For the reasons set out in paragraph 10.235, however, I consider that the Byway Regulation Order should be amended to remove the exemption which would deny access to motor vehicles to the distance of approximately 400m of the proposed Stonehenge Byway which separates the junction of Byway Amesbury 11 from Byway Amesbury 12. Without that modification, I do not consider that the scheme would make reasonable provision for users in motor vehicles of the Byway Amesbury 11. I do not consider that it can be said that this traffic is unsuitable having regard to the other vehicles which would be exempted from the prohibition on the use of the proposed Byway and to the fact that such

vehicles would in any event be able to travel lawfully to a point just as close to Stonehenge on the existing Byway.

10.640 I conclude that this Order should be modified to accord with the draft form of the Order contained in Document HA/0/53, and, in addition, to remove the exemption on the use by motor vehicles of the length of the proposed Byway between the junctions with Byways Amesbury 11 and 12. A consolidated amended version of the Order and plan is attached to this report as Appendix C.

Environmental Statement

10.641 The Environmental Statement produced on behalf of the Highways Agency (Document DD8 to DD/11/9 inclusive) together with the Statement to Inform the Appropriate Assessment (Document DD132), the responses of the statutory consultees, and all the evidence provided at the Inquiries on environmental matters on behalf of the Highways Agency, supporters, objectors and those who made representations have been taken into account in reaching these conclusions.

Conclusion regarding the request to delay a decision pending the removal of the Stonehenge Visitor Centre

10.642 The Salisbury Green Party argues that, since the benefits claimed for the published scheme cannot be achieved by the scheme alone, but rely in part on the Stonehenge Visitor Centre being moved from its present location, any decision to proceed with the published scheme should be subject to assurance that the Visitor Centre can be relocated. The Green Party contends the likely extent of public objection to the new location for the Visitor Centre presently favoured by English Heritage at Countess East is such that there can be no assurance that it will be approved [6.8.16].

10.643 The Highways Agency responds that, while the relocation of the Visitor Centre is partly dependent on the approval of an improvement scheme for the A303 for its funding [4.30], the same is not true in reverse. The published scheme is promoted as a stand alone scheme, which does not rely on the Stonehenge Visitor Centre being moved [4.31]. Approval of an A303 Stonehenge Improvement scheme would, however, facilitate the removal of the Visitor Centre, regardless of whether the relocation was to Countess East or elsewhere.

10.644 I consider that, while the retention of the Visitor Centre and its car park in their existing locations would prevent the specific area which those facilities take up being restored to open grassland, it would not prevent the improvement of the A303 to dual two lane standard. Nor would it prevent the placing of the A303 in tunnel as envisaged by the published scheme, with the attendant benefits of the removal of major traffic impacts from Stonehenge and the opening up of the immediate area of the Stonehenge monument which the creation of the tunnel would facilitate. It would not prevent the closure of the existing A303/A344 junction, and the removal of the current severance of The Avenue by the A344. It would not prevent the provision of a bypass for Winterbourne

HA61/4/3

APPENDIX A

STONEHENGE - LIST OF APPEARANCES

For the promoters

Mr C Calvert of Counsel, instructed by the Treasury Solicitor, Queen Anne's Chambers, 28 Broadway, London, SW1H 9JS

He called

Mr C Jones, BSc, CEng, MICE, Project Director, Highways Agency

Mr J A C Startin, BSc, CEng, MICE, Associate Director, Halcrow Group Ltd

Mr T W A Arnold, BSc, CEng, MICE, Market Sector Manager, Halcrow Group Ltd

Mr M N Ranft, CEng, MIHT, Senior Manager, Highways Division, Balfour Beatty Civil Engineering Ltd

Ms R K Fox, Dip LA(Glos), MLI, Principal Landscape Architect, Halcrow Group Ltd

Mr R Whiteman, BSc, CEng, Dip Ac, MICE, MIA, Principal Acoustic Consultant, Southdowns Environmental Consultants Ltd

Mr A J Lawson, BSc, MSc, FSA, MIFA, Consultant, Wessex Archaeology Ltd

Mr K J Harries, BSc, MSc, CGeol, FGS, Principal Hydrogeologist, Halcrow Group Ltd

Mr P J Taylor, BSc, MSc, MIHT, MNSCAEP, MIEAM, Associate, Halcrow Group Ltd

Dr M J Wells, BA, MA, PhD, CBiol, MIEEM, MCIWEM, Associate Director, Nicholas Pearson Associates Ltd

Mr P Williams, BSc, OND Agriculture, MBIAC, Associate, Reading Agricultural Consultants

Mr M Parsons, BA, MA, MRTPI, Associate, Halcrow Group Ltd

For the supporters

For English Heritage, Mr R McCracken QC, instructed by Wragge & Co, Solicitors, 55 Colmore Row, Birmingham, B3 2AS

He called

Dr C Young, MA DPhil, FSA, Head of World Heritage and International Policy, English Heritage

Mr D Batchelor, BSc, MIFA, Stonehenge Curatorial Unit, English Heritage

For Wiltshire County Council, Mr J Burns of Counsel and Mr T Ward of Counsel, both instructed by Mr S Gerard, Solicitor to Wiltshire County Council, County Hall, Trowbridge, Wiltshire BA14 8JN

They called

Mr T Jones, BA (Eng), CEng, MICE, Highway Improvement Manager, Wiltshire County Council

For Winterbourne Stoke Parish Council, Councillor J Horne, Chairman, Manor Cottage, New Street, Winterbourne Stoke, SP3 4SP

Mr H Colthurst, Asserton House, Berwick St James, Salisbury, SP3 4TZ

Councillor C Mills, Wessex Bourne, Salisbury Road, Shrewton, Salisbury, Wiltshire, SP3 4HZ

Councillor I West, 3 Church Street, Winterbourne Stoke, Salisbury, Wiltshire, SP3 4SW

For the (International) Pagan Pride Project - UK Division and for TechnoPagans Unlimited, Ms K Connolly, The Growing Space, 1 Butts Green, Lockerley, Hampshire, SO51 0JG

For the objectors

For the National Trust, Mr K Lindblom QC and Mr S Lahiri of Counsel, instructed by Burges Salmon, Solicitors, Narrow Quay House, Narrow Quay, Bristol, BS1 4AH

They called

Ms J Teasdale, BSc, MA, MSc, DipIAA, MLI, Principal, Teasdale Environmental Design

Mr D F Sharps, CEng, FIMechE, FIOA, Senior Partner, Sharps Redmore Partnership

Dr G Hey, BA, PhD, MIFA, FSA, Director, Oxford Archaeology

For ICOMOS (UK), Ms S Denyer, BSc, FSA, Secretary, 70 Cowcross Street, London EC1M 6EJ

For the Prehistoric Society, the Council for British Archaeology and the Wiltshire Archaeological and Natural History Society, Mr B K Davison, 41 Long Street, Devizes, SN10 1NS

He called

Dr M Parker-Pearson, BA, PhD, FSA, MIFA

Dr C Chippindale, BA, PhD, MIFA, FSA, Reader in Archaeology,
Cambridge University

Prof A Whittle, FBA, School of History and Archaeology, Cardiff
University

Mr G Lambrick, MA, FSA, MIFA, Director, Council for British
Archaeology

Dr C Shell, MA, MMet, PhD, FSA, Senior Assistant in Research,
Department of Archaeology, Cambridge University

For the Association of Council Taxpayers (South Wiltshire), Mr J A M Ellis,
MIExpE, Hill Croft, Pennys Lane, Farley, Salisbury, SP5 1AR

gave evidence and called

Lt Col G W Parker, OBE

Dr G D d'Mello, BSc, PhD

For the Stonehenge Alliance, Dr K Fielden, BA, DPhil, 1 The Old Smithy, Alton
Priors, Marlborough, SN8 4JX and Ms D Carlo

gave evidence and called

Mr G McDonic, PPRTPI, Dipl TP, DPA, PPF0B, Barrister at Law

Mr A Norfolk, MSc, DipLA, MIL

Mr G M Reeves, CGeol, MSc, FGS, Lecturer in Engineering
Geology, Newcastle University

Mr M Birkin, South West Regional Campaigns Co-ordinator,
Friends of Earth

Mr S Joseph, OBE, Executive Director, Transport 2000

Prof P Goodwin, Professor of Transport Policy, University College,
London

For Friends of the Earth (Wiltshire), Mrs K Freeman, The Old Dairy, Wayside
Farm, Etchilhampton, Devizes, Wiltshire, SN10 3JT and Ms M Willmot

For Salisbury Green Party, Mr H Soutar, 1 Nadder Vale Cottage, Ugford, Wilton,
Salisbury, SP2 0ED

Mr R Wort, TD, MA, Dip Ed, FRAS, Knole Cottage, 69 Murray Road, Wimbledon,
SW19 5PJ

For the Trail Riders' Fellowship and the Wiltshire Bridleways Association, Mr B
Riley, 141 Bath Road, Bradford on Avon, Wiltshire BA15 1SS

For the South and West Transport Action Group, Mr J Jackson, BSc, DipTP, 37
Cromwell Road, Devizes, SN10 3EN

Dr C Gillham, 16 Upper High Street, Winchester

Mrs J Robertson, Glebe House, Chitterne, Warminster, Wiltshire, BA12 0LJ

For the Amesbury Link Road Action Group, Mr I Mitchell, 3 Beyer Road,
Amesbury, Salisbury, SP4 7XG

For the Amesbury Society, R Ware, Secretary, 14 Stonehenge Road, Amesbury,
Wiltshire SP4 7BA

For the Avebury Society, Mr E Holmes, The Forge, High Street, Avebury,
Wiltshire, SN8 1RF

For the Byways and Bridleways Trust, Mr D Tilbury, Oakbank Cottage, Oakbank
Road, Eastleigh, SO50 6PA

For the Countess Road Residents' Group, Major G du Pré, 103 Countess Road,
Amesbury, SP4 7AT

For Stapleford Parish Council, Mrs A V Neal, Grants, Chapel Lane, Stapleford,
SP3 4LL

For East Amesbury Residents, Mr R Maguire, BEng, MSc, CEng, MIME, 17 Pilots
View, Amesbury

Dr J R Moon, PhD, CPhys, CMath, Norfolk House, Abbots Ann, Andover, SP11
7AY (on his own behalf and on behalf of Mrs J Moon, MSc, CEng, CStat of the
same address)

Mr R Harvey, 6 Folkestone Road, Salisbury, SP2 8JP

Mr G V Cowmeadow, 12 The Downlands, Warminster, Wiltshire, BA12 0BD

For Amesbury Town Council, Mr R Fisher, 89 Countess Road, Amesbury, SP4
7AT

Mr P Matthews 71 Shaftesbury Road, Wilton, Salisbury, SP2 0DU

Councillor A J Brown-Hovelt, 101 North Street, Wilton, Salisbury, Wiltshire, SP2
0HP

Mr T Mayer, Fortyacres Farm, South Barrow, Yeovil, BA22 7LE

Mr P Corp, 5 Devonshire Road, Salisbury, SP1 5NN

REPRESENTATIONS

For the British Druid Order and the British Druid Network, Mrs E R Orr, 28
Roman Row, Whichford, Shipston on Stour, CV36 5PJ

Mr G Randall, 176 Salisbury Road, Amesbury, SP4 7HW

Department for Transport

Mr P Ridal
Halcrow Group Limited
Burderop Park
Swindon
Wiltshire
SN4 0WD

**National Transport Casework
Team**
Lancaster House
Hampshire Court
Newcastle Business Park
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NE4 7YH

Your Ref:

Our Ref: NATTRAN/SW/S247/116 &117

Date: 31 October 2011

Direct line: 0191 2265152

www.dft.gov.uk

Email: karen.davies@dft.gsi.gov.uk

Dear Mr Ridal,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 247
APPLICATION FOR PROPOSED STOPPING UP OF HIGHWAY AT AIRMANS
CORNER (B3086), SALISBURY, WILTSHIRE**

THE STOPPING UP OF THE HIGHWAY (SOUTH WEST) (NO) ORDER 201

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 247
APPLICATION FOR PROPOSED STOPPING UP OF HIGHWAY AT A344 ADJACENT
TO STONEHENGE, SALISBURY, WILTSHIRE**

THE STOPPING UP OF THE HIGHWAY (SOUTH WEST) (NO) ORDER 201

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to refer to the application made by Halcrow Group Ltd, on behalf of English Heritage ("the Applicant"), for an Order under Section 247 of the Town and Country Planning Act 1990 ("the 1990 Act") and to the Public Local Inquiry held on 22nd, 23rd and 24th June 2011 at The Club House, Salisbury Rugby Football Club, Castle Road, Salisbury, Wiltshire, SP1 3SA before Mr A Boyland, BEng (Hons), DipTP, CEng, MICE, MCIHT, MRTPI, an independent Inspector appointed by the Secretary of State for the purpose of hearing objections to and representations about the above draft Orders.

2. The Orders, if made by the Secretary of State as published in draft, would authorise the stopping up of highways enabling development to be carried out in accordance with the planning permission granted under Part III of the 1990 Act to English Heritage by Wiltshire Council on 23 June 2010 under reference S/2009/1527/FULL for the decommissioning of existing visitor facilities and a section of the A344; the erection of a new visitors centre, car park, coach park and ancillary services building; and related highways and landscaping works at land at Airmans Corner, land south east of the junction of the A360 and A344, Salisbury.

3. The Orders would stop up an 879 metre length of the A344 adjacent to Stonehenge and Stonehenge Visitor Centre commencing from its junction with the A303 and a 263 metre length of the B3086 at Airman's Corner commencing from its junction with the A344 to permit this development.

The Inspector's Report

4. At the opening of the Inquiry, there were 5 objections outstanding to the draft Order in relation to the stopping up of the highway at Airman's Corner and 6 objections outstanding in relation to the stopping up of the highway at the A344. The Inspector considered the objections and all representations about the Orders at the Inquiry, and has submitted his report to the Secretary of State. A copy of that report is enclosed with this letter. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report.

5. The Inspector summarises the material points of the Applicant's and Supporter's case at IR 3.1 to 3.53 and for the Objector's at IR 4.1 to IR 4.64. The Inspector's conclusions are set out at IR 5.1 to IR 5.46 with his recommendation given at IR 6.1.

The Inspector's Recommendation

6. In light of the Inspector's conclusions, he recommended at IR 6.1 that the draft Orders be made.

The Secretary of State's Decision

7. The Secretary of State has considered carefully the objections to, and representations about, the draft Orders. She has considered the Inspector's report and accepts his conclusions and recommendation.

8. The Secretary of State agrees with the Inspector at IR 5 and is satisfied that the stopping up of the highways proposed in the draft Orders are necessary in order to enable the development granted in the planning permission by Wiltshire Council, reference S/2009/1527/FULL, to be carried out. Furthermore, the Secretary of State fully agrees with the reasons that support the Inspector's conclusions at IR 5.1 to IR 5.46 and has decided to make the above draft Orders as outlined at IR 6.1.

9. In making the Order the Secretary of State has relied on the information that the Applicant has provided, as contained in the Order and any related plans, diagrams, statements or correspondence as being factually correct.

