

APPENDIX 8

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT
BETWEEN;

CASE NO: CO/3039/2018

TRAIL RIDERS FELLOWSHIP

Claimant

And

WILTSHIRE COUNCIL

Defendant

**FIRST WITNESS STATEMENT – PARVIS KHANSARI ON BEHALF OF
THE DEFENDANT**

1. I am Parvis Khansari and I am employed by Wiltshire Council as the Director for Highways and Transport. I am a Fellow of the Institution of Civil Engineers and a Fellow of the Chartered Institute of Highways and Transport. My manager is Alistair Cunningham, Corporate Director for Place. I have worked for Wiltshire Council since October 2004.

2. Experimental Traffic Regulation Order

The claimant has issued proceedings under Schedule 9 paragraph 35 to question the validity of or provision contained in the Experimental Traffic Regulation Order ('ETRO') which was made under s.9 of the RTRA 1984 on the grounds that any of the relevant requirements (paragraph 35 of the Road Traffic Regulation Act 1984 ('the 1984 Act') has not been complied with in relation to the order. Therefore this claim is not a challenge to the decision to make the ETRO and the references to the 2011 Inspector's report are not considered by the Council to be relevant to the claim. In this case the claimants say they were not properly consulted under the 1996 Regulations – however there is no requirement for the Council to undertake a formal consultation before making the ETRO. The Council must under paragraph 22 of the 1996 regulations advertise the order for a minimum period of 7 days before the order is implemented and ensure the proper deposit of documents was undertaken both of which was done in this case. Paragraphs 7 (publication of proposals) and 8 (objections) do not apply to an experimental order. Paragraph 6 of the 1996 regulations is concerned with consultation and states that in all cases (which would therefore include an ETRO) the Council should before making an

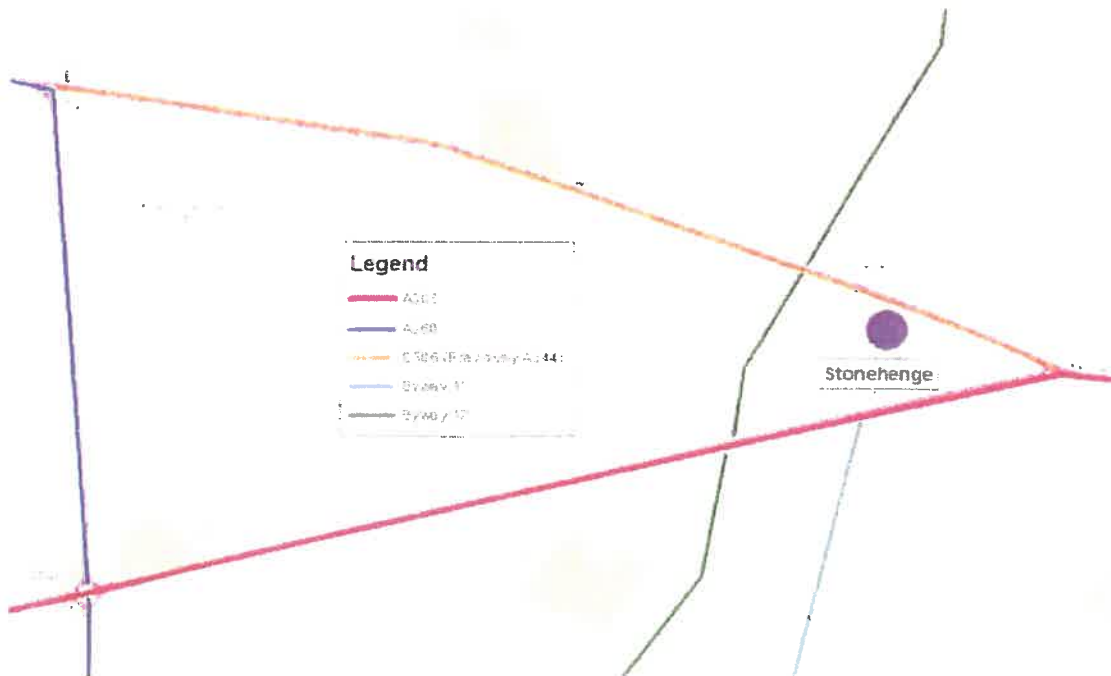
order only consult with 'such other organisations (if any) representing persons likely to be affected by any provision in the order as the order making authority thinks it appropriate to consult'. There is no requirement to consult with organisations if the council does not consider it appropriate to consult.

