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To: [Richard Price](#)
Subject: Document in relation to question HW1.6.
Date: 02 June 2019 18:12:09

STONEHENGE TRAFFIC REGULATION ORDER INQUIRY 22.06.2011.

RESPONSE FROM THE COUNCIL OF BRITISH DRUID ORDERS (CoBDO)
R.MAUGHFLING, STONEHENGE OFFICER (CoBDO)

Byway 12 - An Order for Variance.

As Stonehenge Officer of the Council of British Druid Orders (CoBDO), and a founder member of the Summer Solstice Round Table Group, established by English Heritage in 1995 in order to facilitate Managed Open Access to Stonehenge four times per year, I am in support of my colleague and fellow Round Table founder member, CoBDO Battlechieftain Arthur Pendragon, in applying for a 12 day order for variance, in respect of Byway 12, at the times of the solstices and equinoxes.

Whilst Mr. Pendragon's application is based on European Law, which we as a nation are now subscribed to, and particularly to the 1998 Ruling of the European Court of Human Rights, in respect of our religious gatherings at Stonehenge, and our right of free Assembly, my own application which I choose to make in conjunction with his, is based on British Law, as has been established in this country since 1189..

We, the Council of British Druid Orders, are not alone in setting great store by this date, it is the date of the accession to the throne of King Richard I (Lionheart), whose gigantic bronze statue, on horseback with sword raised aloft, stands outside the House of Parliament at Westminster, as symbolic champion of the rights of the British people.

The reason why such store is set upon this date by ourselves and others, is that it is the date, established by Act of Parliament, (Statute of Westminster, 1275) for what is known, by legal definition, as "Time Immemorial."

Which means, that any right which can be shown to have existed from before this date, is said to have been exercised from time immemorial, and proof that it has been so exercised, thereby conclusively establishes that it is lawful.

In 1176, Lord Rhys of Caernarvon held an eisteddfod assembly, which became the basis in law, (being thirteen years prior to 1189), for the establishment by the Welsh Druids, with whom we are affiliated via the Iolo Morgannwg Fellowship, of what is now the Royal Welsh National Eisteddfod, whose patron is H.M. Queen Elizabeth II.

That there are many such places of ancient gathering, where eisteddfodau or assemblies have been held, "since time immemorial," is not under dispute. Although Stonehenge must count as the oldest man made structure in these Islands to have seen such gatherings, particularly at the time of the summer solstice.

We, the Council of British Druid Orders, and others, therefore declare the lawful right of ourselves and our congregation, i.e. the general public, to hold gorseddau (ceremonies) and eisteddfodau (assemblies) at Stonehenge, by kind permission of English Heritage, as an activity which has been in existence since, "time immemorial", and which therefore, according to the Act, has the right to persist "in perpetuity", i.e. always. (see Mostyn Mss. Houses of Parliament), which also contain records of an eisteddfod gathering of 1451, and

another held by William Mostyn at Caerws, under commission from Queen Elizabeth I, in 1568.

King Charles II gave Charter to a Stonehenge Fair in 1680, which Merlin`s British Rider describes as stretching from Amesbury to Fargo Woods, in 1747. And again, "time immemorial" itself, was ratified by both Houses of Parliament in 1898.

When submitting said stated reasons to the European Court of Human Rights in 1998, for rekindling our lawful and constitutional right of holding such assemblies at Stonehenge, we received no opposition from HM govt., and Stonehenge was officially reopened to the public in time for the millennium summer solstice.

Since this time, we, as druids, have continued to preside at spring, summer, autumn and winter solstices and equinoxes at Stonehenge, and have assisted English Heritage, Wiltshire Constabulary, and Wiltshire County Council, in attending the monthly Round Table facilitating meetings, and in stewarding events.

Which brings me to the matter of byway 12. It is agreed without prejudice by ourselves that, since the year 2000, at the time of the summer solstice, byway 12 has been subject to the larger traffic plans for the area submitted by English Heritage, in respect of being used for emergency vehicles, whilst a temporary but proper car park has been provided at the Gallops.

However, such a proper car parking situation, does not exist at the other times of great religious significance both to druids and the general public, namely the spring and autumn equinoxes and the winter solstice, when Stonehenge is again open for ceremony and celebration, in the "time immemorial" manner, again by kind permission of English Heritage, its legal custodians.

Although these gatherings do not at present take place at night, as at the time of the summer solstice, nevertheless they do take place exceptionally early in the morning, depending on date, time of sunrise, etc, and therefore necessitate those travelling some distance finding a safe place to park and rest up before the event, and/or for those that have already gone without sleep in order to get there at all, to rest up the next day, before being safe to travel home again.

Byway 12, in the absence of any other facility whatsoever, has always been the traditional park up spot, and, indeed, we would like it to remain so, being that the spirit of the law, both in terms of "time immemorial" (British Law) and Articles 9, 10, 11, and 14 of the Human Rights Act (European Law), do not suggest that we might be prevented from exercising our age old religious rights and rights of assembly at our world famous indigenous Stone temple, by, deliberately or otherwise, finding " no place to park."

As Archdruid of Stonehenge and Britain, I have personally witnessed use of byway 12 for attending gatherings at Stonehenge for spring and autumn equinoxes, and summer and winter solstices, since 1967. I have myself, and many others known to me, made use of them, regularly, since 1988.

This continuous usage of byway 12 has been made by myself, other druids, and members of the public, on account of the fact that the English Heritage car park at the Stones, has always been reserved for day time visitors and tourists, is of limited capacity, and is usually filled with coaches during daylight visiting hours, or else closed at night.

Which is also why, when we request the 12 day order of variance to the TRO, we request

that the right be granted by Wiltshire County Council to us, as a continued solstice and equinox parking facility, rather than be given to English Heritage to determine.

We respect the enormous contribution that EH have made in terms of Managed Open Access, and the reasonable provision of the car park made by them at the summer solstice, from which it is reasonable to expect to walk the extra distance when the event lasts somewhere in the region of 12 hours, and is attended by upwards of 30,000 people.

But, if, as at spring, autumn and winter, the event lasts a maximum of 2-3 hours, and it is uncertain that EH will want druids and the congregation in their new Visitor Centre inside or outside normal visitor hours, or have the capacity for them, then why should they have any more or less say over byway 12 at these times, than they have already?

We respectfully suggest, that the right of religious assembly, for druids and public alike, and the right to have somewhere to park to exercise those rights, be left in the hands of Wiltshire County Council, where they can be freely exercised by the public, a day, a day before, and a day after, each gathering, as at present.

Rollo Maughfling, Archdruid of Stonehenge & Britain, 3rd May, 2011.