10. A copy of this letter has been sent to the objectors. Copies will be made available on request to any other persons directly concerned and will be placed on deposit for public inspection, along with the made Order, when it is duly advertised. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document appended to the Inspector's report.

11. Any person aggrieved by the Order and desiring to question the validity thereof or of any provision contained therein, on the grounds that it is not within the powers of the Act or that any requirement of that Act or of any regulation made thereunder has not been complied with in relation to the Order, may, within 6 weeks of the order being advertised, apply to the High Court for the suspension or quashing of the Order or of any provision contained therein.

Yours sincerely



Karen Davies
Authorised by the Secretary of State for Transport
to sign in that behalf

Enc:



The Planning
Inspectorate

Report to the Secretary of State for Transport

by Alan Boyland BEng(Hons) DipTP CEng MICE MCIHT MRTPI,
an Inspector appointed by the Secretary of State for Transport

assisted by John Wilde CEng MICE

Date: 7 September 2011

TOWN & COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (SOUTH WEST) (NO.) ORDER 201__

PROPOSED STOPPING UP OF HIGHWAYS AT THE A344 ADJACENT TO STONEHENGE, SALISBURY, WILTSHIRE

and

THE STOPPING UP OF HIGHWAYS (SOUTH WEST) (NO.) ORDER 201__

PROPOSED STOPPING UP OF HIGHWAYS AT AIRMAN'S CORNER (B3086), SALISBURY, WILTSHIRE

Inquiry Opened: 22 June 2011

Ref: DPI/T3915/11/6

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CASE DETAILS

Stopping Up of A344

- This draft Order would be made under section 247 of the Town & Country Planning Act 1990, and is known as the Stopping Up of Highways (South West) (No.) Order 201_¹.
- The Order was published on 23 September 2010, and there were 6 objections outstanding to it at the commencement of the Local Inquiry.
- The Order would authorise the stopping up of an 879 metre length of the A344 adjacent to Stonehenge and Stonehenge visitor centre commencing from its junction with the A303 at Salisbury in the County of Wiltshire.

Summary of Recommendation: That the Order be confirmed without modification.

CASE DETAILS

Stopping Up of B3086

- This draft Order would be made under section 247 of the Town & Country Planning Act 1990, and is known as the Stopping Up of Highways (South West) (No.) Order 201_².
- The Order was published on 23 September 2010, and there were 5 objections outstanding to it at the commencement of the Local Inquiry.
- The Order would authorise the stopping up of a 263 metre length of the B3086 at Airman's Corner commencing from its junction with the A344 at Salisbury in the County of Wiltshire.

Summary of Recommendation: That the Order be confirmed without modification.

¹ NATTRANS/SW/S247/117

² NATTRANS/SW/S247/116

1. PREAMBLE

The Draft Orders

- 1.1 The Department for Transport's Notices of Intention to make these draft Stopping Up Orders (SUOs)³ indicate that each stopping up would be authorised '*in order to enable development to be carried out in accordance with the planning permission granted to English Heritage by Wiltshire Council on 23 June 2010 under reference S/2009/1527/FULL*'. That permission provides for:

*'Decommissioning of existing visitor facilities and a section of the A344; the erection of a new visitors centre, car park, coach park and ancillary services building; and related highways and landscaping works at Airmans Corner, land south east of the junction of the A360 and A344 Salisbury.'*⁴

Responses⁵

- 1.2 During the period of consultation on the draft Orders (28 days commencing on 23 September 2010), the following representations were made⁶:

Letters of support were submitted by:

- English Heritage⁷, and
- Wiltshire Archaeological & Natural History Society;

'No objection' letters were submitted by⁸:

- The Highways Agency,
- Winterbourne Stoke Parish Council,
- National Grid,
- Scottish & Southern Energy,
- Virgin Media, and
- Global Crossing (UK) Ltd (*relating to B3086 only*);

Letters of objection were submitted by:

- The Stonehenge Alliance,
- Campaign to Protect Rural England (CPRE) Wiltshire Branch,
- Mr R E Broadley, and
- Mr Alan Hill (*relating to A344 only*).

- 1.3 Further objections were made after the close of the statutory consultation period, by:

- Orcheston Parish Council⁹, and
- Bulford Parish Council¹⁰.

³ (Inquiry documents) ID/2 & 3, tabs B2 & B3 in each case.

⁴ CD1.2

⁵ Except as indicated, all responses related to both draft Orders.

⁶ ID/2, ID/3, EH/1 paras 6.10-11

⁷ Statutory consultee

⁸ All statutory consultees

⁹ Statutory consultee; CD4.1, EH/1 para 6.21

- 1.4 A further letter of support by the National Trust was submitted to the Inquiry¹¹. No objections have been withdrawn.

The Inquiry

- 1.5 The Inquiry into these Orders sat on 4 days (22-24 inclusive and 27 June 2011).
- 1.6 I also formally opened a separate Inquiry into a Traffic Regulation Order (TRO) proposed by Wiltshire Council on 22 June, but adjourned it until after the close of the Inquiry regarding the SUOs without having heard any evidence or substantive submissions. The proposed TRO relates to the remainder of the A344 not covered by the relevant SUO and to a number of Byways Open to All Traffic (BOATs).
- 1.7 At the Inquiry and subsequently I have been ably assisted by Mr John Wilde. However, the conclusions and recommendations in this Report are mine alone.
- 1.8 Mrs Helen Wilson was appointed as Programme Officer for the Inquiry. Her role was to assist with the procedural and administrative aspects of the Inquiry, including the programme, under my direction. She helped to ensure that the proceedings ran efficiently and effectively, but has played no part in this Report.

This Report

- 1.9 This Report considers the SUOs only. It does not deal with the TRO; this will be the subject of a separate Report to Wiltshire Council. Nor does it address the merits of the planning permission referred to above (or the processes leading to it), though the existence of that permission is material to consideration of the SUOs.
- 1.10 It sets out a brief description of the sites covered by the proposed SUOs and their surroundings, the gist of the cases for the supporters and objectors, my conclusions and my recommendations regarding each of the Orders. Lists of abbreviations used in this report, of those appearing at the Inquiry and of Inquiry documents are appended.

2. DESCRIPTION OF THE SITES AND THEIR SURROUNDINGS

- 2.1 The two sites lie within the Stonehenge part of the Stonehenge, Avebury and Associated Sites World Heritage Site (WHS), (referred to for convenience as 'the Stonehenge WHS').
- 2.2 The A344 is only some 3km long. It runs in a west-north-westerly direction from its junction with the A303 trunk road at Stonehenge Bottom, some 3km west of Amesbury, to the junction with the A360 and B3086 at a staggered crossroads at Airman's Corner.
- 2.3 The A360 links Salisbury and Devizes, via the village of Shrewton. 1.5km south of Airman's Corner, it crosses the A303 at the Longbarrow

¹⁰ Statutory consultee; CD4.2, EH/1 para 6.23

¹¹ NT/SUO/1W

Roundabout. The B3086 runs northwards from Airman's Corner, then westwards to Shrewton. East of Airman's Corner the Packway, an unclassified road, runs eastwards through Larkhill Garrison to join the A345 at Durrington Roundabout. Some 2km south of here the A345 crosses the A303 at the Countess Roundabout on the northern outskirts of Amesbury.

- 2.4 The A344 Order covers the length of the road between the A303 at Stonehenge Bottom and the crossing of Byway 12. It cuts through the processional Avenue, almost touching the Heel Stone and passing within about 60m of the Henge itself. It also visually and functionally severs the Henge from the existing visitor centre and car/coach park on the north side of the road. There is a pedestrian underpass, which provides the official access for paying visitors to the immediate area around the Henge south of the road though, as I saw, many people walk across the road to view the monument through the fence.
- 2.5 The lengths of highway to be stopped up are indicated on the draft Order Maps¹².

3. THE CASES FOR THE SUPPORTERS

*English Heritage*¹³

The material points are:

Background

- 3.1 The significance of Stonehenge is undeniable. It is fairly described as the country's most important and iconic ancient monument. Its outstanding universal value (OUV) was recognised in its inscription in 1986, together with Avebury, as one of the first World Heritage Sites in the United Kingdom¹⁴.
- 3.2 The Stonehenge World Heritage Site (WHS) is globally important, not just for the Stones themselves, but for its unique and dense concentration of outstanding pre-historic monuments and sites, which together form a landscape without parallel¹⁵. It is a hugely popular tourist attraction, with more than 900,000 visitors per year, many from overseas, who flock to visit one of the most famous monuments in the world¹⁶.
- 3.3 Sadly, this symbol of International Importance is undermined by the siting and nature of the existing visitor facilities, and the associated parking areas, which are too close to the Stones and impinge detrimentally upon them. Stonehenge also suffers from the proximity of two major roads. The A303 passes through the WHS a short distance to the south of the Stones. Also, the A344 runs very close to the Stone circle, almost touching the

¹² ID/2 & ID/2, tab B1 in each case.

¹³ Statutory consultee

¹⁴ EH/1 para 4.1

¹⁵ CD14.1 p.10

¹⁶ EH/1 para 4.2

ancient Heel Stone, and severs the monument from the Avenue, its ancient processional route.¹⁷

- 3.4 The particular intrusion caused by the A344 was identified at the time the World Heritage Site was first inscribed in 1986, leading the UK Government at that time to make a commitment to UNESCO that this severe problem would be addressed¹⁸.

The proposed new visitor centre and associated development

- 3.5 Recognising the wholly unsatisfactory nature of the existing visitor facilities and the impact of road traffic, a number of proposals have been put forward for relocating the visitors' centre, and addressing the problems caused by the proximity of the busy roads. For various reasons, none have come to fruition. However, following the Government's decision in 2007 not to proceed with the A303 tunnel scheme, there was a fresh initiative to review the World Heritage Site Management Plan and consider alternative visitor facility options.¹⁹

- 3.6 At ministerial behest a Project Implementation Group was established with the object of delivering, within the framework of a revised Management Plan, environmental improvements, including a new visitor centre.²⁰ The Stonehenge Environmental Improvement Project (SEIP) comprises three parallel strands within the Management Plan:

- The new visitor centre and associated development, together with restoration to grass of the A344 east of Byway 12 subject to SUOs – to be implemented by English Heritage;
- Works on the A303 trunk road (Improvements to Longbarrow Roundabout and reconfiguration at Stonehenge Bottom arising from closure of the A303/A344 junction – to be implemented by the Highways Agency; and
- Restriction of motorised traffic on the remainder of the A344 and on Byways within the WHS through the TRO – to be implemented by Wiltshire Council.²¹

- 3.7 Various options for new visitor facilities were considered, and extensive public consultation on them was undertaken. This led to the identification of the site at Airman's Corner as the preferred location²². The proposal was supported by a wide range of consultees covering statutory bodies as well as local residents²³. A full planning application for the development of this site was submitted in October 2009²⁴. A small minority did object, and

¹⁷ EH/1 paras 4.3-4.9

¹⁸ EH/1 para 4.11

¹⁹ EH/1 para 4.12

²⁰ EH/1 paras 4.14-5.2

²¹ EH/1 para 5.4

²² EH/1 paras 5.3-5.5

²³ EH/1 paras 5.6-5.7

²⁴ EH/1 para 5.10; CD1.1

unsuccessfully tried to persuade the Secretary of State to call the application in, but planning permission was granted on 23rd June 2010²⁵.

- 3.8 The validity of a planning permission can only be impugned by an application for judicial review. This is subject to strict time limits, which have now passed. The complaint to the European Commission to which the Stonehenge Alliance refers does not override or affect this, even if the complaint is upheld. The complaint does not amount to court proceedings and does not affect the validity of the planning permission, to which EH will remain entitled.²⁶
- 3.9 If the UK Government wishes to take action to prevent the permission being implemented, the only legal procedure available to it would be by a formal revocation order under section 97 of the TCPA 1990, which, if EH oppose, would be subject to confirmation, and if revocation is confirmed would entitle EH to compensation. There is no serious likelihood of any such step being taken in view of the Government's continued commitment to the project and its repeated assurances to UNESCO.²⁷
- 3.10 Consequently the planning permission is to be treated as lawfully granted and its validity cannot now be questioned. Not only is the validity of the planning permission no longer open to question, but the planning merits, including the choice of Airman's Corner as the appropriate location for the new visitor centre, are not an appropriate matter for debate in the context of the Stopping Up Orders either.

The Stopping Up Orders

- 3.11 The approved development includes the decommissioning of the existing visitor facilities 'and a section of the A344', and also, 'highways and landscaping works at Airman's Corner'²⁸.
- 3.12 Restoration to grass of the current A344 between the A303 at Stonehenge Bottom and Byway 12 is a fundamental part of the development. It would secure the realisation of key aims in the WHS Management Plan, including specifically policy 5b which requires proposals to be developed for the closure of the A344 between the junction with the A303 and the current visitor site²⁹. It will enable this section of the road to be returned to grass, with the fences removed. The setting of the Stone Circle will be restored and the Stones linked once more to the ancient processional Avenue and the wider WHS landscape.³⁰ It cannot be undertaken without the stopping up order in respect of the A344³¹.
- 3.13 The stopping up of a length of the B3086 north of the junction of the A344 and A360 is also fundamental for the purpose of enabling the highways

²⁵ EH/1 paras 5.11 & 6.17-6.19; CD1.2

²⁶ EH/100 para 10; EH/102 para 9

²⁷ EH/102 para 25

²⁸ CD1.2; EH/102 para 4

²⁹ CD14.1; EH/102 para 4

³⁰ EH/1 para 6.2; EH/100 para 13

³¹ EH/102 para 4

works at Airman's Corner to be carried out, and for the siting of the coach parking area and screen planting³². Those works cannot be carried out without the making of the SUO in respect of the B3086. Closure of the short section involved would enable the road to be realigned from its present 'dog-leg' and provision of a safer junction at Airman's Corner. No-one appears to contend that it would have any material impact on highway operations.

- 3.14 English Heritage therefore seeks orders under section 247 of the Town and Country Planning Act 1990 to stop up the lengths of highway in question because it is necessary to do so in order to enable the development to be carried out in accordance with that permission³³.
- 3.15 The Stonehenge Alliance agreed³⁴ that there is a valid permission in place, and furthermore that it is necessary to obtain the SUOs in order to be able to implement that planning permission. Mr Hill raised no objection at all to the stopping up of the B3086, but focused his objection solely on the proposed stopping up of the A344.
- 3.16 All objectors acknowledged the considerable benefits that the scheme would bring forward. However, the Alliance contends that this should not be at the expense of what they perceived to be harmful to the attributes of Outstanding Universal Value (OUV) of the WHS, and Mr Hill contends that this should not be at the cost of increasing congestion on the A303, and increased rat running.³⁵
- 3.17 The proposed Stopping Up Orders would enable the first strand of the SEIP (the new visitor centre and associated development and decommissioning of the A344) to be carried out. This in turn would enable the further two strands (the works at Longbarrow Roundabout and the TRO if made) to take effect.³⁶
- 3.18 The programme for the various elements (subject to the SUOs being confirmed and the TRO being made) is as follows³⁷:
- April 2012 - start of works at Airman's Corner (stopping up the B3086 & construction of new roundabout);
 - Autumn 2012 - start of Highways Agency works to Longbarrow roundabout;
 - Spring 2013 - stopping up of A344 between Stonehenge Bottom and Byway 12 and closure of the A344/A303 junction following completion of works at Longbarrow Roundabout; and
 - Landscape reinstatement of closed A344, removal of existing car park and visitor centre as soon as new visitor centre becomes operational, completing in spring 2014.