3. An ETRO is not a permanent TRO and has a period of 6 months which allows the order making authorities to consider any objections made, see the effect of the order in a live traffic situation and in this case undertake inspections to view the condition of the byways. The Council is able to amend the ETRO if it is considered appropriate but the amended ETRO will have a further 6 month period to allow for objections to be made to the amended order. The order making authority cannot extend the ETRO beyond the maximum period of 18 months. In this case the ETRO has been made for a period of 18 months in order to monitor the damage to the byway during different seasons.
4. In this case it was not considered appropriate to undertake a consultation under paragraph 6 because of the high volume of vehicles using byways 11 and 12 in particular it was considered operationally it made sense to undertake urgent repairs after the Solstice whilst the byways were cleared and then to simply continue with the closure for ETRO. The Council will consider all the objections received on expiry of the 6 month consultation period (January 2019) and may decide to amend the ETRO or withdraw the ETRO or make the ETRO permanent. This is a proper experimental order because whilst the ETRO is in place the Council will be undertaking regular walked and driven inspections in order to monitor the condition of the byways and undertake where resources allow traffic counts of the non motorised use of the byways so both use by agricultural vehicles and non motorised users can be recorded and monitored over the period the ETRO is in place.
5. Therefore the Council does not accept there was a statutory requirement to consult with the Claimants and it is not accepted that the Claimants had a legitimate expectation that they would be consulted prior to the making of the ETRO. As stated above the Council does not accept the Claimant's submissions that this was 'not a proper experiment'.
6. The ETRO applies to the byways which are all located in the WHS and listed below;
 - i. Durrington Byway 10
 - ii. Amesbury Byway 12
 - iii. Amesbury Byway 11

- iv. Wilsford cum Lake Byway 1
- v. Berwick St James Byway 11
- vi. Woodford Byway 16
- vii. Wilsford Cum Lake Byway 2
- viii. Wilsford cum Lake footpath 3

7. The reasons for making the ETRO are to avoid danger to persons or traffic using the road, to prevent damage to the road, to prevent use of the road by traffic which is unsuitable having regard to the existing character of the road and in this case the adjoining property which is the WHS and to preserve the amenities of the area through which the road runs. A copy of the ETRO, statement of reasons, site notices and plan is attached to this statement and marked PK1. The statement of reasons provides the public with more detail as to why the Council has put in place the ETRO.

8. WHS Road Network



9. The above plan shows the road network including byways 11 and 12 within the World Heritage Site. The A303 is a major trunk road which connects the South of England and is a key strategic route which runs through Wiltshire and transports large amounts

of vehicles (approximately 24,000 vehicles per day) to the South West. Highways England are the highway authority for the A303. The A303 dissects byway 12, meaning that access onto the byways from the A303 is a popular daily manoeuvre for many vehicles. The A360 is a local authority road which forms part of Wiltshire Councils primary network. The road runs in a North-South direction between Devizes & Salisbury. Daily approximately 9,500 vehicles use the A360 between the junction with the A303 and the Stonehenge visitor access. Motor vehicles are prohibited from using the C506 (formerly the A344) following the implementation of a permanent traffic order in October 2013 and is now used by English Heritage to transport visitors from the Visitors centre down to Stonehenge itself.

10. Prior to October 2013 the A344 which joined the A303 had provided a direct link to the Stonehenge visitors centre, when it was located opposite Stonehenge itself. The A344 was a direct route for motorists who could see Stonehenge when approaching on the A303. The lower section of the old A344 between its junction with byway 12 and the A303 (Stonehenge Bottom) was stopped up by the Secretary of State under the Town and Country Planning Act 1990 on 31 October 2011. Ownership of this section of the A344 reverted to the owner of the subsoil English Heritage and is now a permissive path. Following the closure of the A344 to motorised vehicles the Council received reports from the Police and members of the public of increased numbers of vehicles crossing the A303 through making a right turn across a traffic lane. Both Highways England and the Council made traffic orders prohibiting right turns to and from the byways onto the A303 in 2015. However since that date officers have found that the No Right Turn signs are frequently ignored by motorists who continue to turn across the A303 to enter or exit the byways.

11. 2011 Public Inquiry

The 2011 public inquiry and Inspector's recommendation to the Council is not considered to be relevant to these proceedings. Since the 2011 Public Inquiry, there have been changes in the environment – the impact of the closure of the A344 to motorised vehicles, the opening of a Visitors Centre some distance from the Stones and looking to the future the proposed changes to the A303 and the impact of those changes on the byways and local roads within the WHS. However, to assist the court, a brief background will be given. English Heritage made formal request to Wiltshire Council as highway and traffic authority to make a permanent TRO to improve the amenity of the area under section 1(1) (f) of the Road Traffic Regulation Act 2011

through a traffic order prohibiting motor vehicles from using a section of the A344 and the byways open to all traffic within the Stonehenge WHS. The requested closure was in connection with the new English Heritage visitors centre off the A360 and alongside Highways England who were developing the nearby Longbarrow roundabout to deal with increased Stonehenge visitor traffic. More than 500 responses to the pre-consultation and statutory consultation were received by Wiltshire Council and the traffic was referred to the Planning Inspectorate for an independent review and Public Inquiry was held in September 2011. The Inspector's report to Wiltshire Council was published 16 November 2011 and is attached and marked as PK2. The Inspector recommended that a TRO be placed on the section of the A344 between Airman's Corner and its junction with byway 12 but not on the byways in the WHS. The Inspector noted in his recommendation on page 65 (paragraph 7.42) that the vehicular use was of a 'low level and accordingly only occasional'. A copy of the Council's decision dated 2 January 2012 to make the Order in part to apply to the A344 (part) from the Airman's Corner junction eastwards for a distance of approximately 130 metres (Schedule 1) and from a point approximately 130 metres east of the Airman's corner junction to its junction with Amesbury (BOAT) 12 (Schedule 2) is attached and marked PK3. The permanent traffic order was made on 17 January 2012.