³² CD1.3 drawing 6

³³ EH/1 para 6.4

³⁴ Oral evidence by Dr Fielden & Mr McDonic

³⁵ EH/102 para 7

³⁶ EH/1 para 6.6

³⁷ EH/1 para 5.16

- 3.19 The Stopping Up Orders would have no effect on any private right of access³⁸.
- 3.20 The benefits comprise³⁹:
- The provision of a new visitor centre, more sensitively located and with enhanced visitor facilities.
 - Removal of an intrusive road in the vicinity of the Stones.
 - Restoration of the ancient monument to an enhanced and more open landscape setting.
 - Reconnection of the Stone Circle to the Avenue, the ancient processional route.
 - Removal of a traffic accident blackspot at the junction between the A344 and A303⁴⁰.
 - Realignment of the B3086, providing safe access to the new visitor centre at Airman's Corner.
- 3.21 It is clear from the correspondence, opening statement and evidence of the Stonehenge Alliance that it is actually in support of the closure of the A344, which is a long standing objective that it shares with English Heritage. It appears as an objector, not because it is opposed to any harm that will result from the stopping up of the A344 but because it is implacably opposed to the location of the new visitors' centre at Airman's Corner.⁴¹
- 3.22 Dr Fielden for the Alliance sought to rely upon an absence of environmental information relating to the roundabouts at Longbarrow and Airman's Corner, focusing specifically on the lighting arrangements and the implications for birds and bats. Her contention was that this information, which she said was lacking, should be provided and assessed before the SUOs can be confirmed. As she acknowledged, and can be seen from a letter appended to her evidence⁴², these same contentions were advanced in the Alliance's representations in respect of the planning application. The Secretary of State was pressed to call in the application on the same basis. The same arguments are the foundation of the complaint to the European Commission.⁴³
- 3.23 The issue that the Alliance raised, and continues to pursue, is whether there is sufficient information to enable a determination of the planning application. It failed to persuade the Council and the Secretary of State in this respect, both of whom concluded that all the environmental information necessary to determine the planning application was available. The Alliance's objection at this stage is therefore without substance, but in any case it is not appropriate to raise it in this forum. The arguments Dr

³⁸ EH/1 para 6.7

³⁹ EH.1 paras 6.7-6.8; EH/102 para 8

⁴⁰ EH/2 section 3.4; CD8.9 section 2.7 & appendix A

⁴¹ EH/102 para 9

⁴² SA/1a appendix 1

⁴³ EH/102 para 9

- Fielden raises relate to the planning process, which has been concluded against her, and which is no longer open to debate.⁴⁴
- 3.24 It can however be noted that the relevant environmental issues were comprehensively considered in the Environmental Statement supporting the planning application⁴⁵. These include references to the configuration of the Longbarrow roundabout, the proposed lighting arrangements at Airman's Corner and the careful assessment of the proposal against the attributes of OUV. These are matters that can be noted, although they strictly fall outside the matters to be determined in deciding whether to confirm the SUOs.⁴⁶
- 3.25 It is, however, accepted that it may be appropriate to consider any adverse effects that may be suffered by those entitled to the right that would be extinguished. It may also be relevant to consider any adverse consequences for highway safety.⁴⁷
- 3.26 Mr McDonic for the Alliance raises two points in his evidence. The first concerns the arrangements for pedestrians and cyclists to cross the A303 at the junction with A344. Mr Clarke (again for the Alliance) also raises this issue on behalf of cyclists. Mr Hill touches upon it in his opening statement.⁴⁸
- 3.27 The situation is that at present pedestrians and cyclists can cross the A303 in the vicinity of the junction. It is however a dangerous manoeuvre. There is no pedestrian refuge in the centre of the carriageway, though some pedestrians cross to the hatched markings in the centre of the carriageway at this point to make the manoeuvre in two separate movements⁴⁹. Mr Clarke for the Alliance described the safety advice he gives to other cyclists who, he says, are also able to use the present cross-hatching on the road to help them get across.⁵⁰
- 3.28 Both the Highways Agency and Wiltshire Council's highways department were consulted upon the application. Both would have considered the safety implications of the proposal. Although the Highways Agency considered possible conditions, it did not stipulate in TR110⁵¹ that any should in fact be imposed. The Council did however impose a number, including condition 27⁵². This requires details of crossing arrangements for pedestrians and cyclists to be agreed before the development can commence. The arrangements are to be considered in consultation with the Highways Agency. Thus the proposals indicated in the Transport

⁴⁴ EH/102 para 9

⁴⁵ CD8.3-8.7 & 8.11-8.14

⁴⁶ EH/102 para 9

⁴⁷ EH/100 para 16

⁴⁸ SA/3; SA/2; HILL/1b respectively; EH/102 para 11

⁴⁹ EH/101 1st para

⁵⁰ EH/102 para 12

⁵¹ EH/2a appendix DL1

⁵² CD1.2

- Assessment are not fixed and could move, but this would be a matter for agreement⁵³.
- 3.29 As agreed by the Alliance⁵⁴, the condition would not have been imposed unless it was considered there was a prospect of satisfying its requirements. The requirements include both authorities being satisfied that the proposed arrangements are safe. If they are not satisfied, the condition will not be discharged and the development cannot take place.⁵⁵
- 3.30 Given the present unsafe situation it is clear that the proposed SUO will not increase any danger in this respect. Rather there is a requirement for arrangements to be specifically agreed with the two authorities, and it is likely that there will in fact be a safer situation than exists at present. In this regard it should be recalled that the closing of this junction, with necessary implications for pedestrians and cyclists, is an objective of the Alliance.⁵⁶
- 3.31 The second point raised by Mr McDonic for the Alliance relates to the entitlement of pedestrians and cyclists to continue to use the present route of the A344. He claims that they will lose the right to walk and cycle along the route of the A344, and will in future only be able to do so on a permissive basis. In making this claim he had however overlooked the provisions of the Section 106 agreement. This contains a covenant on the part of the landowners for the use of the A344 by pedestrians and cyclists at all times, including a requirement for approval by Wiltshire Council of any scheme for an alternative route⁵⁷. Use by the public of the route will therefore be pursuant to the obligation contained in the agreement which can be enforced by the Council should there be any failure to comply with it.⁵⁸
- 3.32 The works to be carried out will ensure that the surface is appropriate for cycling. The walking and cycling public will therefore not lose any benefit. Rather they will have the considerable advantage of being able to enjoy a much more pleasant route, unencumbered with vehicles, appreciating the Stones in their restored landscape.⁵⁹
- 3.33 In his objection Mr Hill focuses on the traffic implications, contending that existing conditions are so congested that they would not be able to cope with the additional traffic that would stay on the A303 if the A344 is closed. He says this will add to the queuing and lead to increased rat-running through local villages. His objection in this regard relates solely to the A344. He pursues no objection in relation to the B3086.⁶⁰

⁵³ EH/101 3rd para; EH/102 para 12

⁵⁴ Mr McDonic in cross-examination

⁵⁵ EH/102 para 12

⁵⁶ EH/2 section 3.4; CD8.9 para 2.7.3 & appendix A; EH/102 para 12

⁵⁷ CD1.7, Schedule 3, Part 2, para 9

⁵⁸ EH/102 para 13

⁵⁹ EH/102 paras 14 & 15

⁶⁰ EH/102 para 16

- 3.34 Mr Hill started his objection by referring to the conclusion of the Inspector at the A303 tunnel Inquiry in January 2005 that '*independent closure of the A344 would not be justifiable, in that it would increase congestion of the A303 and elsewhere in the local road system*'. In relying upon this Mr Hill completely overlooked, indeed seemed to be unaware of, the extensive modelling and other work that has been undertaken since then, as described by Mr Lear for English Heritage. The situation is now entirely different, with the Highways Agency, then opposed to 'independent closure', now in fact supporting the making of the SUO, and indeed being prepared to carry out the necessary enabling improvement work to the Longbarrow roundabout.⁶¹
- 3.35 The fundamental flaw in Mr Hill's approach is that he does not consider the effect of the proposed improvement of the Longbarrow roundabout at all in his extensive, and therefore substantially irrelevant, evidence.⁶²
- 3.36 It is accepted that the A303 does suffer periodically from congestion leading to long queues⁶³. The question that is raised by the SUO is whether the traffic that remains on the A303 because it will no longer be able to turn on to the A344 can do so without increasing that congestion. Although Mr Hill does not accept that it is the case, Mr Lear demonstrated that the present arrangements at the Longbarrow roundabout constitute a significant bottleneck due to the effect of traffic on the roundabout blocking access on to it from the A303 westbound⁶⁴. With the current configuration of the roundabout, the westbound entry capacity at the roundabout is less than that of the single carriageway link leading to it⁶⁵. The proposed roundabout improvement, which will provide additional entry lanes westbound on the A303 and southbound on the A360, will give a sufficient uplift in capacity to enable the extra traffic that will then be unable to use the A344, to be accommodated.⁶⁶
- 3.37 Congestion on the network will not disappear. There are problems on the wider network⁶⁷, as Mr Hill's witnesses indicated with their anecdotal evidence including examples of long queues stretching back from the Countess Roundabout. But these are unrelated to the A344. The traffic that would use that road can be accommodated on the A303 without exacerbating the situation, providing the Longbarrow roundabout is improved.⁶⁸
- 3.38 Not only has Mr Hill failed to address this critical factor, which is crucial to the analysis of Mr Lear and the support of the two authorities; his evidence is also flawed in that he has introduced into the data he presents figures which are supposed to represent the volume of traffic that exists on the

⁶¹ EH/1 para 5.13; EH/102 para 17

⁶² EH/102 para 18

⁶³ EH/2 section 3.2

⁶⁴ EH/2 sections 3.3 & 3.4; EH/2a appendix DL8

⁶⁵ EH/2a paras 3.3.1 & 3.3.2

⁶⁶ EH/102 para 19

⁶⁷ EH/2 sections 3.2 & 6.4

⁶⁸ EH/2 sections 4.1-4.3 & 5.3; CD8.9 appendix D; EH/102 para 19

- A344 at the present time, but which are in fact his own estimates and not based upon actual counted numbers⁶⁹.
- 3.39 So far as rat running is concerned, it is accepted that a certain amount of trip diversion will occur. However the evidence of Mr Lear for English Heritage demonstrates that the extent to which this will occur as a result of the closing of the A344 will be minimal and of no significance⁷⁰. Mr Hill produces no comparable material, and Mr Lear's evidence on this aspect is therefore effectively unchallenged.⁷¹
- 3.40 It can be seen therefore that Mr Hill's evidence is founded on flawed and unreliable material and fails completely to consider the most relevant factor in the case. His objection should be entirely discounted.⁷²
- 3.41 On behalf of Orcheston Parish Council, Mr Shepherd raised a number of similar points, but his main concern was the effect of traffic diversion on Shrewton. In this regard the evidence for English Heritage demonstrates that the main effect will be a transfer of approximately 70 vehicles in the inter-peak hour from the route using the A360 to the route via the Packway, which would take traffic through the High Street⁷³.
- 3.42 Although this may be a more sensitive area, what needs to be appreciated is that the overall numbers are very low indeed, with effectively only one vehicle per minute being added to the very low pre-existing numbers⁷⁴. This effect has been carefully assessed as part of the Transport Assessment. The low number of vehicles involved was not sufficiently significant to justify any concern at the planning stage, nor do they indicate that there would be any harmful effect, sufficient to justify the refusal of the SUO.⁷⁵
- 3.43 In accordance with the approach of the two highway authorities the conclusion can therefore be reached that the proposed stopping up orders will have no adverse effect upon the highway network or traffic safety.⁷⁶
- 3.44 The Inspector asked whether there is anything to prevent the SUOs being put into effect and the planning permission not being implemented. Legally the most effective means is provided by the operation of condition 22 attached to the planning permission⁷⁷. This prevents the closure of the A344/A303 junction until the scheme for modification of the Longbarrow roundabout is implemented. This is a matter which is controlled by the Highways Agency, and the time for the actual stopping up of the A344 is therefore in its hands since it can not occur without the Longbarrow

⁶⁹ EH/2a appendix DL4; HILL/1a appendices E & H; EH/102 para 20

⁷⁰ EH/2 section 7; EH/2a appendices DL7 & DL9

⁷¹ EH/102 para 21

⁷² EH/102 para 22

⁷³ EH/2 para 7.1.6; EH/2a appendix DL7; EH/102 para 23

⁷⁴ EH/2a appendices DL7 & DL9

⁷⁵ EH/102 para 23

⁷⁶ EH/102 para 24

⁷⁷ CD1.2

roundabout improvement scheme being implemented, and the consequent improvement in the operation of the A303 being in place.⁷⁸

- 3.45 Of course, in view of its commitment to implementation of the visitor centre scheme which includes the restoration to grass of the A344, in accordance with the planning permission, it is inconceivable that EH would itself close the road without implementing the permission.

Conclusions

- 3.46 It has been clearly established that the planning permission is in place. It cannot however be implemented without the SUOs being confirmed. They are necessary to enable the development to be undertaken. The necessary funding has been secured to enable the project to be implemented⁷⁹. The scheme is in accordance with the Management Plan. It will honour the UK Government's longstanding commitment to UNESCO, and will bring forward the substantial benefits which have been described and are worthy of Stonehenge's status as a WHS.⁸⁰
- 3.47 The Secretary of State is therefore invited to confirm these necessary Stopping Up Orders.⁸¹

Wiltshire Archaeological & Natural History Society

The material points are⁸²:

- 3.48 The Society supports the principle of the Orders, noting that both are dependent on English Heritage's compliance with conditions attached to the planning permission for the new visitor centre at Airman's Corner and decommissioning and removal of the present visitor facilities. However, this support is contingent upon an appropriate and acceptable solution to the long-standing problem of how best to receive and assist visitors to the WHS without impairing its landscape and archaeology.
- 3.49 The A344 is intrusive in the landscape and bisects the Stonehenge Avenue. It remains the principal concern of UNESCO, expressed initially in the World Heritage Committee's decision in 1986 to inscribe Stonehenge as a WHS⁸³. The Committee '*noted with satisfaction the assurances provided by the authorities of the United Kingdom that the closure of the road which crosses the avenue at Stonehenge was receiving serious consideration as part of the overall plans for the future management of the site*'. This will remain as a problem for HM Government to solve if the stopping up of the A344 does not proceed as part of the new visitor centre development.

⁷⁸ EH/102 paras 26 & 27

⁷⁹ EH/1 para 5.12, updated in oral evidence to indicate that all but £3 million of the project cost had (at the time of the Inquiry) been secured; the project could and if necessary would proceed in parallel with the raising of the remaining funds.

⁸⁰ EH/102 para 28

⁸¹ EH/102 para 28

⁸² ID/2 & ID/3, tab D2A in each

⁸³ Document cc-86-cong003-10

National Trust

The material points are⁸⁴:

- 3.50 The SUOs and the TRO are essential for the long-term strategy for the WHS and the implementation of the Stonehenge Environmental Improvement Project (SEIP). As the main landowner at the site, the Trust is acutely aware of the important opportunity currently available to improve the environment around the stones and provide enhanced visitor facilities. The Trust strongly supports the SEIP and has worked with English Heritage towards achieving these goals.
- 3.51 The A344 SUO is critical as, not only would it open up the landscape around the stones and reunite Stonehenge with the Avenue, but it would also enable further improvements through the removal of the present intrusive visitor facilities.
- 3.52 The B3086 SUO would facilitate the remodelling of the Airman's Corner junction as a new, safer, roundabout which is required in order to stop up the A344 and to enable English Heritage to build the much-needed new visitor centre for which Wiltshire Council has granted planning permission.
- 3.53 Together with the TRO, these Orders would make a major contribution to the Vision set out in the Stonehenge World Heritage Site Management Plan⁸⁵. They would significantly enhance the setting of Stonehenge and other monuments and the experience enjoyed by visitors to Stonehenge and the surrounding historic landscape.

4. THE CASES FOR THE OBJECTORS

The Stonehenge Alliance⁸⁶ and The Campaign to Protect Rural England (CPRE) Wiltshire Branch

The material points are:

Introduction

- 4.1 The Alliance is concerned that details of the pedestrian/cycle crossing point on the A303 at Stonehenge Bottom and detailed designs for the reconfiguration of Longbarrow Roundabout have not been brought to this Inquiry⁸⁷. Its objection to the proposed SUOs is twofold:
 - (a) that the SUOs for the B3086 and, in particular, the A344 are dependent upon implementation of the planning permission for a new Stonehenge visitor centre scheme; and

⁸⁴ Written representation, NT/SUO/1W

⁸⁵ CD14.1

⁸⁶ A grouping of individuals and organisations, constituted in 2001 and represented on the Stonehenge Advisory Forum. Supporter organisations include the Ancient Sacred Landscape Network (ASLaN); Campaign for Better Transport; Campaign to Protect Rural England (CPRE); Friends of the Earth; and RESCUE: The British Archaeological Trust. For convenience in this Report I shall refer to the Stonehenge Alliance and CPRE Wiltshire Branch as 'the Alliance'

⁸⁷ SA/102 para 1.2.1

- (b) That SUOs for the A344 and B3086 are being considered in the absence of sufficient information fully to inform a decision on those Orders.⁸⁸

Stopping up of A344

- 4.2 The Alliance would welcome the implementation of the SUO proposed for the A344, were it not linked to implementation of planning permission for a new Stonehenge visitor centre at Airman's Corner. The group objected to the planning application for the new visitor centre, its principal concern being the adverse impact of the scheme on the setting and Outstanding Universal Value (OUV) of the WHS.⁸⁹
- 4.3 The Alliance has also made a formal complaint, as yet unresolved, to the European Commission. The complaint is in respect of the Appropriate Assessment, undertaken by Wiltshire Council, of the impacts of the scheme, including its construction phase, on nearby Special Areas of Conservation that are protected by European law under the Habitats Directive⁹⁰. It is unknown what HM Government would do should the European Court of Justice consider the complaint to be a valid one; but it is accepted that the planning permission is at the present time valid⁹¹. The Alliance does not expect the permission to be rescinded, though it is possible. The complaint was intended to draw attention to the issue to prevent a recurrence⁹².
- 4.4 DCLG/DCMS Circular 07/2009 advises that World Heritage Sites 'are places of outstanding universal value to the whole of humanity' and that 'Outstanding universal value means cultural or natural significance which is so exceptional as to transcend national boundaries'⁹³.
- 4.5 The Stonehenge WHS Management Plan 2009 advises that attributes of OUV should not be considered in isolation; together they express the OUV of the WHS in its entirety⁹⁴. The Plan further indicates that one of those attributes for the Stonehenge WHS is:
*'The disposition, physical remains and settings of the key Neolithic and Bronze Age funerary, ceremonial and other monuments and sites of the period, which together form a landscape without parallel'⁹⁵
(emphasis added).*
- 4.6 Through the adopted UNESCO Convention of 1972, the UK Government has undertaken to identify, protect, preserve, present and transmit its World Heritage Sites to future generations⁹⁶. However, it is a critical misunderstanding of this international commitment to suggest that adverse impacts of a development in one part of a WHS may simply be offset by

⁸⁸ SA/102 para 2.1

⁸⁹ SA/102 para 3.1

⁹⁰ SA/1 section 3, SA/1a section 3

⁹¹ SA/103 para 18

⁹² Oral evidence in response to question by Inspector.

⁹³ CD22.1 para 6

⁹⁴ CD14.1 para 3.3.7

⁹⁵ CD 14.1, p.28, attribute 6

⁹⁶ CD14.1 para 1.1.1; CD14.2 Article 4

beneficial impacts elsewhere, as appears to have been suggested by English Heritage⁹⁷.

- 4.7 A possible analogy for this WHS whose archaeological landscape is considered to be 'without parallel' would be that of an old master painting which, if damaged in one part is damaged for always, even if repairs are made to it; and whose chipped or inappropriate frame, or display in inharmonious surroundings, would detract from the visual experience and damage the overall integrity of the work.⁹⁸
- 4.8 The Vision for Stonehenge, as set out in the WHS Management Plan, sets out the agreed approach for this WHS, including:
*'We will care for and safeguard this special area and its archaeology and will provide a more tranquil, biodiverse and rural setting for it, allowing present and future generations to enjoy it and the landscape more fully.'*⁹⁹
- 4.9 The Stonehenge Alliance takes the above commitment very seriously indeed. It has long understood that at Stonehenge it is the whole site, and not just the henge monument at its centre, that is of OUV. In defining attributes of OUV, the Management Plan shows none to be of greater importance than the others.¹⁰⁰
- 4.10 Circular 07/09 states that:
'The outstanding universal value of a World Heritage Site indicates its importance as a key material consideration to be taken into account by the relevant authorities in determining planning and related applications and by the Secretary of State in determining cases on appeal or following call in.'
- The Alliance believes that this key material consideration is intended to relate to all decision making for a WHS, in order to ensure that these exceptional places enjoy exceptional safeguards.¹⁰¹
- 4.11 English Heritage appears to have taken a blinkered approach in promoting the Stonehenge Environmental Improvement Project (SEIP), disregarding the obligation of our Government under the World Heritage Convention. The Management Plan does not support the SEIP; rather, it argues for new visitor facilities, and closure of the A344 beside the henge¹⁰². There is no reason why these policies could not be more appropriately applied, either wholly or partially, in the true spirit of the Management Plan while at the same time protecting and conserving the WHS.¹⁰³
- 4.12 It is agreed that removal of the present visitor centre and closure of the A344 would benefit the central part of the WHS and the area around the

⁹⁷ Ms Knowles in oral evidence; SA/103 para 5; CD8.4 paras 15.2.3 & 15.3.1

⁹⁸ SA/103 para 6

⁹⁹ CD14.1, p.10

¹⁰⁰ CD14.1, p.28

¹⁰¹ SA/103 para 9; CD22.1 para 8

¹⁰² CD14.1, policies 4j (p.107) & 5b (p.111)

¹⁰³ SA/103 para 10

henge, but under the SEIP this would be at very great cost to the setting and integrity of parts of the WHS that are not damaged at all at the present time or are already damaged and in need of rehabilitation¹⁰⁴.

- 4.13 Attention is drawn to the proposed works (as far as these are known) at Longbarrow Roundabout. These highway works would be one of the consequences arising from approval of the SUOs and going ahead with the new visitor centre scheme. Though English Heritage's witnesses were unwilling to give an opinion on the impact on the setting of the proposed new works, the Alliance has no difficulty in concluding that, as currently proposed, they would severely damage the setting of the WHS and one of its key monument groups (Longbarrow and the Winterbourne Stoke Group) – thus compromising the OUV of the Site.¹⁰⁵
- 4.14 Curiously, given the inexplicable range of assessment scores given in the ES in relation to the effects of the scheme, in a more detailed examination of the area within view of the roundabout, the 'impacts on landscape character' are given a score of '*Moderate Adverse Significance as these landscapes are highly sensitive to change*'¹⁰⁶. The Alliance would not disagree with that assessment though it would alter 'moderate' to 'severe'. However, examination of the 'significance of landscape impacts criteria' in the ES shows that 'Moderate Adverse Significance' describes '*impacts that are significant considerations for decision making purposes*'¹⁰⁷.
- 4.15 The Alliance was pleased to learn that English Heritage expects the Highways Agency to conduct an Environmental Impact Assessment (EIA) of the works at Longbarrow Roundabout, including impacts on setting, known and unknown archaeology, and ecology, when full and detailed designs have been drawn up¹⁰⁸. Although it was suggested that public consultation on this Assessment would be unlikely, Circular 07/09 requires an EIA where impacts would be considered to have significant effects on a WHS¹⁰⁹, and the EIA Directive requires public consultation on EIAs¹¹⁰.
- 4.16 English Heritage¹¹¹ drew attention to the statement in the ES that it considers the impacts of 'the Project' (presumably the SEIP) as a whole¹¹². However, the main Study Area for the ecology survey for the ES extends for 2km around the new visitor centre site, and thus only a short way to the south of Longbarrow Roundabout¹¹³. A number of the species field surveys

¹⁰⁴ SA/103 para 11

¹⁰⁵ SA/1 paras 5.1-5.3; SA/103 para 11

¹⁰⁶ CD8.4 para 6.6.8

¹⁰⁷ SA/103 para 12; CD8.4, table 6.5 (p.187) and footnote to the table (p.188)

¹⁰⁸ Ms Knowles in oral evidence

¹⁰⁹ CD22.1 para 23

¹¹⁰ SA/103 para 13; CD8.4 para 4.3.7

¹¹¹ Ms Knowles in oral evidence; SA/103 para 15

¹¹² CD8.4 para 1.1.7

¹¹³ CD8.7 Fig. 7.1

were undertaken only in some of the areas selected in the visitor centre options appraisal that did not include Longbarrow Roundabout.¹¹⁴

- 4.17 Some of the field survey data are missing from the appendices¹¹⁵, including those on bats and breeding birds. Ms Knowles for English Heritage mentioned that the only record she has found for bats at Longbarrow Roundabout dates to about a decade ago in field survey undertaken in connection with the A303 Improvement Scheme (not mentioned in the Information on bats in the ES¹¹⁶). Inadequate data of this kind are not acceptable for an ES in respect of works at Longbarrow Roundabout and protected species, nor indeed for the visitor facilities application.¹¹⁷
- 4.18 Furthermore, the ES documentation is all entitled '*Planning Submission for New Visitor Facilities and Decommissioning Works*' and must, if not to be considered misleading, relate in substance only to this part of the SEIP. It is right that the ES should look in general terms at the wider implications of the visitor centre scheme, as it does; but since vital information on the Longbarrow Roundabout reconfiguration in particular is missing, any 'cumulative' conclusions about the overall impacts of the SEIP in this ES should clearly be treated with caution.¹¹⁸
- 4.19 Closure of the A344 to vehicular traffic, a commitment made by the Government on designation of the WHS in 1986, should proceed independently of the visitor centre scheme, so long as improvements are made to the current visitor-facilities or new facilities are constructed that do not conflict with protection of the OUV of the WHS. However, the SUOs and the visitor centre scheme as permitted by Wiltshire Council would, in combination, result in unacceptable damage to the OUV of the WHS.¹¹⁹

Stopping up of B3086

- 4.20 The Alliance's objection to the SUO proposed for the B3086 relates not only to the combined effect on OUV of a new roundabout and visitor centre development at Airman's Corner, but also to the potential impact on ecological interests in relation to the nearby Salisbury Plain and River Avon Special Areas of Conservation (SACs). In addition to the impact of the approved works for the visitor centre on the environment of Airman's Corner and the open countryside of the WHS, the Alliance is also concerned about the missing information concerning the lighting of the new roundabout, which has implications for protected species.¹²⁰

Pedestrian/cycle provision

- 4.21 It is accepted that provision is made by a Covenant under a Section 106 Agreement relating to the SEIP for a permissive path for walkers and

¹¹⁴ SA/103 para 15

¹¹⁵ From CD.8.6

¹¹⁶ CD8.4 pp.282-3

¹¹⁷ SA/103 para 15

¹¹⁸ SA/103 para 16

¹¹⁹ SA/102 paras 3.2 & 3.3

¹²⁰ SA/102 para 3.4; SA/103 para 19

cyclists along the line of the closed section of the A344 once the SUO is implemented. There may also be a gate near the verge of the A303 under condition 8 to the planning permission¹²¹.

4.22 The Section 106 Agreement provides that:

*'The National Trust and the Secretary of State as owners of the land fronting that part of the A344 between its junction with Byway 12 and the A303 to be stopped up and English Heritage covenant that as from the date of such stopping up that part of the A344 may be used at all times by cyclists and pedestrians until such time as an alternative cycle route is available and has been provided in accordance with a scheme which shall first have been approved by the local planning authority in consultation with the local highway authority and the Highways Agency.'*¹²²

4.23 This clause is not specific about the status of the permissive path for walkers and cyclists in the longer term but, since they would have no legally enforceable right of way, then their use of this part of the A344 is also in question in the longer term. This is the long-established route to Stonehenge from the nearby town of Amesbury, presumably since Saxon times or earlier. Its closure to vehicular traffic would be acceptable, but its existence as a route for cyclists and walkers ought not ever to be in question.¹²³

4.24 Stonehenge belongs to the nation; it is only right and fair that those, largely local people, who wish to make their way some distance on foot or on bicycles to the henge should be permitted to do so via the shortest and long-established route for ever and without payment or obligation to go through a visitor centre. Traffic Regulation Orders are sought for a number of Rights of Way within the WHS¹²⁴. Cyclists and walkers would still be able to use all of these Rights of Way by law – with the exception of a part of the A344.¹²⁵

4.25 As yet there is no clear indication of what the surface of the permissive path along the line of the A344 would be but one of the kind suggested by English Heritage, with a seeded grass covering, would be difficult to cycle upon on a slope, especially in wet weather¹²⁶.