BSM

Order

12. C506 (formerly A344)

In October 2013 the permanent traffic order was implemented and the A344 road between the A303 and A360 running directly past Stonehenge was permanently closed. The lower part of the A344 was stopped up and returned to a permissive path but the remainder of the C506 remains highway and is open to pedestrians, cyclists and equestrians. Due to the removal of the A344 in 2013, visitors who do not wish to access the site through the English Heritage site now look to different options. The closest available option for visitors with vehicles is the use of Byway 12 which runs alongside Stonehenge. The A344 was reclassified as the C506 in 2018.

13. Rights of Way Network within the WHS

The Byways open to all traffic which are the subject of the ETRO are located within the WHS (save for Woodford byway 16 which sits on the boundary of the WHS at Druids Lodge). The byways are; Durrington Byway 10, Amesbury Byway 12, Amesbury Byway 11, Wilsford cum Lake Byway 1, Berwick St James Byway 11, Woodford Byway 16, Wilsford Cum Lake Byway 2 and Wilsford cum Lake footpath 3.

Byway 11 is a Byway Open to All Traffic known as Amesbury byway 11 ('byway 11') which runs from the A303 at the North to Wilsford Cum Lake where the Byway terminates. Whilst byway 11 does not run directly past Stonehenge it does provide a highway link to the immediate vicinity of Stonehenge. Amesbury Byway 12 runs directly past Stonehenge and runs between Durrington in the North to the A360 (Druids Lodge) further south. Byway 12 is dissected by the A303 and the C506. This allows users of Byway 12 access onto and off the connecting highways. Right turns onto the A303 are now prohibited by traffic order due to safety concerns. The byways south of the A303 are less frequently used although the temporary closures for solstice now cover the lengths of byways south of the A303 because landowners found the vehicular use increased significantly because of the closure of byways 11 and 12 north of the A303. There are concerns about displacement of vehicles and the vehicular use increasing and causing damage to those byways if the ETRO was put in place only for byways Amesbury 11 and 12 and Durrington 10 (north of the A303).

14. Safety Issues

The Council have been made aware by the Police and Councillors that in addition to the effects of traffic slowing to view the Stones, there were frequent issues with drivers attempting to turn across the traffic stream to enter Byway 12, which passes close to the Stones. Action has been taken to address this latter problem, with traffic regulation orders being secured to prohibit right turning into and out of the byway at its A303 junction in 2015. However compliance with these traffic orders has been limited although it was hoped that the measure would have been respected by drivers, including those whose satellite navigation devices might otherwise have directed them onto the byway. A fatality occurred in 2013 where a pedestrian was struck by a vehicle whilst crossing the A303 from byway 11.

15. The Wiltshire Coroner served notice on 17 April 2015 under Regulation 28 Coroner's (Investigations) Regulations 2013 on the Secretary of State for Transport, English Heritage, National Trust, and Wiltshire Council, DfT and English Heritage requiring action to be taken to prevent future deaths. Work was undertaken by Highways England on the junction of byway 11 with the A303.

16. Traffic Counts

The area is remote and the Council has encountered difficulties in undertaking traffic counts for the WHS byways. Any traffic counting machinery or cameras are very quickly removed or vandalised and the Council would need to undertake manual traffic

counts (entailing officers being located in vehicles for a number of hours per day at the various byways within the WHS). Traffic counts were undertaken by the Council on the A303/A344 – the results are set out in the table below which gives indication to the amount of daily vehicles using the A344 since 2000 up until its closure in 2013. Whilst it is understood that a number of vehicles that were using the A344 were doing so as part of a longer journey, there would have also been a number of those vehicles that were looking to access Stonehenge via the A344.

17. The A303 figures for the same period have also been shown below to demonstrate the amount of daily vehicles in this area. The fall off of vehicles between the two A303 count locations and the number of vehicles counted on the A344 can be directly linked through most years.

18. It should also be noted that manual counts were not undertaken every year at all three locations and a number of the figures below are based on Annual Average Daily Traffic (AADT) data. The last manual count of A344 traffic (2011) indicated approximately 11,288 vehicles use this road daily, the following counts in 2012 & 2013 were based on AADT.

Year	A303 East of old A344 junction (also known Airmans Corner)	A303 East of the Longbarrow roundabout	A344
2000	22278	16673	5248
2001	22954	17175	5117
2002	23486	20673	5100
2003	24167	21287	5352
2004	24815	21876	5283
2005	23122	21827	5486
2006	23553	22196	5422
2007	23644	22333	5382
2008	23500	22204	5378
2009	23197	21925	5480

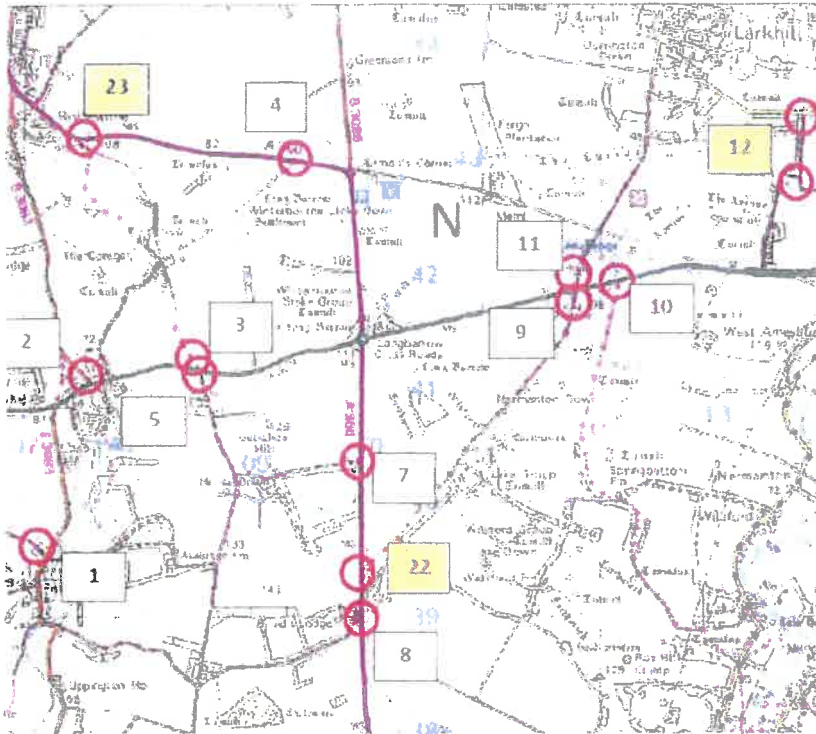
2010	30456	21585	6104
2011	30349	19061	11288
2012	30282	19057	11225
2013	30213	19073	11140
2013	A344 Closed to Motor Vehicles		
2014	22579	19601	N/A
2015	23540	23321	N/A
2016	24412	24171	N/A

19. Conventional traffic modelling is aimed at studying and predicting future flows on busy roads, and on road networks carrying hundreds or thousands of vehicles a day, and hence it is not possible to reliably predict drivers behaviour on smaller and less frequently trafficked thoroughfares. However, Highways England's consultants WSP have undertaken some traffic counts on the byways in connection with the Amesbury to Berwick Down A303 Improvement Scheme As illustrated below motorised traffic numbers on Byway 12 counted earlier in 2018 range between 117 to 264 a day. Those traffic counts have been passed to the Council as the Hosting Authority for the A303 Improvement Scheme.

20. After the increase of traffic which has occurred on the byways following closure of A344, the Council are looking to plan ahead for managing the byways after the proposed closure of A303 as part of Highways England's Amesbury to Berwick Down improvement scheme. The Council believes that the byways in the WSH are in this regard associated development and as a direct result of the scheme and the traffic using the byways is expected to significantly increase as a result, just as it did after the closure of the A344. One of the purposes of the ETRO is to test to see if the trend in deterioration of the byways was due to the increase in motorised traffic using the byways since October 2013 and whether this deterioration can be arrested by a prohibition on motorised vehicles using the byways.

21. However it is accepted by the Council that if it is found that the condition of byways continues to deteriorate at the same rate, due to use by agricultural vehicles and other permitted users (landowners), then the Council will look to alternative solutions to control the damage to the byways.