4.26 Permitting the SUO for the A344 would seriously inconvenience cyclists and walkers in crossing the A303 at Stonehenge Bottom, without firm assurance not only that a safe crossing will be provided in line with Condition 27 of the planning permission¹²⁷, but also that details of that crossing will be provided before any SUO is made. At the present time there is no firm assurance that a safe crossing will be provided, either at this point or elsewhere on

¹²¹ SA/103 para 23; CD1.2

¹²² CD1.7, Schedule 3, part 2, para 9

¹²³ SA/103a paras 2 & 3

¹²⁴ See paragraph 1.6 above in this Report

¹²⁵ SA/103a paras 4 & 5

¹²⁶ SA/5W paras 3.2 & 6.1-6.2; SA/103 para 24

¹²⁷ CD1.2

- the A303, and natural concern is felt at the published opinion of the Highways Agency that they do not advocate an at-grade crossing at Stonehenge Bottom¹²⁸.
- 4.27 English Heritage advised the Inquiry that discussions would be taking place, not only on the re-surfacing of the A344 but also on a safe crossing for the A303¹²⁹. Nevertheless, in the case of the crossing, there is no certainty that Condition 27 could not be removed by Wiltshire Council should the issue of a crossing become an inconvenient obstacle to implementation of the SUO and the SEIP.¹³⁰
- 4.28 If no crossing is provided the only alternative for cyclists would be to travel to Stonehenge along the A303 and via Longbarrow Roundabout to Airman's Corner. If that were to be the case, there would be inadequate and dangerous provision for cyclists at both roundabouts as currently proposed.¹³¹
- 4.29 At present crossing the road at Stonehenge Bottom is difficult, but the current hatched area and indicating right-turning vehicles assist in making this crossing safely, enabling each lane to be crossed separately¹³². The removal of the hatched area on the A303 and the increased and easier traffic flow resulting from stopping up the A344, as well as removal of present road signs, without concomitant provision of a dedicated crossing point would certainly make crossing the A303 both hazardous and unsafe for cyclists and walkers¹³³. The reason given by Wiltshire Council for Condition 27 of the planning permission recognises that the numbers of cyclists and walkers are likely to increase in the Stonehenge area in future¹³⁴.
- 4.30 Although the Highways Agency did not object to the visitor centre application, including the stopping up of the A344, it set out a number of proposed conditions. Two of these referred to the need for a safe A303 crossing for cyclists and pedestrians, and one to the need for approval of details and implementation of a pedestrian and cycle route along the stopped up section of the A344¹³⁵.
- 4.31 Case law indicates why the SUO proposal for the A344 does not conform to the issues the Courts say should be met. In *Vasiliou*¹³⁶ the Court of Appeal insisted that, in making the stopping up order, the Secretary of State ought to take into account the adverse effect his order would have on those entitled to the right which would be extinguished by his order. The same

¹²⁸ SA/5W paras 4.1 & 5.1-5.3; SA/5AW appendix 1 (quoting CD8.9, para 4.4.3); SA/103 para 20

¹²⁹ Ms Knowles in oral evidence

¹³⁰ SA/103 para 20

¹³¹ SA/5W para 3.1; oral evidence; SA/103 para 20

¹³² SA/2 paras 4-6; SA/3 para 8; SA/3a appendix 1; SA/5W paras 3.4-3.4 & fig.1

¹³³ SA/3 para 11

¹³⁴ SA/3 para 7; CD1.2

¹³⁵ EH/2a, appendix DL1, p.3, proposed conditions (I) & (II)

¹³⁶ *Vasiliou v Secretary of State for Transport* (1991) 2 All E.R., JPL 858

principle was observed in *Batchelor Enterprises*¹³⁷, in which the Court held that the Secretary of State's concern must be for the consequences for road safety of making the stopping up order, not the consequences of the grant of planning permission¹³⁸.

- 4.32 Even if the SUO were granted, work on its implementation cannot start until the requirements of condition 27 attached to the planning permission are met. A crucial element of that is crossing arrangements of A303 at Stonehenge Bottom, and so far the Highways Agency has indicated its opposition to a crossing of the road at this point. Unless this matter can be resolved, the requirements of the condition cannot be met and in these circumstances the application for the SUO is premature.¹³⁹

Conclusion

- 4.33 The SUOs should not be granted until such time as the above missing information has been produced and agreed through consultation with all relevant parties, and the outstanding matters of Conditions 8 and 27 attached to the planning permission have been met.¹⁴⁰
- 4.34 However, it is suggested that the SUO for the A344 should be applied at the junction of the A303 and A344 only and that a TRO should be placed on that part of the A344 between Byway 12 and Stonehenge Bottom. In this way, the right of way for pedestrians and cyclists would not be removed and it would be the same as for all other Byways and highways within the WHS.¹⁴¹

Mr R E Broadley

The material points are:

- 4.35 Promises have previously been made that any closure of the A344 would be conditional upon the dualling of the A303 past Stonehenge. This has become more important than ever when taking into account the frequently occurring gridlock that exists in both directions along the A303. The A344 provides an alternative route for local traffic, emergency vehicles and through traffic, and its closure before the dualling of the A303 will result in greatly increased traffic movements on the minor roads through Shrewton, Larkhill Garrison, Durrington, Bulford Village and Countess Road, Amesbury.
- 4.36 This would have a detrimental effect on those communities, would increase the likelihood of accidents and would cause delays to emergency vehicles, thereby increasing the risk to lives. The situation would be made worse by further development at Solstice Park, adjacent to the A303 at Amesbury¹⁴². Failure to dual the A303 would also result in greater volumes of traffic on the A360 to Salisbury which in turn would cause a greater risk of accidents

¹³⁷ R (Batchelor Enterprises Ltd) v Secretary of State for the Environment, Transport and the Regions, July 23, 2001

¹³⁸ SA/3 paras 13-14

¹³⁹ SA/3 para 15

¹⁴⁰ SA/103 para 27

¹⁴¹ SA/103a final paragraph

¹⁴² BROAD/SUO/1W Paras 1,2,3,4

- at the junction of the A360 and the avenue to Wilton/Woodford Valley crossroads¹⁴³.
- 4.37 The crossroads at Rolleston Camp are hazardous due to visibility being partly obscured by an existing building, and consequently improvements need to be considered. Furthermore, the A3086 between Rolleston Camp and Airman's Corner is narrow and requires an upgrade¹⁴⁴.
- 4.38 The reconstruction of Longbarrow Roundabout would result in the roundabout being more hazardous to cross than at present and Stonehenge traffic would obstruct through traffic on the A360 approaches to the roundabout¹⁴⁵.
- 4.39 Closure of the A344 would also result in drivers parking along the A303 and crossing this road to get a view of the Stones. Examples of this behaviour were seen recently during the temporary closure of the A344. There would also be a huge increase in the number of vehicles using the road through Shrewton High Street and Larkhill Garrison, causing an increased risk of accidents as well as inconvenience by virtue of lengthened journey times to many people¹⁴⁶.

Mr Alan Hill

The material points are:

- 4.40 At a previous Inquiry concerning improvements to the A303 the Inspector concluded that an independent closure of the A344 would not be justifiable, in that it would increase congestion on the A303 and elsewhere in the local road system, causing additional problems for emergency vehicles¹⁴⁷.
- 4.41 At a meeting of the Amesbury Area Board of Wiltshire Council on 25 March 2010, the Council's Transport and Development Manager commented that:
- 'congestion on the A303 was the overriding issue and that traffic avoiding the A303 would have an environmental impact on the local roads'*¹⁴⁸.
- 4.42 A report by the Highways Agency entitled A303 Stonehenge Improvement – Scheme Review - Partial solutions - A303/A344 Junction Closure states that:
- 'the link capacity of greatest concern is that of the single carriageway section of the A303. For modelling purposes, its one-way flow capacity has been set to 1600 vehicles per hour, in order to avoid*

¹⁴³ BROAD/SUO/1W Para 7

¹⁴⁴ BROAD/SUO/1W Para 5

¹⁴⁵ BROAD/SUO/1W Para 6

¹⁴⁶ BROAD/SUO/1W Para 8,9

¹⁴⁷ Quoted in HILL/1b page 1 Para 2

¹⁴⁸ CD 11.14 item 7

excessive and unrealistic diversions away from the route as traffic growth continues'.¹⁴⁹

- 4.43 This is an incorrect figure as at peak times the westwards capacity reduces to 800vph with tailbacks of 10km and speeds of only 6mph, which gives rise to massive tailbacks. At other times the flow never exceeds 1100vph.¹⁵⁰ The use of the figure of 1600vph for the link capacity is therefore flawed and leads to wholly unreliable outputs from the traffic model¹⁵¹. The process whereby the model was calibrated against surveyed flows where available, as described by Mr Lear for English Heritage, is irrelevant¹⁵². The closure of the A344 would therefore have major consequences for traffic queues, journey delays and rat-running¹⁵³.
- 4.44 As the A303 is currently at saturation level during peak periods, there is no true prospect of any increase in current traffic volumes. Even at peak times the right turn traffic into the A344 does not impede the A303 traffic flow¹⁵⁴. There is no evidence to show that an enlarged roundabout at Longbarrow would generate significant enhancements in traffic flow, and a larger Longbarrow Roundabout would not compensate for the additional A303 traffic generated by closing the A344¹⁵⁵. The highway capacity along the section of the A303 from Stonehenge to Longbarrow is not determined by the Longbarrow roundabout junction capacity, and this is evidenced by an increase in traffic speed during peak periods in the final westwards kilometre approaching the roundabout, at which point there are no significant tailbacks¹⁵⁶.
- 4.45 Whilst the closure of the A344/A303 junction would eliminate an accident blackspot, the resulting rat-running would cause a significant increase in road traffic accidents in rural villages and along narrow country lanes.
- 4.46 For an A grade highway to be removed from the network the onus is on the applicants to show with plausible evidence that the road in question is surplus to requirements. English Heritage has totally failed to do this¹⁵⁷.
- 4.47 The proposed stopping up order would eliminate the existing right of way for cyclists and pedestrians along the A344 between the A303 and Amesbury 12 Byway¹⁵⁸. This would be in defiance of condition 27 of the planning permission for the new Stonehenge visitor centre¹⁵⁹.

¹⁴⁹ CD18.1 section 3.2 (second full para on p.9) quoted in HILL/1b (3rd para on p.2) [*Inspector's note: the quotation given by the objector is partial. In particular, it omits the indication that the link capacity was set at 1600 vph 'to reflect the maximum observed hourly flows'.*]

¹⁵⁰ HILL/1b page 2 Para 5, HILL/1 page 2 Para 6 and HILL/1A appendix D

¹⁵¹ HILL/100 page 2 Para 7

¹⁵² Oral submission

¹⁵³ HILL/1b page 2 Para 5

¹⁵⁴ HILL/1b page 2 Para 7

¹⁵⁵ HILL/1b page 3 Para 1

¹⁵⁶ HILL/1b page 3 Para 2

¹⁵⁷ HILL/100 page 3 Para 2 and HILL/1 page 5 Para 5

¹⁵⁸ HILL/1b page 3 Para 5

¹⁵⁹ CD1.2

- 4.48 Furthermore, it has to be questioned as to whether options to eliminate motor traffic along the A344, other than a stopping up order, have been considered. If options other than the extinguishment of rights are available to remove motor traffic then it follows that the stopping up order is unnecessary and the stopping up application must therefore fail¹⁶⁰.
- 4.49 Had the length of the A344 in question been a bridleway then an Inquiry would have been necessary under section 118 of the Highways Act. At this Inquiry English Heritage would have had to argue for the extinguishment of the right of way and its replacement with a permissive path along the same route. The notion of eliminating the right of way and replacing it with a permissive path is monstrously absurd and would surely have been rejected by the Inspector, as it should be in the present Inquiry¹⁶¹.
- 4.50 The application to stop up the length of the A344 is therefore fundamentally flawed in that it is not necessary, would eliminate a right of way, and would result in longer traffic queues and rat-running. Any one of these issues is sufficient for the application to be rejected¹⁶².

Orcheston Parish Council

The material points are:

- 4.51 The stopping up of the A344 will result in increased traffic flows on rural roads within the parish and surrounding district which will in turn compromise road safety. A petition against the Stopping Up Order, signed by over 300 local people has been submitted in support of the Parish Council's position¹⁶³.
- 4.52 The Parish Council accept that the promoting authority has a traffic model that shows that traffic flows occurring due to the proposed stopping up would not be substantially different to the existing situation. However, these predicted flows have not considered the effects on Elston Lane or Shrewton High Street. The changes in flows in these locations will be out of proportion to the current flows and will be dangerous¹⁶⁴.
- 4.53 At present traffic heading east from Devizes and Warminster travels along the A360 and B390 respectively before joining the A303 at Stonehenge Bottom via the A344. This means that the vehicles miss the majority of the congestion on this section of the A303. The proposed stopping up of the A344 will result in this traffic having to join the A303 at Longbarrow, and having to negotiate a longer section of congested A303.
- 4.54 It is anticipated, however, that this traffic will look for alternatives rat-runs using their 'sat-navs'. One such route would be to leave the A360 to the west of Orcheston, travel through Orcheston and Shrewton and then along London Road and the Packway, joining the A303 at Amesbury. A recent temporary closure of the A344 produced exactly this effect, with higher

¹⁶⁰ HILL/100 page 1 Para 5

¹⁶¹ HILL/100 page 2 Paras 1/2

¹⁶² HILL/100 page 3 Para 3

¹⁶³ ORCH/SUO/1, 1

¹⁶⁴ ORCH/SUO/1, 3

- morning peak flows observed on Elston Lane, London Road and the Packway than is normal when the A344 is open¹⁶⁵.
- 4.55 For traffic heading west on the A303, congestion starts where the road changes from dual to single carriageway just to the east of the A303/A344 junction. This can lead to significant tail backs, particularly on Friday afternoons and evenings and Saturday mornings, but also at weekday peak times throughout the year. In anticipation of this congestion traffic diverts north onto the A345 at Countess Roundabout and then west onto the Packway and subsequently through Shrewton. Some of this traffic then turns into Elston Lane and through Orcheston before heading for Devizes on the A360¹⁶⁶.
- 4.56 Elston Lane is normally a quiet rural backroad and from where the lane exits Shrewton has the national speed limit of 60mph. This speed limit continues through Orcheston and the route passes a boarding school, two stables, from which horses enter and leave, and a veterinary clinic¹⁶⁷.
- 4.57 Shrewton High Street is a two lane road without pavements. In addition to many houses the street has a primary school, two doctors' surgeries, a supermarket, butchers shop, hairdressers, church and church hall, and two public houses¹⁶⁸.
- 4.58 It is anticipated that stopping up of the A344 will increase the level of rat-running through both Elston Lane and Shrewton High Street. Evidence produced by English Heritage does show that traffic will increase through Shrewton High Street during the inter-peak hours¹⁶⁹. It is considered that this increased traffic on both Elston Lane and Shrewton High Street will be dangerous and is an unfair burden upon the residents of Orcheston and Shrewton. Furthermore, the stopping up order would only partially meet the desires of UNESCO, 25 years after their commitment¹⁷⁰.
- 4.59 Presently, when the existing visitor centre is closed drivers will stop in the adjacent lay-by on the A344 so that the occupants can get out to view the Stones. To do this they often cross the A344 on foot, which can be dangerous, as evidenced by the death of a tourist on 5th November 2009. If the A344 were to be stopped up, notwithstanding the presence of no stopping regulations on the A303, drivers would park along the A303 to view the Stones. As there is no suitable lay-by along this section of the A303 and traffic speeds are faster than the A344, there would be an increase in the potential for accidents. Also the parked cars would add to the traffic congestion¹⁷¹.

¹⁶⁵ ORCH/SUO/1, 4

¹⁶⁶ ORCH/SUO/1, 5, 6

¹⁶⁷ ORCH/SUO/1, 7

¹⁶⁸ ORCH/SUO/1, 8

¹⁶⁹ EH/2a DL7

¹⁷⁰ ORCH/SUO/1 9

¹⁷¹ ORCH/SUO/1, 10

- 4.60 The A344 is an ancient route that leads to Stonehenge and another Henge discovered only in 2010¹⁷², and there may be other ancient sites along its length that have not yet been discovered. The closing of this right of way may well set a precedent for the closure of other rights of way without the provision of an alternative route¹⁷³.
- 4.61 English Heritage wishes to close the A344 in order to meet the 1986 agreement with UNESCO to grass over the road. However, the proposed stopping up order would only result in a small section of the A344 being grassed over, with the remaining section being retained as a tarmac road. Furthermore there would be no reduction in the impact of the A303 and condition 21 of the planning permission for the new visitor centre makes clear that the surface of Byway 12 would be upgraded¹⁷⁴. Overall the visual impact would not be as envisaged by UNESCO¹⁷⁵.
- 4.62 English Heritage has indicated that the stopping up of the A344 would improve access to the stones. However, its Chief Executive told the Chairman of Orcheston Parish Council that at peak times visitors would require time allocated tickets to get the transport from the new visitor centre to the Stones. This implies that casual visitors may not be able to see the Stones. Furthermore, if coach trips cannot access the stones on arrival at the visitor centre, and given that it would be difficult for them to guarantee an arrival time, then they may decide to bypass Stonehenge completely¹⁷⁶. This cannot be seen as improving access for all.
- 4.63 In conclusion therefore, the proposed stopping up of the A344 would result in reduced numbers of visitors and a reduction in road safety for both visitors and local residents¹⁷⁷.

Bulford Parish Council

The material points are:

- 4.64 Although the sites lie outside the Bulford Parish boundaries, the Parish and its inhabitants will be materially affected by the traffic that will result from the stopping up of the A344 and B3086.¹⁷⁸

(The Report continues on the next page)

¹⁷² ORCH/SUO/1a, appendix 3

¹⁷³ ORCH/SUO/1, 11

¹⁷⁴ CD1.2

¹⁷⁵ ORCH/SUO/1, 12

¹⁷⁶ ORCH/SUO/1, 13

¹⁷⁷ ORCH/SUO/1,14

¹⁷⁸ ID/2 tab D1F, ID/3 tab D1D

5. CONCLUSIONS

In these conclusions, references thus [1.1] are to previous paragraphs in this Report.

The proposed visitor centre and related development

5.1 It appears that some parties see objections to the proposed Stopping Up Orders (SUOs) as means of furthering their objections to the proposed new visitor centre and related development [3.21, 4.2]. However, planning permission for that development has been granted by Wiltshire Council [1.1].

5.2 It is undisputed that:

- the decisions on the Orders cannot revoke or amend the planning permission;
- the period within which the Council's decision may be the subject of an application for judicial review has passed; and
- the outcome of an outstanding complaint by the Stonehenge Alliance to the European Court of Justice (regarding the appropriate assessment by Wiltshire Council of impacts of the proposed visitor centre on nearby Special Areas of Conservation and a Special Protection Area) would not override the planning permission, even if it were upheld. [3.8]

5.3 The submission by English Heritage (EH) that, if the Government wished to prevent the permission being implemented, the only means available to it would be though formal revocation was also undisputed. The probability of such a course being followed is for the Secretary of State to assess. However, having regard to the Government's commitment to the project and its commitment to UNESCO with regard to the World Heritage Site (WHS), I share the view that it is unlikely. [3.4, 3.9, 4.3]

5.4 In the light of the above, I shall make my recommendations on the basis that there is, and will remain, a valid planning permission for the new visitor centre and associated development and the merits of that scheme are not open to debate in this context. I respectfully suggest that, in coming to his decisions on the SUOs, the Secretary of State should proceed on the same basis.

5.5 None of the above indicates that the existence of the planning permission is immaterial to the decisions on the Orders. On the contrary, s.247 of the Town & Country Planning Act 1990 under which they would be made indicates that the Secretary of State may by order authorise the stopping up of any highway 'if he is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted...'.
permission granted...'

Main issues

5.6 The two SUOs are expressly proposed under the provision of s.247 of the Act in order to enable development to be carried out in accordance with the planning permission granted to English Heritage by Wiltshire Council on 23 June 2010 under reference S/2009/1527/FULL' [1.1, 3.14]. It follows that the

main issues to be considered in this Report are whether each Order is necessary for that purpose.

- 5.7 The beneficial and adverse effects arising from them may also be material considerations [3.25, 4.31, 4.50], though the weight to be attached to them in this context is a matter for the Secretary of State.

Necessity

- 5.8 The proposed new visitor centre and associated development comprise one of three strands in the Stonehenge Environmental Improvement Project (SEIP) within the Management Plan for the WHS. As this strand is a prerequisite for the remaining ones, it is key to the implementation of the whole Project (alongside further measures including the proposed Traffic Regulation Order) [1.6, 1.9, 3.6, 3.17, 3.50, 3.53]. However, under the provisions of s.247, the necessity for the Orders falls to be considered in the context of the planning permission alone, rather than of the SEIP as a whole [3.50]

A344 Order

- 5.9 The development for which planning permission has been granted includes 'decommissioning of ... a section of the A344' [1.1]. The section referred to is identified in the planning statement accompanying the application and the approved plans as being between Stonehenge Bottom and Byway 12¹⁷⁹. The planning statement also explains what is meant by 'decommissioning' as follows:

*'This section of the A344 will be formally extinguished as a road with all rights removed except service providers' easements. This is to be achieved by a separate application ... under Section 247 of the Town & Country Planning Act 1990 (as amended)'. This application cannot be submitted until the related planning application for which the order is necessary has been determined by Wiltshire Council.*¹⁸⁰

- 5.10 It follows that the proposed Stopping Up Order relating to the A344 is necessary for this element of the development to be carried out in accordance with the planning permission. This is essentially undisputed. Such concerns regarding necessity as have been expressed relate to matters that have already been determined through the granting of planning permission. Moreover, the lesser measures proposed by some objectors would not enable the development, including extinguishment as a road with all rights removed, to be implemented fully within the terms of the permission. [3.14, 3.15, 3.46, 3.48-3.49, 4.2, 4.19, 4.34, 4.40, 4.48, 4.50, 4.61]

B3086 Order

- 5.11 Stopping up of the B3086 north of at Airmans Corner is not specifically included in the development for which planning permission has been granted, but highways and landscaping works at Airmans Corner are elements of the development [1.1]. Moreover, the planning statement explains that realignment of the B3086 onto its historic straight north-south alignment is required to facilitate the proposed new roundabout at Airmans

¹⁷⁹ CD8.4 paras 3.1.13 & 3.2.2; CD1.3

¹⁸⁰ CD8.4 para 3.2.2

Corner¹⁸¹ [1]. In any event, much of the length to be stopped up lies within the footprint of the proposed coach park and landscaping works associated with the new visitor centre.

- 5.12 It is undisputed that the proposed Stopping Up Order relating to this road is necessary for these elements of the development to be carried out in accordance with the planning permission [3.13-3.15, 3.52]. Again, such concerns as have been expressed relate to matters within the ambit of the planning permission [4.20].

Main beneficial and adverse effects of the Orders

- 5.13 I turn now to the principal benefits and adverse effects of the Orders as identified by supporters and objectors, having regard to matters already determined through the granting of planning permission for the new visitor centre and associated development [1.1].

Benefits

- 5.14 EH suggests that the benefits of the Orders are as follows (I repeat them here for convenience)[3.20]:
- The provision of a new visitor centre, more sensitively located and with enhanced visitor facilities;
 - Removal of an intrusive road in the vicinity of the Stones;
 - Restoration of the ancient monument to an enhanced and more open landscape setting;
 - Reconnection of the Stone Circle to the Avenue, the ancient processional route;
 - Removal of a traffic accident blackspot at the junction between the A344 and A303; and
 - Realignment of the B3086, providing safe access to the new visitor centre at Airman's Corner.
- 5.15 Save for the references to the new visitor centre, to which some objectors remain opposed as I have indicated, these are undisputed and are expressly supported by the National Trust [3.16, 3.50-3.53].
- 5.16 The last benefit listed clearly applies to the B3086 Order only; all others apart from the first relate to the A344 Order only. However, the first would strictly not arise directly from this Order either. Nevertheless, removal of general traffic from the A344 through the SUO and an associated Traffic Regulation Order on the remainder of its length would facilitate the effective operation of the new visitor centre, particularly the proposed Visitor Transit System¹⁸² to convey visitors between the visitor centre and the Henge itself. [1.6, 1.9]
- 5.17 It seems to me that additional safety benefits would accrue from removal from the current conflicts between vehicles and pedestrians on the A344 in the vicinity of Stonehenge [2.4, 4.59].

¹⁸¹ CD8.8 para 3.2.3

¹⁸² As indicated in the Planning Supporting Statement, CD8.8 paras 3.1.5, 3.1.12, 3.2.4

- 5.18 Most of the benefits identified would address features that detract very significantly from the Outstanding Universal Value (OUV) of the WHS and that those relating to the A344 would meet the specific commitment given by the Government to UNESCO in respect of this road^[3.1-3.4]. Others would improve road safety on the A344 and at its junction with the A303.
- Adverse effects
- Congestion on A303*
- 5.19 It is undisputed that at the present time the A303 suffers periodically from congestion leading to long queues ^[3.36, 4.35, 4.44, 4.53]. Moreover, EH accepts that this will remain the case, irrespective of whether the A344 is stopped up, due to wider problems on the network ^[3.37]. However, the pertinent question in this context is whether the proposed stopping up would exacerbate the situation.
- 5.20 EH submits that the proposed improvements to Longbarrow roundabout would be designed to nullify the effects of the closure of the A344 in that the extra traffic diverted onto the A303 would be catered for and would not increase the level of congestion ^[3.36, 3.37]. This point was not accepted by all the objectors. In particular Mr Hill claimed that the problems of queuing on the A303 were not determined by the junction capacity of the roundabout but by that of the link between there and Stonehenge Bottom ^[4.43, 4.44]. However, in coming to this view he seems to have ignored Highways Agency findings regarding the appropriate figure for the ultimate one-way capacity of the single carriageway section of the A303 past Stonehenge ^[4.42 (including footnote), 4.43].
- 5.21 Evidence for EH confirmed that the calibration process for the traffic model involved testing outputs from the model against actual flows in the existing situation. Whilst this process, which is standard practice and a key element in traffic modelling, was considered irrelevant by Mr Hill, in my experience it provides confidence in the soundness of the model and the reliability of its outputs ^[4.43]. Furthermore, contrary traffic data put forward by Mr Hill contained several examples where traffic flows leaving or joining the A303 had been estimated, rather than being based on actual traffic data or calibrated modelling ^[3.38].
- 5.22 In my view the evidence for EH that the capacity of the network at this point is governed by that of the roundabout is soundly-based ^[3.36]. It follows that if the capacity of the roundabout is increased as proposed then traffic diverted from the A344 could be accommodated without causing further congestion.
- 5.23 Matters have moved on since the view was taken that closure of the A344 is contingent upon dualling of the A303 past Stonehenge ^[4.35, 4.40]. This is evidenced by the lack of objection by the Highways Agency, which was previously opposed to closure of the A344 independently of dualling of the A303, to the currently proposed SUO and by the Agency's co-operation in the associated improvement scheme for Longbarrow roundabout ^[1.2, 3.34].
- 5.24 Overall, I am satisfied that it has been demonstrated that the Longbarrow roundabout currently has a detrimental impact on the traffic flows along the A303, and that the proposed improvements to it would nullify the effects of additional traffic on that road arising from closure of the A344. The

carrying out of these improvements prior to the closure of the A344/A303 junction is a condition of the planning permission [3.44].

*'Rat running'*¹⁸³

- 5.25 It is acknowledged by EH that traffic flows through both Larkhill and Shrewton would increase due to extra rat running following closure of the A344 [3.39, 3.41, 4.39, 4.45, 4.52-4.59]. The additional journey lengths for some local traffic, while modest, might also encourage some drivers to divert onto routes other than the A303. The greatest traffic increase would be of about 40% along the Packway between Rolleston Camp crossroads and Fargo Road during the inter-peak hours (10am-4pm). Whilst the percentage figure seems large, it would equate to only about 100 vehicles per hour, or less than two per minute. Given the reasonable width and alignment of the Packway relative to the traffic using it, this would not in my view be an unacceptable increase likely to give rise to significant congestion or road safety issues [3.39, 4.37].
- 5.26 Through Shrewton High Street the increase would be in the region of 70vph during the inter-peak hours, or about 1 vehicle per minute. I acknowledge that there are no footways along Shrewton High Street and that a range of village services and facilities are located along it, and that Elston Lane is a rural road with a 60mph limit. However, I saw that the nature and alignment of the High Street naturally limits vehicle speeds and no evidence of an existing significantly adverse accident record has been put forward. The concerns expressed are understandable, but I consider the predicted increase to be acceptable within the context of the overall scheme, and I am not persuaded that the increase would be materially detrimental to road safety here. [3.41-3.42, 4.57]

Effect on the OUV of the WHS as a whole

- 5.27 The Stonehenge Alliance stresses the need to consider the OUV of the WHS as a whole rather than taking attributes in isolation [4.4-4.10]. This principle does not appear to be contentious. I note, however, that the Stonehenge WHS Management Plan 2009 advises that the attributes themselves are not individually of OUV¹⁸⁴.
- 5.28 The Alliance accepts that removal of the present visitor centre and closure of the A344 would benefit the central part of the WHS, but expresses particular concern about the effects of the proposed works at Longbarrow roundabout on the setting of one of the key monument groups comprising Longbarrow itself and the Winterbourne Stoke Group (north-east of the roundabout) [4.12-4.13]. It submits, firstly, that adverse effects in one part of a WHS cannot be offset by beneficial effects elsewhere and, secondly, that there were deficiencies in the assessment of the impacts on these monuments in the Environmental Statement (ES) relating to the SEIP [4.6-4.7, 4.12-4.18].
- 5.29 On the last of these points, the Alliance's complaint to the European Court of Justice relates to the Appropriate Assessment undertaken, though

¹⁸³ Avoidance of congestion on main roads by use of more minor roads.

¹⁸⁴ CD14.1 para 3.3.7

apparently not in this respect. The complaint is directed primarily at the process leading to the planning permission but the Alliance has accepted that this is, and is likely to remain, valid, and EH points out that the assessment did encompass the proposals at the roundabout and their effects on the attributes of OUV there [3.21-3.24, 4.2-4.3]. For the reasons I have already indicated, I shall not consider the adequacy of the ES further. I note, however, that it seems to be agreed that the detailed proposals relating to Longbarrow roundabout would themselves be subject to further Environmental Assessment in any event [4.15].