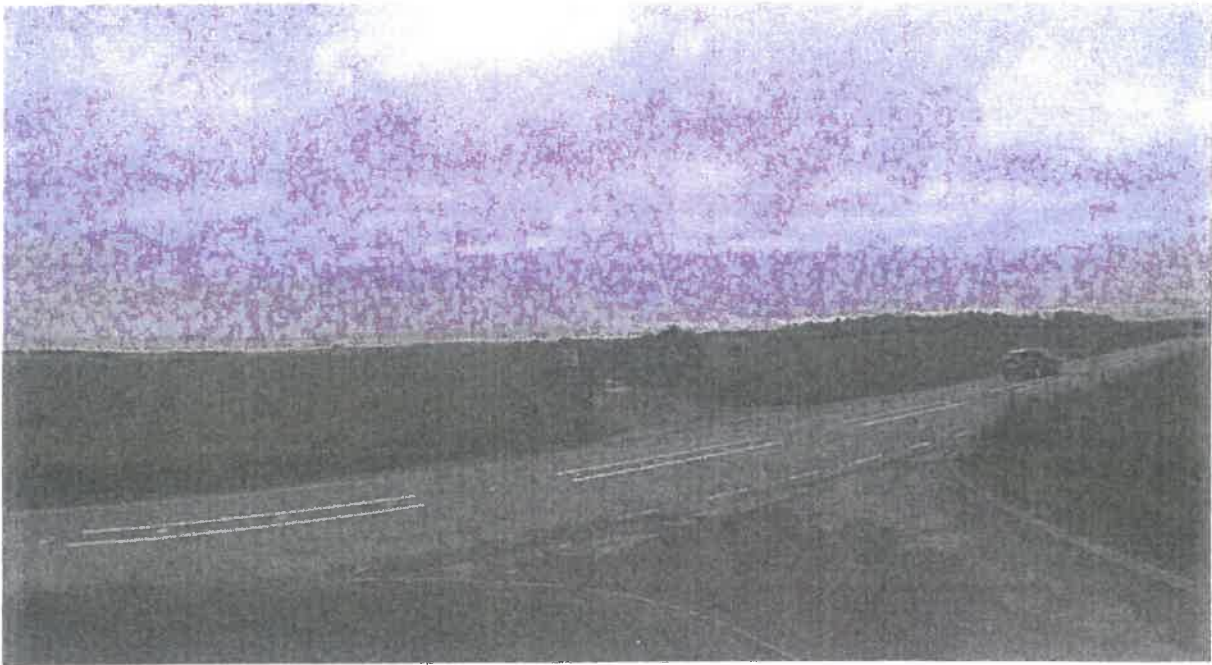
22. Plan below shows the traffic count points undertaken by WSP on behalf of Highways England during April and June.



In particular the locations of 9, 10 & 11 on byways 11 & 12 are considered to be relevant to this case. The locations for each site can be seen below. It should be noted that the April traffic count did not include motorised vehicles but rather just those on foot, horse, bicycle, with animals and has not been included in the statement. The June traffic counts included information on motorised vehicles - see below.

a. Traffic Count Location 9

Situated on Byway 12 counting traffic flows south of the A303
Picture below



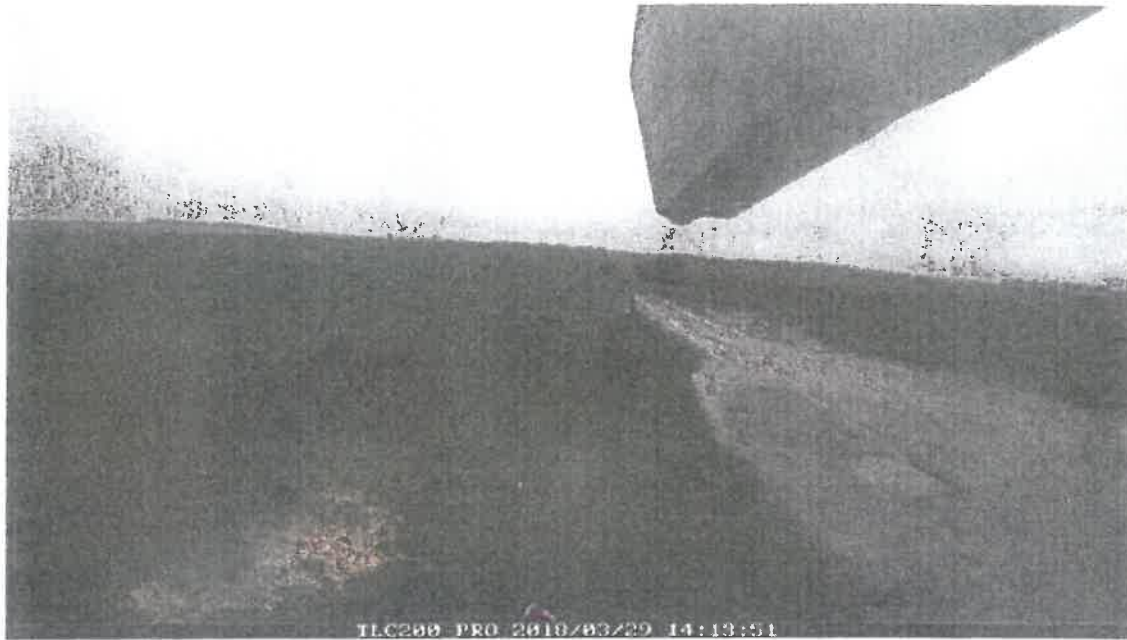
Total Daily Movements Summary

Date	North to South			South to North		
	Car	Motor-cycle	Total	Car	Motor-cycle	Total
01-06-2018	9	2	11	8	1	9
02-06-2018	31	11	42	30	11	41
03-06-2018	16	2	18	19	11	30

All Movements Total
20
83
48

b. Traffic Count Location 10

Situated on Byway 11 counting traffic flows south of the A303



Date	North to South			South to North			All Movements Total
	Car	Motor-cycle	Total	Car	Motor-cycle	Total	
01-06-2018	11	0	11	7	0	7	18
02-06-2018	14	4	18	10	0	10	28
03-06-2018	15	4	19	16	4	20	39
04-06-2018	10	0	10	6	0	6	16
05-06-2018	12	0	12	11	0	11	23
06-06-2018	27	1	28	24	1	25	53
07-06-2018	11	1	12	13	1	14	26

08-06-2018	2	0	2	2	0	2	4
09-06-2018	15	4	19	11	6	17	36
10-06-2018	21	1	22	19	1	20	42
11-06-2018	17	9	26	23	11	34	60
12-06-2018	19	0	19	13	1	14	33
13-06-2018	20	2	22	15	2	17	39
14-06-2018	13	1	14	11	1	12	26

c.Traffic Count Location 11

Situated on Byway 12 counting traffic flows north of the A303

Picture below



d.Traffic Count Location 11

Site 11 Traffic flow info below

Total Daily Movements Summary

Date	North to South			South to North			All Movements Total
	Car	Motor-cycle	Total	Car	Motor-cycle	Total	
01-06-2018	50	8	58	51	8	59	117
02-06-2018	104	19	123	121	20	141	264
03-06-2018	99	10	109	98	20	118	227

Traffic Count Location Sites 9/10/11 to be compared with Traffic Count location Site 22 which joins A360 and leads to Byway 12 (byways Woodford 15, Berwick St James 11 and into Wilsford cum Lake 1)

E. Traffic Count Location Site 22



f. Traffic Count Location Site 22 Traffic info

Total Daily Movements Summary

Date	North to South			South to North			All Movements Total
	Car	Motor-cycle	Total	Car	Motor-cycle	Total	
01-06-2018	1	2	3	0	1	1	4
02-06-2018	4	3	7	1	2	3	10
03-06-2018	2	0	2	5	5	10	12
04-06-2018	0	8	8	3	0	3	11
05-06-2018	2	0	2	4	0	4	6
06-06-2018	1	8	9	1	0	1	10
07-06-2018	5	0	5	4	0	4	9
08-06-2018	2	0	2	2	0	2	4
09-06-2018	5	3	8	6	0	6	14
10-06-2018	1	13	14	2	3	5	19
11-06-2018	1	0	1	2	0	2	3
12-06-2018	2	1	3	3	0	3	6
13-06-2018	1	0	1	4	0	4	5
14-06-2018	0	2	2	1	0	1	3

15-06-2018	1	1	2	2	5	7	9
16-06-2018	1	0	1	3	1	4	5
17-06-2018	3	2	5	2	0	2	7
18-06-2018	0	0	0	0	4	4	4
19-06-2018	0	0	0	1	0	1	1
20-06-2018	0	2	2	3	0	3	5
21-06-2018	0	0	0	0	0	0	0
22-06-2018	0	0	0	1	0	1	1
23-06-2018	0	2	2	2	1	3	5
24-06-2018	0	3	3	0	1	1	4
25-06-2018	1	0	1	1	0	1	2

23. Internet Publicity on Use of Byways to access and View Stonehenge

Internet searches will bring up a number of ways to access and view Stonehenge free of charge by using the byways within the WHS. The advice currently available online is heavily focused on the use of the byways within the WHS for accessing and parking purposes in order to undertake a visit to Stonehenge. Three links dealing with free access to Stonehenge by using the byways are set out below;

<https://www.packtolife.com/visit-stonehenge-free/> and www.livin4wheel.com/how-to-visit-stonehenge-for-free/ and www.tripadvisor.co.uk/FAQ_Answers-g528762-d188527-t950209-How-close-can-you-get-to-Stonehenge-if-you-don-t.html

24. Traders Use of the Byways

Where trading with a motor vehicle has been undertaken on the byways the Council has undertaken appropriate enforcement action on traders who are trading unlawfully on the byways.

25. Solstice Events

English Heritage makes appropriate arrangements for parking for the Summer Solstice events. However in recent years numbers attending the Winter Solstice have increased and following the closure of the A344 to motor vehicles it was found that because of the limited provision for parking at the Visitors Centre more people were seeking a place to stop to attend the Winter Solstice and it was found that more than 300 were parking in a random manner on the byways. There was a potentially dangerous mix of motorised and non-motorised users during periods of darkness as there is no streetlighting in the WHS. The numbers of vehicles using the byways caused increased damage to the surface of byways 11 and 12 in particular. Some limited work on the byways to repair the damage which had arisen from motor vehicles following the winter and summer solstice was undertaken following the 2018 Solstice.