- 5.30 Only at that stage would it be possible to assess fully the effects of that scheme on the setting of the barrow group. In the event of it proving as a result of this (or indeed for any other reason) that the roundabout scheme could not be carried out, then a condition attached to the planning permission would preclude closure of the A344/A303 junction [3.44].
- 5.31 Accordingly it seems to me that it is unnecessary to consider in the context of the A344 SUO whether the acknowledged benefits to the OUV of the WHS accruing from removal of the existing visitor centre and closure of the A344 could validly be offset against any harm to attributes of OUV elsewhere in the WHS, such as in the vicinity of Longbarrow roundabout. However, in the event that the Secretary of State does not accept that view, it seems to me that the Alliance's view that benefits cannot be offset against harm would run counter to the principle of considering the OUV of the WHS as a whole. Moreover, the apparent implication that any harm at all to any attribute of OUV is unacceptable even if it is outweighed by benefits to other attributes and the OUV of the WHS as a whole appears to be likely to preclude many schemes that would bring substantial net benefits to the WHS.

Other considerations

Provision for pedestrians and cyclists along the closed length of A344

- 5.32 Some objectors raise the question of ongoing provision for pedestrians and cyclists along the closed length of the A344 [4.21-4.24, 4.47]. Their concerns relate in part to the extinguishment of a right of way for these users, but the principle of removing these rights has already been established by the planning permission and, as I have indicated, decisions on these Orders cannot revoke or amend it.
- 5.33 Provision of a permissive path for pedestrians and cyclists would be secured through condition 27 to the planning permission. This stipulates that, amongst other things:
- 'no development shall commence until details of the pedestrian and cycle route along the whole of the A344, including crossing arrangements at the A303 (Stonehenge Bottom) have been submitted to and approved (in consultation with the Highways Agency) in writing by the local planning authority. The development shall not be occupied until the agreed works have been completed. Any changes shall be implemented in accordance with the approved scheme'.*

The reason given for this condition is:

'to accommodate and facilitate the inevitable future local pedestrian and cyclist demand travelling the route between the Stones and West Amesbury, and provision of a safe crossing point on the A303 when the right turn facility currently in place is removed'¹⁸⁵.

- 5.34 So far as the details of the permissive path are concerned, EH has indicated that the surface would be suitable for cyclists, and this could be controlled through the condition. In the longer term, an alternative route may be provided. The Section 106 obligation includes a covenant that would bring any such scheme under the control of the local planning authority in consultation with the local highway authority and the Highways Agency [3.31].

Arrangements for pedestrians and cyclists to cross the A303

- 5.35 The Stonehenge Alliance raised concerns regarding the future provision of a safe crossing facility of the A303 at Stonehenge Bottom [4.26-4.30]. At present there is an area of cross hatching (known as a 'ghost island') in the vicinity of the junction with the A344 to channel traffic into the right-turning and through lanes as appropriate. It seems that cyclists and pedestrians utilise this as a refuge so that they only have to cross one lane at a time. In my judgement this is already an unsafe practice as there is nothing physically to prevent vehicles overrunning the hatching, but in any event the proposal is that these markings would be removed should the A344 be stopped up.
- 5.36 The need for a safe crossing here is acknowledged within the planning permission. Condition 27 referred to above would also secure approval and completion of crossing arrangements, in consultation with the highway authorities, before the new visitor centre is occupied [3.26]. I recognise the difficulties in providing such a facility, but it remains that it is a prerequisite of the opening of the visitor centre [3.28-3.29].

Parking along the A303

- 5.37 Orcheston Parish Council suggests closure of the A344 would lead to an increased tendency for drivers to stop along the A303 for informal viewing of the Stones, with consequences for increased congestion and danger [4.59]. I agree that this would become more likely as it would appear to be the only way for those arriving or passing by car to obtain more than glimpses of the Henge without either going via the new visitor centre or walking a considerable distance. However, as the Parish Council recognises, this part of the A303 is subject to 'clearway' restrictions. Also, the more general law relating to obstruction of the highway (which normally includes the verges) would also apply. Enforcement of these restrictions is a matter for the relevant authorities, and it would be open to the Highways Agency to introduce physical measures to deter illegal stopping here if necessary.

Stopping Up of A344 independently of the new visitor centre and/or improvements to Longbarrow Roundabout

- 5.38 Condition 22 imposed on the planning permission for the new visitor centre provides that the proposed centre shall not be occupied, nor shall the

closure of the A344/A303 junction take place unless and until the improvements to the Longbarrow roundabout have been implemented [3.44]. This would prevent closure of the junction without improvement of the Longbarrow Roundabout but, contrary to the suggestion by English Heritage, I consider that in practical terms it does not preclude the stopping up of the A344 without implementation of the planning permission.

- 5.39 I note that the draft Order itself expressly indicates that it would authorise the stopping up specifically *'in order to enable development to be carried out in accordance with the planning permission...'*¹⁸⁶. Whether stopping up alone would meet this point is a matter of law. In any event, I share the view of English Heritage that it is most unlikely that it would close the road in isolation from the remainder of the scheme given its commitment to the provision of the new centre, and also given the integral involvement of the Highways Agency which would become responsible for overcoming traffic problems generated by such a course of action [3.44, 3.45].

Relationship with the proposed Traffic Regulation Order

- 5.40 Whether or not the A344 SUO is made clearly might have a bearing on the decision to be made by Wiltshire Council regarding the proposed TRO insofar as it relates to the remaining length of the A344 [1.6, 1.9]. However, I have seen no suggestion that either of the SUOs is contingent upon the making of the TRO.

Overall conclusions

- 5.41 I have found that both Orders are necessary to enable development to be carried out in accordance with the planning permission for the proposed new visitor centre and associated development. The requirements of Section 247(1)(a) of the Town & Country Planning Act 1990 as amended are therefore met in each case.
- 5.42 Stopping up of the roads concerned would be beneficial to the Outstanding Universal Value (OUV) of the World Heritage Site, and in respect of the A344 would accord with a specific commitment given by the Government to UNESCO in respect of this road. Any adverse effects on attributes of OUV arising from capacity improvements to Longbarrow Roundabout have been taken into account in the determination of the planning application and would, if necessary, be subject to further assessment when details of the works to the roundabout are established. The stopping up would also bring road safety benefits.
- 5.43 I conclude that, subject to the proposed improvements to the Longbarrow roundabout which would be secured through a condition attached to the planning permission, closure of the A344 would not have a detrimental effect on traffic flows along the A303 Trunk Road. It would lead to additional traffic through Larkhill Garrison and a redistribution of traffic in Shrewton, but the increases would be modest in absolute terms and would not cause unacceptable adverse impacts.

¹⁸⁶ ID/2 tab B1

- 5.44 While the SUO would extinguish existing rights of way along the length of the A344 concerned in accordance with the planning permission, there would remain a permissive path along the line of the road for pedestrians and cyclists, provision and details of which would be controlled through a condition attached to the planning permission and the related Section 106 obligation. Provision for pedestrians and cyclists to cross the A303 at Stonehenge Bottom would be secured by the same condition, and in my judgement would be likely to be safer than the current situation here. Additional parking along the A303 could be controlled through enforcement of existing restrictions and, if necessary, by physical measures.
- 5.45 I conclude that the adverse effects arising from the proposed closures of the A344 and B3048 would be limited and greatly outweighed by the identified benefits.
- 5.46 In coming to his decision on the A344 SUO the Secretary of State may care to have regard to the relationship between that Order and the proposed TRO in respect of the remainder of that road. However, I suggest that the former should not be regarded as contingent upon the latter.

6. RECOMMENDATIONS

- 6.1 I recommend that both Orders be made without modification.

Alan Boyland

Inspector

APPENDIX A : ABBREVIATIONS

Used in this Report and in evidence

BOAT	Byway Open to All Traffic
CD	Core Document
CPRE	Campaign to Protect Rural England
DCMS	Department for Culture, Media and Sport
DEFRA	Department for Environment, Food and Rural Affairs
DfT	Department for Transport
EH	English Heritage
EIA	Environmental Impact Assessment
EIP	Environmental Improvement Project
ES	Environmental Statement
OMA	Order Making Authority
OS	Ordnance Survey
OUV	Outstanding Universal Value
SAC	Special Area of Conservation
SEIP	Stonehenge Environmental Improvement Project
SST	Secretary of State for Transport
SUO	Stopping Up Order
TCPA	Town & Country Planning Act 1990 (as amended)
TRO	Traffic Regulation Order
vph	Vehicles per hour
VTS	Visitor Transit System
WC	Wiltshire Council
WHS	World Heritage Site

APPENDIX B : APPEARANCES AT THE INQUIRY

FOR ENGLISH HERITAGE

Mr John Hobson QC

Instructed by Beth Harries, Legal Advisor,
English Heritage

He called:

Ms Loraine Knowles
BA (Hons) PGCE AMA FMA FSA

Stonehenge Project Director, English
Heritage

Mr David Lear BSc IEng FIHE

Associate Director, Transportation Business
Group, Halcrow

FOR OBJECTORS

Stonehenge Alliance and CPRE Wiltshire Branch

Mr George McDonic
MBE BL DIPLTP FRTPI DPA FFB

Chairman of Stonehenge Alliance and
Chairman of CPRE Wiltshire Branch

Dr Kate Fielden BA DPhil

Honorary Secretary of Stonehenge Alliance
and Vice Chairman of CPRE Kennet Group

Mr Alan Clarke

Secretary, local Cycling Tourist Group

Mr Alan Hill, resident of Amesbury

He called:

Himself as a witness

Cllr Graham Wright

Member of Wiltshire Council

Cllr Ian West

Member of Wiltshire Council

Cllr Ian Mitchell

Member of Amesbury Town Council

Orcheston Parish Council

Mr Sam Shepherd

Chairman of the Parish Council

APPENDIX C : DOCUMENTS LIST

Italics denote documents submitted during the Inquiry

INQUIRY DOCUMENTS	
ID/1	Pre-Inquiry Note
ID/2	Dossier from National Transport Casework Team on the Stopping Up of the A344
ID/3	Dossier from National Transport Casework Team on the Stopping Up of the B3086

ENGLISH HERITAGE DOCUMENTS	
EH/1	Proof of evidence of Loraine Knowles
EH/1a	Appendices to Proof of evidence of Loraine Knowles
EH/1b	Summary Proof of evidence of Loraine Knowles
EH/2	Proof of evidence of David Lear
EH/2a	Appendices to Proof of evidence of David Lear
<i>EH/2a.1</i>	<i>Appendix 8 – (Friday 22 August 2008 Summary Traffic Survey Results - A303(T) Longborrow to Stonehenge Bottom) to Proof of evidence of David Lear</i>
<i>EH/2a.2</i>	<i>Appendix 9 – (Diversionary Impacts with SEIP Works including the A344 Closure - 2012- AADT) to Proof of evidence of David Lear</i>
EH/2b	Summary Proof of evidence of David Lear
EH/100	<i>Opening Statement on behalf of English Heritage</i>
EH/101	<i>Note on A303(T)Stonehenge Bottom: Pedestrian Cycle Crossing</i>
EH/102	<i>Closing Statement on behalf of English Heritage</i>

OBJECTORS' (TO THE STOPPING UP ORDERS) DOCUMENTS	
SA/1	Proof of Evidence of Kate Fielden, on behalf of the Stonehenge Alliance
SA/1a	Appendices to Proof of Evidence of Kate Fielden, on behalf of the Stonehenge Alliance
SA/2	Proof of Evidence of Alan Clarke, on behalf of the Stonehenge Alliance
SA/3	Proof of Evidence of George McDonic, on behalf of the Stonehenge Alliance
SA/3a	Appendices to Proof of Evidence of George McDonic, on behalf of the Stonehenge Alliance
SA/4	Summary Proof of Evidence of George McDonic, on behalf of the Stonehenge Alliance
SA/100	Notes of Meeting of English Heritage with CPRE and Stonehenge Alliance, held on Thursday 9 December 2010
SA/101	Letter dated 13 January 2010 from Loraine Knowles, English Heritage to Gill Anlezark, Cycling Opportunities Group for Salisbury
SA/102	<i>Opening Statement on behalf of The Stonehenge Alliance</i>

SA/103	<i>Closing Statement on behalf of The Stonehenge Alliance</i>
SA/103a	<i>Addendum to Closing Statement on behalf of The Stonehenge Alliance</i>
HILL/1	Proof of Evidence of Alan Hill
HILL/1a	Appendices to Proof of Evidence of Alan Hill
HILL/1a.1	<i>Appendix I (Letter from Wiltshire Council to Tom Harris MP) to Proof of Evidence of Alan Hill</i>
HILL/1b	Opening Statement of Alan Hill
HILL/100	<i>Closing Submission by Alan Hill</i>
ORCH/SUO/1	Proof of Evidence of Orcheston Parish Council
ORCH/SUO/1 a	Appendices to Proof of Evidence of Orcheston Parish Council

WRITTEN REPRESENTATIONS TO THE STOPPING UP ORDERS

SA/5W	Written representation of Margaret Willmot, on behalf of the Stonehenge Alliance
SA/5AW	Appendices to Written representation of Margaret Willmot, on behalf of the Stonehenge Alliance
BROAD/SUO/1W	Written representation of Richard Broadley
NT/SUO/1W	Written representation of the National Trust

CORE DOCUMENTS

Owing to the number of documents that are common to both the SUOs Inquiry and the TRO Inquiry, a common set of Core Documents was created for the Inquiries. The following list omits those that relate solely to the TRO.