26. Solstice Event Temporary Traffic Orders

The Council places restrictions on motorised vehicles using the byways for safety reasons for approximately 6 days during the Summer and Winter Solstice events and has done so for more than 10 years. Since 2013 that increased numbers of vehicles are staying on the byways for long periods of time. The vehicles move when requested by officers or the Police implementing the temporary traffic order but return immediately the byways are re-opened following the Solstice event.

27. Use of the byways 2013 to 2018

Since the closure of the C506 in October 2013, it has been found that tourists are now using the byways to avoid paying the entrance fee (or avoid the queues) at the Stonehenge Visitor Centre. Photographs are exhibited as PK 4 showing parked vehicles including caravans and camper vans on byways 11 and 12 and congestion on the byways arising from increased vehicle movements and parked vehicles.

28. The traffic counts show that in June 2018 (Traffic Count location Site 22 which joins A360 and leads to Byway 12 (byways Woodford 15, Berwick St James 11 and into Wilsford cum Lake 1)) has daily vehicular movements ranging between 1 to 19 – this would be considered to be occasional or recreational use to be expected for a byway in a rural location. Daily traffic movements counts for byway 11 (Traffic Count location site

10) range between 4 and 60 vehicles. The highest daily traffic movement is on byway 12 (traffic count location site 9 and 11) where daily traffic numbers range between 117 and 264.

29. Damage and Maintenance of the Byways

The 'Managed Open Access' during the Summer Solstice event commenced in 2000. Between 2000 and October 2013 both before and after the Solstice events, the Council would undertake minor repairs to byway 12. The repairs would involve using necessary plant for grading the existing surface material and filling in large ruts caused by motorised vehicles using the byway for recreational driving. The repairs were necessary to ensure emergency services vehicles had a good level of access if an incident occurred during Solstice.

30. Byway 11 from the A303 to the byways leading to Springbottom farm was usually found to be good, flat and level (i.e. in a reasonable condition) and repairs were not normally necessary.

31. Following the closure of the A344 to motor vehicles in 2013 it was noted by officers that larger numbers of vehicles were using the byways. Byway 12 was therefore re-surfaced north of the A344 and the Wiltshire Council Duty Engineer responsible for overseeing the operations at Summer and Winter Solstices and familiar with the condition of the byways through regular walked and driven site visits has found that since 2013 during the periods between the temporary solstice closures, there has been an increase in vehicles using both byways 11 and 12 and greater damage to the surface of the byways – in particular to the byways north of the A303. Repairs were limited as there was concern that the repairs could encourage greater vehicular use causing more damage to the byway.

32. Since 2013, the number of campers and long stayers on the byways has also increased – possibly encouraged by websites encouraging use of the byways for free access to the Visitors Centre. The new surface of byway 12 was found to be degrading due to the increase in traffic using byway 12. Officers found that byway 12 was being used by cars, motorbikes, vans and even a 44T HGV. The byway's condition has continued to deteriorate and there were concerns that the condition was in particular unsuitable for certain classes of non-motorised users such as equestrians and cyclists in particular in wet weather where water pooling in the ruts make it difficult to judge the depth of the rut. Byway 12 is now in a similar condition to how it was before the major repairs were

undertaken in 2013. The large rutted area has now begun to reappear in the dip towards Larkhill. Photographs showing the damage to the byways are attached and marked PK5.

33. Officers have also observed during site visits that since the closure of the A344 in 2013 the byways are now used far more frequently as a camp site for both travellers and tourists visiting the Stones. There are large numbers of taxis parking in the byways (it is assumed the taxis are providing visitors with an alternative to the bus service from Salisbury). As visitors can no longer stop and walk across the A344 to visit the Stones the only convenient access is via byway 12 (or byway 11 if visitors are prepared to cross the A303). Officers have observed that visitors are not complying with the no right turn prohibition and byway 11 was, before the works following the Coroners report, being used to park vehicles with visitors crossing the A303 on foot to view the Stones. Local landowners (farmers) have reported to the Duty Engineer that there is an increase in traffic using the byways both north and south of the A303 in particular during the summer months.

34. Anti-Social Behaviour

Since 2016 there has also been a group called Free Stonehenge which has set up a regular camp at the junction with the A344. The Police and officers are often required to deal with this group where there are reports of anti-social behaviour. Where notices are served, the group will usually move to another location in the area and simply return to the byways after a few days.

35. As there are no longer any toilets available close to the Stones (toilets are now located at the new visitor centre) officers have found that hedges and verges have been used as toilets. Rubbish is frequently left on byway 12 which has encouraged fly tipping. Landowners have complained of damage to their property as those using the byway search for firewood and officers are asked to attend and clear rubbish and mess more frequently throughout the year. An inspection of byway 12 was undertaken and evidence of human waste was found around almost every tree along the byway. Camp fires are lit on the byway (or byway verge), pallets burned and officers are now being required to clear the area following complaints from dog owners of dogs getting nails in their paws presumably from the remnants of the pallets or other wood that have been burned in fires on the byway.

36. Close liaison between the council and Highways England is essential if the highway network within the WHS, taken as a whole, is to be effectively managed. Both organisations must also work closely with the Stonehenge and Avebury World Heritage Site Steering Committee concerning matters of mutual interest, with Wiltshire Council being one of the three key partners of the WHS Partnership Panel (the others being Heritage England (also known as English Heritage) and the National Trust). Partnership working is especially important when changes to the highway network are proposed, whether they concern, for example, the major improvements to the A303 currently being planned by Highways England or, by comparison, lesser decisions such as traffic regulation orders (temporary, permanent and Experimental).)

37. World Heritage Sites

WHS and Places of Outstanding Universal Value are recognised as places of Outstanding Universal Value under the terms of the 1972 UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (the World Heritage Convention). The UK Government is a signatory to the Convention and has undertaken to identify, protect, conserve, present and transmit such Sites to future generations (UNESCO 1972, Article 4). Since 1994 it has been UK Government policy that all UK World Heritage Sites should have Management Plans. Given their importance in helping to sustain and enhance the significance of the World Heritage Site, relevant policies in management plans need to be taken into account by local planning authorities in developing their strategy for the historic or natural environment (as appropriate) and in determining relevant planning application.

38. Stonehenge is considered to be the most architecturally sophisticated prehistoric stone circle in the world, while Avebury is the largest. Together with interrelated monuments, and their associated landscapes, they demonstrate Neolithic and Bronze Age ceremonial and mortuary practices resulting from around 2,000 years of continuous use and monument building between c 3,700 and 1,600 BC. As such they represent a unique embodiment of our collective heritage. The current Management Plan is the 2015 Stonehenge and Avebury WHS Management Plan which has been adopted by the Council and sets the overarching strategy for achieving the correct balance between conservation, access, the interests of the local community and the sustainable use of the Site, whether for recreation and tourism, or for agriculture. The primary aim of the strategy is to protect the Site to sustain its OUV as agreed by UNESCO, provide access and interpretation for local people and visitors and allow its continued sustainable economic use. WHS Management Plans are intended to achieve the

appropriate balance between conservation, access and interpretation, the interests of the local community, and the sustainable economic use of the Site. They must also be capable of being implemented within the means available to achieve this. A copy of Section 11 concerning Highways Network and Usage of the 2015 WHS Management Plan is attached and marked PK6.

39. The relevant priorities of the 2015-2021 Management Plan so far as the highway network is concerned is '3. Reduce the dominance and negative impact of roads and traffic and ensure any improvements to the A303 support this' and '4. Improve the interpretation and enhance the visitor experience of the wider landscape'. The relevant key management issues identify the most significant issues affecting the WHS which include 'Reducing the adverse impact of roads on the WHS, its attributes of OUV and ability to explore the landscape' and 'Monitoring the impacts of tourism and managing this sustainably'. The relevant Aims and Policies so far as the WHS highway network (including the byways) is concerned are;

- Policy 4c: Encourage access and circulation to key archaeological sites within the wider WHS landscape. Maintain appropriate arrangements for managed open access on foot within the WHS (taking into account archaeological, ecological and community sensitivities) to increase public awareness and enjoyment.
- Aim 6: Reduce significantly the negative impacts of roads and traffic on the WHS and its attributes of OUV and increase sustainable access to the WHS.
- Policy 6a: Identify and implement measures to reduce the negative impacts of roads, traffic and parking on the WHS and to improve road safety and the ease and confidence with which residents and visitors can explore the WHS.

40. So far as the Wiltshire and Swindon Countryside Access Forum ('CAF') is concerned, their role under s.94 of the Countryside and Rights of Way Act is to advise the Council but not to be consulted. The Council's Policy on the CAF confirms that the function of the CAF is simply to advise and for the Council to have regard to the advice given.

There is no requirement under the 1984 Act or 1996 Regulations to consult with a Countryside Access forum. There is no duty to consult with the CAF on ^{Experimental} traffic regulation orders. *PK6*

41. Since the 2011 Public Inquiry there have been significant changes in the environment – the impact of the closure of the A344 to motorised vehicles, the opening of a Visitors

Centre some distance from the Stones and looking to the future the proposed changes to the A303 and the impact of those changes on the byways and local roads within the WHS all of which have lead or is likely to lead in future to increased use of the byways where the motorised use of the byways has increased and becomes the dominant user. The Council as highway authority must consider the impact of those changes and take appropriate action in order to reduce where it considers appropriate the impact of the increased use on the byways and the non-motorised users of the byways.

Statement of Truth

I believe that the facts stated in this Witness Statement are true.

Dated 5 September 2018

Signed: ... (redacted)

Parvis Khansari