A344 STOPPING UP ORDER APPLICATION AND RELATED DOCUMENTS	
CD1.1	Application Form
CD1.2	Approved planning permission
CD1.3	Planning Drawings
CD1.4	Planning Boundary Drawing
CD1.5	Existing highway layout
CD1.6	Highway to be stopped up
CD1.7	S106 Legal Agreement
CD1.8	Correspondence with Statutory Consultees
CD1.9	Correspondence with Highways Authority
CD1.10	Statement justifying stopping up
CD1.11	Landowner consents

B3086 STOPPING UP ORDER APPLICATION AND RELATED DOCUMENTS	
CD2.1	Application Form
CD2.2	Approved planning permission
CD2.3	Planning Drawings
CD2.4	Planning Boundary Drawing
CD2.5	Existing highway layout
CD2.6	Highway to be stopped up
CD2.7	S106 Legal Agreement
CD2.8	Correspondence with Statutory Consultees
CD2.9	Correspondence with Highways Authority
CD2.10	Statement justifying stopping up
CD2.11	Landowner consents

STOPPING UP ORDERS CONSULTATION DOCUMENTS, RESPONSES AND REPORT	
CD3.1	Halcrow Report on SUO consultation December 2010
CD3.2	A344 SUO Notice (Appendix A to the report)
CD3.3	A344 SUO Draft Order (Appendix A to the report)
CD3.4	A344 SUO Plan (Appendix A to the report)
CD3.5	B3086 SUO Notice (Appendix A to the report)
CD3.6	B3086 SUO Draft Order (Appendix A to the report)
CD3.7	B3086 SUO Plan (Appendix A to the report)
CD3.8	A344 SUO Responses – Letters of Objection (Appendix D to the report)
CD3.9	A344 SUO Responses – Letters of No Objection (Appendix D to the report)
CD3.10	A344 SUO Responses – Letters of Support (Appendix D to the report)
CD3.11	B3086 SUO Responses – Letters of Objection (Appendix D to the report)
CD3.12	B3086 SUO Responses – Letters of No Objection (Appendix D to the report)
CD3.13	B3086 SUO Responses – Letters of Support (Appendix D to the report)
CD3.14	Advertisement of notices (Appendix B to the report)
CD3.15	Location and maintenance of site notices (Appendix C to the report)
CD3.16	Communications with objectors (Appendix E to the report)

ADDITIONAL CORRESPONDENCE CONCERNING PROPOSED STOPPING UP ORDERS	
CD4.1	Notification on behalf of National Transport Casework Team regarding Orcheston Parish Council
CD4.2	Notification on behalf of National Transport Casework Team regarding Bulford Parish Council
CD 4.3	Notification letter from National Transport Casework Team of SUO inquiries

PLANNING APPLICATION (FOR NEW VISITOR CENTRE ETC) AND RELATED DOCUMENTS

CD8.1	Planning Application Forms (Submitted 05/10/09)
CD8.2	Red line plan
CD8.3	Environmental Statement: Non-technical summary
CD8.4	Environmental Statement: Volume 1 - Text
CD8.5	Environmental Statement: Volume 2 - Appendices: Part 1 of 2
CD8.6	Environmental Statement: Volume 2 - Appendices: Part 2 of 2
CD8.7	Environmental Statement: Volume 3 - Figures and Photographs
CD8.8	Planning Statement
CD8.9	Transport Assessment
CD8.10	Outline Travel Plan
CD8.11	Additional Information 12/10/09: Environmental Statement Volume 3 - 7x replacement figures and photographs
CD8.12	Additional Information 30/10/09: Environmental Statement Volume 2 - Revised Contents Page for Appendices: Part 2 of 2
CD8.13	Further Information 30/04/10: Ecological Management Strategy for Visitor Access to the Landscape
CD8.14	Further Information 30/04/10: Lighting Design Information Pack

LISTED BUILDING CONSENT APPLICATION AND RELATED DOCUMENTS

CD9.1	Listed Building Consent application form
CD9.2	Red line plan
CD9.3	Listed Building consent decision

PUBLIC CONSULTATION AND COMMUNICATIONS

CD10.1	The Future of Stonehenge: Consultation Booklet - July 2008
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WILTSHIRE COUNCIL COMMITTEE REPORTS & MINUTES

CD11.1	Cabinet Minutes 21 October 2008
CD11.2	Officers Report dated 8 October 2008
CD11.3	(Not used - part of CD11.2)
CD11.4	Cabinet Minutes July 2009 - confirming Council's endorsement of Stonehenge World Heritage Site Management Plan
CD11.5	Officers Report and Appendices dated
CD11.6	Decision of Cabinet Member for Highways and Transport dated 24 May 2010
CD11.7	Officers Report reference HT-013-10
CD11.8	Appendix 1 to Officers report HT-013-10 Plan
CD11.9	Appendix 2 to Officers report Statement of reasons
CD11.10	Minutes of Strategic Planning Committee dated 20 January 2010
CD11.11	Officers Report
CD11.12	(Not used)

CD11.13	(Not used)
CD11.14	Minutes of Amesbury Area Board

NATIONAL LEGISLATION	
CD12.1	The Road Traffic Regulation Act 1984
CD12.2	The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996
CD12.3	The Highways Act 1980
CD12.4	Ancient Monuments and Archaeological Areas Act 1979
CD12.5	Stonehenge Regulations 1997 No 2038

WORLD HERITAGE DOCUMENTS	
CD14.1	Stonehenge World Heritage Site Management Plan 2009
CD14.2	UNESCO Convention on World Heritage 1972
CD14.3	Stonehenge Avebury and Associated Sites Nomination Documents 1985
CD14.4	ICOMOS evaluation document 1985/6
CD14.5	Operational Guidelines 2008
CD14.6	Not used
CD14.7	Avebury World Heritage Site Management Plan

OTHER POLICY AND GUIDANCE DOCUMENTS	
CD15.1	Supplementary Planning Guidance – Salisbury District Council
CD15.2	Department for Communities and Local Government 2007: Decision letter Stonehenge visitor centre 28 March 2007

WILTSHIRE COUNCIL HIGHWAY DOCUMENTS OF RECORD	
CD16.1	Wiltshire Council's Definitive Map and Statement (Rights of Way)
CD16.2	Wiltshire Council s.36 List of Streets ('Highway Record') – Database
CD16.3	Wiltshire Council's s.36 List of Streets ('Highway Record') – Plan

WILTSHIRE COUNCIL TRANSPORT RELATED DOCUMENTS	
CD17.1	Local Transport Plan
CD17.2	Rights of Way Improvement Plan for Wiltshire 2008 – 2012

HIGHWAYS AGENCY DOCUMENTS	
CD18.1	Highways Agency 2006 A303 Stonehenge Improvement Scheme Review – Partial Solutions: A303/A344 Junction Closure
CD18.2	Highways Agency 2007 A303 Stonehenge Improvement Scheme Review – Partial Solutions Options Analysis

ARCHAEOLOGY AND ENVIRONMENTAL RELATED DOCUMENTS	
CD19.1	Scheduled Monument entries and maps

STONEHENGE TRANSPORT ASSESSMENT TECHNICAL CONSULTATIVE GROUP DOCUMENTS

CD20.1	Meeting Record 27 March 2009
CD20.2	Agenda 27 March 2009
CD20.3	Meeting Record 20 April 2009
CD20.4	Agenda 20 April 2009
CD20.5	Meeting Record 20 May 2009
CD20.6	Agenda 20 May 2009
CD20.7	Meeting Record 15 July 2009
CD20.8	Agenda 15 July 2009

CASE LAW

CD 21.1	Wilson and Troughear (on their own behalves and on behalf of the Motoring Organisations Land Access and Recreation Association) -v- Yorkshire Dales National Park Authority 2009 EWHC 1425 (admin)
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CIRCULAR

CD22.1	Circular 07/09: Protection of World Heritage Sites
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PLANNING POLICY STATEMENTS

CD23.1	Planning Policy Statement 5: Planning for the Historic Environment
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THE TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAY

(SOUTH WEST)

(NO.27) ORDER 2011

Made 31 October 2011

The Secretary of State makes this Order in exercise of her powers under section 247 of the Town and Country Planning Act 1990 ("the Act"), and of all other powers enabling her in that behalf:-

1. The Secretary of State authorises the stopping up of the highway described in the Schedule to this Order and shown zebra hatched black on the plan, in order to enable development to be carried out in accordance with the planning permission granted under Part III of the Act to English Heritage by Wiltshire Council on 23 June 2010 under reference S/2009/1527/FULL.
2. No part of the said highway shall be stopped up pursuant to this Order until the Council certify to the developer that the provisions of article 3 (1) of this Order have been complied with.
3. (1) The developer shall to the reasonable satisfaction of the Council provide:-
 - (a) a new highway which shall be a road along the route shown by stipple on the plan; and
 - (b) improvement of the highways A360, A344 and the B3086 shown by cross hatching on the plan.
- (2) The new road shall be a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense and the Council shall be the highway authority for it.
4. Where immediately before the date of this Order there is any apparatus of statutory undertakers under, in, on, over, along or across any highway authorised to be stopped up pursuant to this Order then, subject to section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that highway is stopped up as they had immediately beforehand.

DEPARTMENT FOR TRANSPORT

TOWN AND COUNTRY PLANNING ACT 1990

THE SECRETARY OF STATE hereby gives notice that she has made an Order under Section 247 of the above Act entitled "The Stopping up of Highway (South West) (No.27) Order 2011" authorising the stopping up of a 263 metre length of the B3086 at Airman's Corner commencing from its junction with the A344 at Salisbury in the County of Wiltshire to enable the development described in the Schedule to this notice to be carried out in accordance with the planning permission granted to English Heritage by Wiltshire Council on 23 June 2010 under reference S/2009/1527/FULL.

COPIES OF THE ORDER MAY BE OBTAINED, free of charge, on application to the Secretary of State, addressed to the National Transport Casework Team, 2nd Floor, Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH (quoting reference NATTRAN/SW/S247/116) and may be inspected at all reasonable hours at Amesbury Library, Smithfield Street, Amesbury, SP4 7AL.

ANY PERSON AGGRIEVED BY THE ORDER and desiring to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of the above Act or that any requirement of that Act or of any regulation made thereunder has not been complied with in relation to the Order, may, within 6 weeks of the 10 November 2011 apply to the High Court for the suspension or quashing of the Order or of any provision contained therein.


SANDRA ZAMENZADEH
On behalf of the Department for Transport

THE SCHEDULE

Planning permission is granted for decommissioning of existing visitor facilities and a section of the A344; the erection of a new visitors centre, car park, coach park and ancillary services building; and related highways and landscaping works at land at Airmans Corner, land south east of the junction of the A360 and A344, Salisbury.

5. In this Order -

"the Council"

means the Wiltshire Council

"the developer"

means English Heritage

"the plan"

means the plan numbered NATTRAN/SW/S247/116, marked "Highway at Salisbury in the County of Wiltshire", signed by authority of the Secretary of State and deposited at the Department for Transport, Deposit Document Service, F Floor, Ashdown House, St Leonards on Sea, Hastings, East Sussex, TN37 7GA.

6. This Order shall come into force on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act, and may be cited as the Stopping Up of Highway (South West) (No.27) Order 2011.

Signed by authority of
the Secretary of State
31 October 2011


KAREN DAVIES
An Official in the
National Transport Casework Team

THE SCHEDULE

Description of highway to be stopped up

The highway to be stopped up is at Salisbury in the County of Wiltshire and is more particularly delineated and shown zebra hatched black on the plan and is a length of the B3086 at Airman's Corner commencing from its junction with the A344 extending in a generally northerly direction for a distance of 263 metres when measured along its centre line.

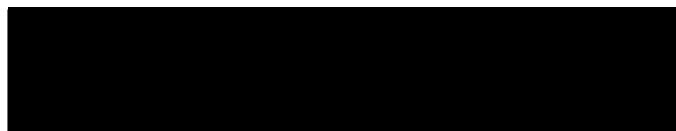
DEPARTMENT FOR TRANSPORT

TOWN AND COUNTRY PLANNING ACT 1990

THE SECRETARY OF STATE hereby gives notice that she has made an Order under Section 247 of the above Act entitled "The Stopping up of Highway (South West) (No.28) Order 2011" authorising the stopping up of an 879 metre length of the A344 adjacent to Stonehenge and Stonehenge Visitor Centre commencing from its junction with the A303 at Salisbury in the County of Wiltshire to enable the development described in the Schedule to this notice to be carried out in accordance with the planning permission granted to English Heritage by Wiltshire Council on 23 June 2010 under reference S/2009/1527/FULL.

COPIES OF THE ORDER MAY BE OBTAINED, free of charge, on application to the Secretary of State, addressed to the National Transport Casework Team, 2nd Floor, Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH (quoting reference NATTRAN/SW/S247/117) and may be inspected at all reasonable hours at Amesbury Library, Smithfield Street, Amesbury, SP4 7AL.

ANY PERSON AGGRIEVED BY THE ORDER and desiring to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of the above Act or that any requirement of that Act or of any regulation made thereunder has not been complied with in relation to the Order, may, within 6 weeks of the 10 November 2011 apply to the High Court for the suspension or quashing of the Order or of any provision contained therein.



SANDRA ZAMENZADEH
On behalf of the Department for Transport

THE SCHEDULE

Planning permission is granted for decommissioning of existing visitor facilities and a section of the A344; the erection of a new visitors centre, car park, coach park and ancillary services building; and related highways and landscaping works at land at Airmans Corner, land south east of the junction of the A360 and A344, Salisbury.

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAY

(SOUTH WEST)

(NO.28) ORDER 2011

Made 31 October 2011

The Secretary of State makes this Order in exercise of her powers under section 247 of the Town and Country Planning Act 1990 ("the Act"), and of all other powers enabling her in that behalf:-

1. The Secretary of State authorises the stopping up of the highway described in the Schedule to this Order and shown zebra hatched black on the plan, in order to enable development to be carried out in accordance with the planning permission granted under Part III of the Act to English Heritage by Wiltshire Council on 23 June 2010 under reference S/2009/1527/FULL.
2. Where immediately before the date of this Order there is any apparatus of statutory undertakers under, in, on, over, along or across any highway authorised to be stopped up pursuant to this Order then, subject to section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that highway is stopped up as they had immediately beforehand.

3. In this Order

"the plan"

means the plan numbered NATTRAN/SW/S247/117, marked "Highway at Salisbury in the County of Wiltshire", signed by authority of the Secretary of State and deposited at the Department for Transport, Deposit Document Service, F Floor, Ashdown House, Sedlescombe Road North, St Leonards on Sea, Hastings, East Sussex, TN37 7GA.

4. This Order shall come into force on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act, and may be cited as the Stopping up of Highway (South West) (No.28) Order 2011.

Signed by authority of
the Secretary of State
31 October 2011

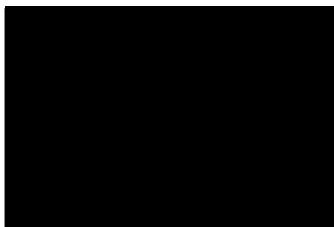

KAREN DAVIES
An Official in the
National Transport Casework Team

THE SCHEDULE

Description of highway to be stopped up

The highway to be stopped up is at Salisbury in the County of Wiltshire and is more particularly delineated and shown zebra hatched black on the plan and is a length of the A344 adjacent to Stonehenge and Stonehenge Visitor Centre commencing from its junction with the A303 extending in a north westerly direction for a distance of 879 metres when measured along its centre line to its junction with Byway 12.

Department for
Transport



National Transport Casework Team
2nd Floor, Lancaster House
Hampshire Court
Newcastle Business Park
Newcastle upon Tyne
NE4 7YH

Direct line: 0191 226 5083

www.dft.gov.uk

Email: neil.crass@dft.gsi.gov.uk

Your Ref:

Our Ref: NATTRAN/SW/S247/116 &117

Date: 31 October 2011

Dear Sir/madam

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 247
APPLICATION FOR PROPOSED STOPPING UP OF HIGHWAY AT AIRMANS
CORNER (B3086), SALISBURY, WILTSHIRE**

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 247
APPLICATION FOR PROPOSED STOPPING UP OF HIGHWAY AT A344 ADJACENT
TO STONEHENGE, SALISBURY, WILTSHIRE**

1. I refer to the Public Inquiry held on 22nd, 23rd, 24th June and 27 June 2011 to hear objections and representations to the proposed order.
2. I now enclose for your information a copy of the Secretary of States' decision letter that the order should be made, together with a copy of the Inspector's report.
3. Also enclosed for your retention a copy of an Order made under the provisions of the above Act together with a copy of the public notice and plan.

Please note that this is for information only and there is no need for you to respond to this letter.

Yours faithfully



Neil Crass
National Transport Casework Team

Encs: