



Historic England

**HBMCE Written summaries of oral submissions put at Issue
Specific Hearings held between 4 and 14 June 2019**

Deadline 4 Submission

21st June 2019

Application by

**Highways England for an Order granting Development Consent for
the A303 Amesbury to Berwick Down**

PINS Reference No: TR010025

HBMCE Reference No: 20019871

1. INTRODUCTION

1.1. Historic England is more formally known as the Historic Buildings and Monuments Commission for England (HBMCE). We are the government's statutory adviser on all matters relating to the historic environment, including world heritage. It is our duty under the provisions of the National Heritage Act 1983 (as amended) to secure the preservation and enhancement of the historic environment. There is also, in this case, the requirement in Article 4 of the 1972 'Convention Concerning the Protection of the World Cultural and Natural Heritage' to protect, conserve, present and transmit the values of the Stonehenge, Avebury and Associated Sites World Heritage Site (SAAS WHS).

1.2. Further to the Examining Authority's reminder that there was no need to repeat the points that were made in Written Representations submitted at Deadline 2 during the Issue Specific Hearings, we sought to focus on the questions within the relevant Issue Specific Hearings that would assist and inform the Examining Authority's understanding of the implications for the historic environment arising from the Scheme. To that end, we did not actively engage with all of those questions, and in those questions that we did engage with, we provide our summary of responses together with relevant reference to documentation that has been already been submitted to the examination. We have also, where it was appropriate to do so, provided some context for our responses in light of comments/observations made by other parties to the examination as the information available to the Examining Authority unfolds and evolves during the Examination Period.

1.3. We have set out in sections 2 – 21 following the summaries for each Issue Specific Hearing that we engaged with, except for the DCO hearing on 04 June where our submissions are combined with our comments on the updated dDCO and are in a separate document.

05/06 June: ISH2 Cultural heritage including hydrological implications for
Blick Mead Sections 2-7

07 June: ISH3 Landscape and visual effects and design Sections 8-13

11 June:	ISH4 Flood risk, groundwater protection, geology, land contamination, waste and materials management	Sections 14-16
12 June:	ISH5 Noise and vibration, health and wellbeing	Sections 17-21
13 June:	ISH6 Traffic and transportation	Sections 22-25

1.4. As noted during the sessions, there are a number of on-going discussions between ourselves and Highways England, and we are also engaging in discussion groups/meetings where we can be of assistance and where it is appropriate to do so. Again, where appropriate, these are referred to in these submissions and we would hope to update the Examining Authority in due course on the progress and outcome of those discussions. We are also in discussions with Highways England about providing an updated Statement of Common Ground which we expect to be able to submit in advance of Deadline 5.

HBCME ORAL SUBMISSIONS PUT AT ISSUE SPECIFIC HEARING ON MATTERS RELATING TO CULTURAL HERITAGE INCLUDING HYDROLOGICAL IMPLICATIONS FOR BLICK MEAD (05/06 JUNE 2019)

2. POLICY AND GUIDANCE (Agenda Item 3)

Examining Authority's Agenda Questions

- i. ICOMOS/ UNESCO (see 2.1 below).**
- ii. The National Policy Statement for National Networks (see 2.3 and 2.5.5 below).**
- iii. Wiltshire Council.**
- iv. The National Planning Policy Framework (see 2.3 and 2.5.5 below).**
- v. Emerging reports, policy, and guidance including the World Heritage Property Setting Study and Boundary Review, and UNESCO World Heritage Committee decision on the DDMS State of Conservation Report expected at their 43rd session, July 2019 (see 2.4 below).**
- vi. Discussion of these items and how they interrelate. Whether the appropriate test of acceptability turns on the overall balance of harm against benefit, or on whether adverse impact on 'outstanding universal value' (OUV) should be avoided whatever the benefit (also see 2.4 below).**

2.1. HBMCE made oral submissions under this section of the agenda and bore in mind when making those submissions the Examining Authority's reminder that there was no need to repeat the points that were already made in Written Representations. Therefore we would also refer the Examining Authority to the relevant sections of our Written Representations as set out below and confirm that we remain in discussion with Highways England in relation to those issues. We would hope to be able to update the Examining Authority on these discussions in due course.

2.2. ICOMOS & UNESCO

2.2.1. The 1972 Convention is made up of a number of Articles, with Part 2 of the Convention – comprising Articles 4 - 7 detailing the “National Protection and International Protection of the Cultural and Natural Heritage. These Articles need to be read together. Article 4 focuses on the principle of States Parties to the Convention securing amongst other things the protection of places which have Outstanding Universal Value *“to the utmost of their own resources”*. Article 5 through then to 7 goes on to describe the measures that should be taken in the application of Article 4. The requirement in Article 5 is for States Parties to take *“effective and active measures”* for amongst other things protection of their cultural and natural heritage. *“Each State Party shall endeavour so far as possible, and as appropriate for each country”* to adopt such measures. The term “appropriate” anticipates a local (i.e. domestic) discretion in the application of the requirements of Article 4. These measures then assist in the holistic application with Article 5 setting the bar very high in how the States Parties should approach matters. Further guidance is then provided in The Operational Guidelines for the Implementation of the World Heritage Convention (UNESCO 2017)¹, and in Guidance on Heritage Impact Assessments for Cultural World Heritage Properties (ICOMOS 2011) (see Appendix 21 to our Written Representations) regarding the application of Article 4, and the Convention, together with national guidance being available in the NPSNN and the NPPF as to the approach to take regarding harm and public benefit.

2.3. The National Policy Statement for National Networks & National Planning Policy Framework

2.3.1. HBMCE did not make any specific oral submissions under these sections of the agenda, bearing in mind the Examining Authority’s reminder that there was no need to repeat the points that were already

¹ <https://whc.unesco.org/en/guidelines/>

made in Written Representations. Therefore we would refer the Examining Authority to the relevant sections of our Written Representations (Sections 3.6; 5.1.3; 5.1.5-6; 5.1.9 and 6.3).

2.4. Emerging reports, policy, and guidance including the World Heritage Property Setting Study and Boundary Review, and UNESCO World Heritage Committee decision on the DDMS State of Conservation Report expected at their 43rd session, July 2019

2.4.1. As the Examining Authority will be aware from our Written Representations in Section 2, we set out the main elements of the structure and governance of the World Heritage Convention and the status of conservation reports, mission reports and Committee decisions. As one would expect, the Committee when presented with such reports and recommendations will give them careful consideration but it will be open to the Committee to come to another conclusion from that of the recommendation.

2.4.2. The 2018 World Heritage Committee decision differed from the draft decision, in removing the section about the request to the State Party to continue to explore alternative surface routes bypassing the WHS. The deletion of these words shows that the Committee does not always follow all the recommendations of advisory missions.

2.4.3. Discussions during the hearing also related to the current and potential extent of the World Heritage Site. We noted that the setting study and boundary review are at an early stage and therefore there is little that can be said about them at present. Any proposed boundary modification would have to be agreed by the State Party and submitted to the World Heritage Committee for approval. A minor boundary modification is one that does not alter the OUV or geographical area to any significant extent. More extensive changes to geographical area or OUV require a re-nomination. There is therefore no immediate prospect of a modification to the boundaries of the WHS. Although a Buffer Zone does

not form part of a WHS, if one were to be proposed it would be treated in the same way as a minor boundary modification as described above and require World Heritage Committee approval. Any proposed change to the WHS that would alter the OUV of the property, for example the inclusion of Mesolithic heritage assets, would require a re-nomination of the Stonehenge, Avebury and Associated Sites WHS. The SAAS WHS also has a setting that extends from its inscribed boundary including archaeological remains within the landscape of the property.

Supplementary Question Raised During the Hearing:

2.5. Request for confirmation of Historic England's position as stated in our consultation response to application 18/01213/FULEIA

2.5.1. During the hearing HBCME was asked about our consultation responses to the City of London regarding the proposed development at Land Adjacent to 20 Bury Street, London, EC3A 5AX (City of London Application Reference: 18/01213/FULEIA). This letter comprises HBMCE's statutory consultation response to the planning application and is our position on the matter. To assist the Examining Authority we have attached a copy of our letter to this submission (APPENDIX 1) and provide the following context.

2.5.2. In responding to statutory consultations HBMCE ensures that our advice is consistent nationally in relation to the interpretation and application of relevant legislation, policy and guidance, and then apply this to the specific nature of the particular development proposed highlighting the significance of the historic environment and the designated heritage assets affected, and the impact of the proposals on that significance.

2.5.3. In relation to the proposals for the Land adjacent to 20 Bury Street, the development was located close to the Tower of London, itself a World Heritage Site. We noted that the gradual intensification and densification of tall buildings in the setting of the Tower (the modern buildings of the

Eastern Cluster) has changed the visual relationship between the City and the Tower of London WHS in some views. We considered that the proposals would further change this relationship, and that the unusual form of the building, intended to be eye-catching, would draw attention away from the Tower. In our view, the proposed new building would change the relationship between City and Tower to such an extent that the Eastern Cluster would begin to visually challenge the dominance and strategic position of the Tower (both attributes of OUV) thereby causing harm to its significance and we objected to the application on heritage grounds.

2.5.4. HBMCE considers that in the case of the A303 proposal the cultural heritage objective for the Scheme set out by the Department for Transport of the Scheme offers potential to deliver benefits in heritage terms by addressing the negative effect that the sight and sound of traffic has on the significance and OUV of the Stonehenge World Heritage Site.

2.5.5. Each case must also be judged on its merits in light of legislation and policy which govern it. On this basis we consider that our approach in respect of both cases is consistent in the interpretation and application of the legislative, policy and guidance framework that applies across both applications. ICOMOS' interpretation of the World Heritage Convention places great weight on the need to avoid harm to OUV. This is consistent with UK national policy which seeks to minimise conflict between the significance of heritage assets and development proposals [NPPF 190; NPSNN 5.129], giving great weight to the conservation of designated heritage assets' significance particularly of WHSs which are considered to be of the highest significance [NPSNN 5.131; NPPF 193 and 194b]. UK policy sets out how that balance should be considered by weighing harm or loss of significance against public benefits [NPSNN 5.132-134; NPPF 195, 196].

2.5.6. The advice we have been providing throughout the Examination to assist the Examining Authority in making a comprehensive assessment of the Scheme, is, as set out in the Summary to our Written

Representations at paragraph 1.5 that the significance of the heritage asset that may be affected is to be fully understood; that the potential impact on that significance as a result of the proposed development is also fully understood and assessed; any proposals to avoid or mitigate that impact have been considered and can be secured with appropriate DCO terms; and that there is clear and convincing justification for any harm, with great weight being given to the conservation of assets affected as a result of the development that would be authorised by the DCO.

3. STONEHENGE AND AVEBURY WORLD HERITAGE SITE (WHS) IN CONTEXT

Examining Authority's Agenda Questions

- i. Consideration of the WHS as a whole, and of its surrounding area (see 3.1 below).**
- ii. The Statement of OUV and the relevance of Mesolithic as well as Neolithic and Bronze Age matters (see 3.2 below).**
- iii. The effects of the Proposed Development on the cultural heritage of the WHS as a whole.**
- iv. Alternative tunnel lengths (see 3.3 below).**
- v. Alternative routes (see 3.3 below).**

3.1. Consideration of the WHS as a whole

3.1.1. The Stonehenge, Avebury and Associated Sites World Heritage Site is a serial WHS property in that there is a direct relationship between "Stonehenge" and "Avebury". The Operational Guidelines for the Implementation of the World Heritage Convention (2017)² require that each component makes a substantial contribution to the OUV as a whole. Here the focus is on the Stonehenge component as any particular harm to the Stonehenge component would represent harm to the OUV as a whole and consequently also to Avebury. A separate assessment of what impact there is on Avebury is therefore not required.

3.1.2. In our oral submissions we provided the example from Cornwall which is mentioned in our Written Representation (Section 6.9.4, fn. 36) by way of explanation. The Cornwall and West Devon World Heritage Site is also a serial property made up of 10 component parts and the proposal we described at Hayle affected only one component. It was taken that the impact of the proposal on this one component would result in harm to the whole WHS, as the part affected makes a substantial contribution to the OUV for the site as a whole.

² <https://whc.unesco.org/en/guidelines/>

3.1.3. The World Heritage List also includes a number of serial transnational World Heritage Sites. We provided the example of the Frontiers of the Roman Empire, currently comprising Hadrian's Wall in England, the Antonine Wall in Scotland and part of the Roman Frontier in Germany. In dealing with a proposal on Hadrian's Wall, with potential for development to impact on OUV, then the transnational nature of the WHS would result in an expectation for liaison between the UK Government with counterparts in Scotland and Germany. However, this would not require consideration of how the development would impact on the WHS components in either Germany or Scotland, other than through the fact that harm to the OUV on Hadrian's Wall would represent harm to the whole of the WHS property.

3.2. The relevance of Mesolithic as well as Neolithic and Bronze Age matters.

3.2.1. As discussed by various parties during the Hearing, archaeological remains from the Mesolithic period are not considered to convey the Outstanding Universal Value of the Stonehenge, Avebury and Associated Sites World Heritage Site (SAAS WHS). This, as defined in the Statement of OUV (SOUV) approved by the WH Committee, is specific to the Neolithic and Bronze Age 3,700-1,600BC.

3.2.2. It is not possible to ascertain whether, if the evidence for the Mesolithic within the existing WHS had been known at the time of inscription, it would have been incorporated into the WHS. A decision on whether it would be appropriate to include what is now known to survive from this period would depend on the assessment of that evidence in both a European and global context. Any such extension of the scope of the OUV would require a full re-nomination of the property.

3.2.3. At present the OUV of the WHS is that of the Neolithic and Bronze Age together with the significance that Stonehenge holds as an object of wonder, curiosity and study from the 12th century onwards. Whilst the list of Attributes is not considered to be exhaustive and it is correct that these

can evolve or be further developed, all attributes must be able to draw specific reference to the content of the agreed SOUV. To provide further explanation to that in our oral submissions we would draw the Examining Authority's attention to The World Heritage Resource Manual Managing Cultural World Heritage³ which is very clear on this point. Section 3.4 page 37 states that *"it is essential that the attributes identified for a property should flow from the Statement of Outstanding Universal Value and the justification for the criteria."*

3.2.4. Regardless of this the 1972 Convention requires that active and effective measures are taken to ensure the protection and conservation of all cultural heritage, thereby effectively requiring the archaeological remains of all periods to be given due consideration under the current Examination even if they do not form part of the WHS and do not contribute to OUV.

3.3. Alternative tunnel lengths and routes.

3.3.1. HBMCE did not make any specific oral submissions under these sections of the agenda, bearing in mind the Examining Authority's reminder that there was no need to repeat the points that were already made in Written Representations. Therefore we would refer the Examining Authority to the relevant sections of our Written Representations (Appendix 11).

³ <https://whc.unesco.org/en/managing-cultural-world-heritage/>

4. ES CHAPTER 6: CULTURAL HERITAGE AND APPENDIX 6.1:HERITAGE IMPACT ASSESSMENT (HIA)

HBMCE did not make any specific oral submissions under this section of the agenda, bearing in mind the Examining Authority's reminder that there was no need to repeat the points that were already made in Written Representations. Therefore we would refer the Examining Authority to the relevant sections of our Written Representations as set out below and confirm that we remain in discussion with Highways England in relation to these issues. We would anticipate being able to update the Examining Authority on these discussions in due course.

Examining Authority's Agenda Questions

i. Discussion of the adequacies of content, analyses, assessments and conclusions.

Please see HBMCE Written Representations Section 6.

ii. Missing information.

Please see HBMCE Written Representations Section 7.6.

iii. Range of photomontages and choice of receptors.

Please see HBMCE Written Representations Section 7.5.14-29.

5. EFFECT OF ELEMENTS OF THE PROPOSED DEVELOPMENT ON CULTURAL HERITAGE ASSETS AND THEIR SETTINGS

HBMCE did not make any specific oral submissions under this section of the agenda, bearing in mind the Examining Authority's reminder that there was no need to repeat the points that were already made in Written Representations. Therefore we would refer the Examining Authority to the relevant sections of our Written Representations as set out below and confirm that we remain in discussion with Highways England in relation to these issues. We would hope to be able to update the Examining Authority on these discussions in due course.

Examining Authority's Agenda Questions

- i. Winterbourne Stoke by-pass including Parsonage Down and the River Till viaduct.**
Please see HBMCE Written Representations Sections 7.6.10 - 13.
- ii. Winterbourne Stoke (Longbarrow) Junction.**
Please see HBMCE Written Representations Sections 7.6.14 - 30.
- iii. Cuttings, embankments, and land bridges.**
Please see HBMCE Written Representations Sections 7.6.38 – 43.
- iv. Western portal, including 200m limit of deviation westwards.**
Please see HBMCE Written Representations Sections 7.6.46 – 50.
- v. Cut and cover tunnel and bored tunnel.**
Please see HBMCE Written Representations Sections 7.6.44 - 60.
- vi. Eastern portal, including 30m limit of deviation eastwards.**
Please see HBMCE Written Representations Sections 7.6.72 – 76.
- vii. Countess flyover.**
Please see HBMCE Written Representations Sections 7.6.94 – 105.
- viii. East of Amesbury.**
Please see HBMCE Written Representations Section 7.6.106.

6. DETAILED ARCHAEOLOGICAL MITIGATION STRATEGY (DAMS) AND ASSOCIATED DOCUMENTS (HEARD ON 06 JUNE 2019)

Examining Authority's Agenda Questions

- i. Content: Archaeological narrative, identification of archaeological sites and their description, scheme impact, and the mitigation proposed (see 6.2 below).**
- ii. Mitigation methods: Adequacy in themselves and in their application to particular sites (see 6.3 below).**
- iii. Lines of reporting: Decision making responsibilities and how these are to be secured in the Development Consent Order (DCO) (see 6.4 below).**

6.1. HBMCE has provided advice, as a statutory consultee in the NSIP process, in relation to the continued evolution of the DAMS. We provided the Examining Authority with an explanation of the approach we have taken throughout that advice in our comments on draft 3 of the DAMS at Deadline 2 [REP3-054] following on from the comments in our Written Representations (Section 7.6.113-122) [REP2-100].

6.2. Content: Archaeological narrative, identification of archaeological sites and their description, scheme impact, and the mitigation proposed.

6.2.1. The main focus of our attention to date has been in ensuring that the mitigation strategy is both appropriate for the international importance of the WHS and its OUV and to the significance of the historic environment more generally. We have been considering how to ensure that the level of archaeological mitigation is proportionate to the impact of the Scheme (as currently set out in the d2DCO) on the significance of the designated and non-designated heritage assets affected.

6.2.2. Our advice has also focused on ensuring that the evidence base is robust, both in terms of the evaluation under the Scheme but also in its reference to previous investigation in the area that will assist in informing the approach under the DAMS.

6.2.3. We have been considering how to tailor the approach and strategy set out in the DAMS to OUV and significance so that it responds to our evolving understanding of this internationally important archaeological landscape and targets the mitigation, both in terms of level and location, to ensure that the DAMS creates a robust framework within which that significance will be captured in a way that is both appropriate to that significance and proportionate to the impact of the Scheme.

6.2.4. With this in mind we have encouraged the development of a research framework specific to the Scheme within which the DAMS can be developed and implemented.

6.2.5. To progress this we have continued discussion with Highways England and other members of HMAG as to how the evaluation results can be interrogated, in conjunction with the evidence from other investigation of the WHS and its environs, to understand how possible it might be to reduce the level of uncertainty regarding what archaeological remains and evidence might be identified. The DAMS takes an iterative approach to the level of work required based on significance (including OUV). We consider that it may be possible to enhance this approach further to develop an intelligent strategy based on our understanding of the spatial distribution of features and material in relation to the factors that affect it. We hope to be able to update the Examining Authority on the progress of these discussions following further analysis of the evidence available in advance of the submission of a revised draft of the DAMS at Deadline 6.

6.3. Mitigation methods: Adequacy in themselves and in their application to particular sites.

6.3.1. At present we are still focusing on the detail of the strategy and research framework. Consequently we have not yet commented on the detail of site areas and will only do so once we are comfortable that the overarching approach is at the appropriate level. Whilst we are therefore not in a position to comment further on this aspect of the DAMS at

present, we can confirm that those discussions are on-going with Highways England.

6.3.2. HBMCE's advice has focused on making sure that the range of techniques available under the DAMS is comprehensive and again appropriate to the nature of the remains that are likely to be encountered and the research questions that might be answered. This is so that all the available options can be drawn down into the Site Specific Written Schemes of Investigation.

6.3.3. In addition we have looked to ensure that the DAMS is compliant with all relevant standards, guidelines and will secure the integration of relevant specialist expertise within the project team.

6.4. Lines of reporting: Decision making responsibilities and how these are to be secured in the Development Consent Order (DCO).

6.4.1. This is a matter of on-going discussion between HBMCE and Highways England. We have made separate submissions in our comments on the dDCO in relation to this issue. We hope to be able to update the Examining Authority on the progress of these discussions in due course.

6.5. On-going Discussion with Highways England

6.5.1. HBMCE continue to have regular meetings with other members of HMAG and Highways England to discuss the development of the DAMS. Specific areas of the document have been identified where it is considered focused discussion is required and the advice of the Scientific Committee will also be sought as appropriate.

6.5.2. Subsequent to the Issue Specific Hearing on this topic, and further discussion with Highways England, we understand that they will be submitting a revised version of the DAMS at Deadline 4 to support their responses to the comments submitted by Interested Parties in relation to this document at Deadline 2. HBMCE will look to review this latest

version of the document in detail and provide Highways England with our comments at the earliest opportunity so that these can be worked through and discussed sufficiently in advance of Deadline 6. We will look to update the Examining Authority with further comments on the development of the DAMS in due course

7. BLICK MEAD (HEARD ON 06 JUNE 2019)

Examining Authority's Agenda Questions

- i. The adequacy of baseline information for ground water levels and surface water levels (see 7.1 below).**
- ii. The effects of variations in ground and surface water on the archaeology both historically and in the future (see 7.2 below).**
- iii. The adequacy of the Tiered Assessment (see 7.3 below).**
- iv. The necessity for on-going monitoring during the construction and the operational phases and how that would be secured in the DCO (see 7.4 below).**

7.1. The Adequacy of Baseline Information

7.1.1. HBMCE indicated in our Written Representations (Section 7.6.92) that we awaited sight of the Representations from the Environment Agency (EA) on the core documentation regarding the Ground Water Assessment against which the trends seen in the data collected from Blick Mead have been compared by the Applicant.

7.1.2. We restated in the hearing that we were keen to understand the EA's position in relation to the Ground Water Assessment. This is because the data and general model used for the Blick Mead assessment formed part of the wider groundwater assessment for the Scheme overall, as set out in the Applicant's Environmental Statement (ES) Appendix 11.4 (Groundwater Risk Model). As the EA is responsible for providing statutory advice on this element of the Environmental Impact Assessment (EIA), we are guided by their assessment of the overall model as this is relevant to how it was used by the Applicant in relation to Blick Mead.

7.2. HBMCE Guidance on Preserving Archaeological Remains (2016)

7.2.1. HBMCE's engagement with the assessment of potential impacts on the archaeological site at Blick Mead stems from our production of guidance

on *Preserving Archaeological Remains* (2016) and in particular Appendix 3 of that guidance which focuses on *Water Environment Assessment Techniques*⁴.

7.2.2. Waterlogged archaeological sites survive because the presence of water excludes oxygen. This means that organic materials such as wood, leather, plant remains or insects don't decay as they would normally do. HBMCE produced this guidance because waterlogged sites are rare nationally, and their long-term preservation depends on the maintenance of stable conditions and continued waterlogging. As a result we considered that there was a need for production of guidance on good practice in their assessment.

7.2.3. The guidance as a whole resource sets out a decision-taking framework for dealing with the preservation of archaeological sites under development. For waterlogged archaeological sites, it identifies the information required to aid the decision-taking process, including the production of a water environment study. Underpinning all assessments of water environment systems is the need to develop a hydrogeological conceptual model. This model draws together baseline data on the local geology and water cycle. Models may be purely qualitative or can include readily available monitoring information from existing data sets and new data collected to refine and verify the model.

7.2.4. The investigation of a water environment system is often a tiered and cyclical process. Appendix 3 of HBMCE's guidance (Water environment assessment techniques) sets out the range of information to be collected for the initial stages of a Tiered Assessment. These include a review of published maps / borehole logs and a site walk-over. In the first instance the purpose is to identify the geology, soils, boundary of the heritage asset, any water courses and drainage features. This information can be augmented with any available groundwater, surface water, and rainfall data.

⁴ <https://historicengland.org.uk/images-books/publications/preserving-archaeological-remains/>

7.3. The Adequacy of the Tiered Assessment

7.3.1. HBMCE's advice in relation to the Scheme has been provided in relation to the application of our guidance on Preserving Archaeological Remains and the assessment techniques it sets out to inform Highways England's EIA. This is because groundwater monitoring and modelling does not fall within our core remit and therefore we awaited the submissions of the Environment Agency in this regard.

7.3.2. We understand from the submissions of the EA in the Hearing that they consider that the reporting based on a short period with a long record was a recognised practice which they themselves use, and that the results presented were seen to support the accepted understanding of the chalk area. We understand their submissions to have noted that additional work might be helpful but that ultimately they had no concerns in relation to the baseline assessment produced by the Applicant.

7.3.3. In relation to the adequacy of the tiered approach conducted by the Applicant and views on the duration of data collection, we explained that Appendix 3 (Water Environment Assessment Techniques) describes the type of data that is required to inform a tiered approach to assessment. The guidance is not overly prescriptive about the length of time data must be collected for at each stage. It describes the need to produce a conceptual model of the water environment in and around the site. This is linked to a tiered assessment process where further information is added to the conceptual model at each assessment stage, until the reliability of the conceptual model has reached an acceptable level. The level that is considered acceptable depends on what the conceptual model is being used for. For example at a Tier 2 level of assessment (as set out in section 2.3 of the guidance) data collection can be limited to a month or two to gain an understanding of the system at critical water stress, through to a year or more to gain a complete picture of seasonal cycles. Decisions should be made with the simplest model possible, with refinement of the model required only if a decision on the potential for long-term preservation cannot be made because the uncertainty is too

great. The quality of the data collected and its ability to answer specific questions is key to the process of assessment.

7.3.4. In our meeting with Highways England and the Blick Mead Archaeology Team on 16 April 2018 to provide Scheme specific advice in the context of our Preserving Archaeological Remains guidance, our advice focused on ensuring that the duration of data collection was sufficient to provide an understanding of the reliability of the conceptual model. Subsequent to this meeting in our response to Public Consultation included in our Written Representations (Appendix 8) we referred to the use of the tiered assessment system and did not indicate that a specific length of time was necessary to implement the guidance in this context. This advice was provided on the basis of the understanding of the Scheme gained through discussion and the specifics of the meeting on 16 April 2018. The advice HBMCE have subsequently provided in our Written Representations and in response to this question raised during the Hearings represents our understanding of all the information provided to us following the meeting in April 2018 both prior to and during the Examination, most recently comprising the latest results of data collection at the site.

7.3.5. The tiered assessment process outlined in HBMCE's published guidance is not linked to the significance of the archaeological remains that are being assessed. It is solely based on the quality of data that is needed to verify the conceptual model that is produced to inform the assessment. The results of the most recent data collection conducted by the Applicant have provided information that supports the predictions of the model. Since we understand that the Environment Agency are content with the methodology, general model and conclusions of that modelling from their reading of the reports submitted to the Examination, we have therefore been able to confirm that the Applicant has followed our guidance in producing the tiered assessment, that sufficient information has been brought together for the reliability of the conceptual model to reach an acceptable level.

7.4. The Necessity for On-going Monitoring

7.4.1. We understand that Highways England have committed to continuing monitoring across the Scheme in the ES Appendix 11.4 (Groundwater Risk Assessment) Section 7.2 (pages 70-73) which would continue to enhance the background model against which any additional data collection at Blick Mead could be compared. To provide clarification regarding our comments in the Hearing on the understanding we had taken from the submitted documents we would refer the Examining Authority firstly to Section 11.3.14 of the ES where Highways England commit to monitoring through construction and for 5 years afterwards. In conjunction with this we referenced Table 7.3 in that document where it is noted that borehole R507A “Will provide monitoring of any impact on groundwater levels towards the area of the Blick Mead Archaeological Site”.

7.4.2. HBMCE’s position remains as we set out in the Issue Specific Hearing in relation to our advice having focused on the application of our guidance. However, we would recommend if further monitoring is carried out it would be beneficial for this to follow the recommendations given in sections 5.1 and 5.2 of HBMCE’s Preserving Archaeological Remains guidance, and in Appendix 4 of that same document (1.4 and 1.5).

7.4.3. As HBMCE has not been directly involved in the production of the tiered assessment we do not have anything further to add in this regard. Since we have also not been closely involved in the excavation of the Blick Mead site and have not been able to look in detail at the state of preservation of archaeological remains at this site, our involvement has solely been in relation to the implementation of our guidance and the principles of assessment it establishes as a guide to good practice.

Supplementary Question Raised During the Hearing:

7.5. Status and Significance of Blick Mead

During the Issue Specific Hearing on Cultural Heritage the Examining Authority posed a question to HBMCE regarding whether the archaeological site at Blick

Mead would be considered for designation as a scheduled monument. We are now able to provide the following response:

7.5.1. The Ancient Monuments and Archaeological Areas Act, 1979 (“the 1979 Act”) defines a ‘Monument’ in section 61 (7) as:

- a) Any building, structure or work, whether above or below the surface of the land, and any cave or excavation;
- b) Any site comprising the remains of any such buildings, structure or work or of any cave or excavation; or
- c) Any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other moveable structure or part thereof which neither constitutes nor forms part of any work which is a monument within paragraph (a) above;

7.5.2. Any monument which appears to be of national importance (Section 1 (3)) can be included by the Secretary of State on the Schedule, leading to the term ‘scheduled monument’ (Section 1 (11)).

7.5.3. The UK Government’s Principles of Selection for national archaeological importance and scheduling are set out by the Secretary of State (DCMS) in Annex 1 of the 2013 policy document on ‘Scheduled Monuments and nationally important but non-scheduled monuments’. This document confirms UK policy on the identification, protection, conservation and investigation of nationally important ancient monuments under the legislative framework of the 1979 Act⁵.

7.5.4. Annex 2 of that document sets out the scope of scheduling in relation to the definition of ‘Monument’ under the Act. We understand from this that for any structure, feature or remains to be scheduled it must have been deliberately created in order to fall within that definition.

7.5.5. By default, sites that comprise only groups of objects (artefacts or ecofacts) or other deposits that provide evidence of human activity during

⁵ <https://www.gov.uk/government/publications/scheduled-monuments-policy-statement>

early prehistory cannot usually be designated as Scheduled Monuments because they do not satisfy the 1979 Act's definition of a monument, despite potentially being of high significance and national or international importance.

7.5.6. Any proposal for potential scheduling would be subject to assessment and then a recommendation from HBMCE. However, the final decision regarding whether a site should be scheduled or not is made by the Secretary of State. The Secretary of State has discretion on whether or not to schedule a monument, and will only apply this if it represents the best means of protection for the archaeological remains. In compiling the Schedule, Government aims to capture a representative sample of nationally important sites, rather than an inclusive compendium of all such assets.

7.5.7. At present, on the basis of the most recent evidence we have reviewed relating to the Blick Mead site⁶, HBMCE do not consider that the site would meet the 1979 Act's definition of a 'building, structure or work' as set out above. This is because it lacks the physical evidence for the presence of man-made structures necessary for scheduling.

7.5.8. This does not however diminish the potential significance of the artefacts and ecofacts known from the site. The large lithic assemblage and organic preservation includes a nationally significant assemblage of aurochs bone including evidence for butchery. As a result the site has potential to preserve significant evidence of Mesolithic occupation and activity. In due course, if archaeological research at the site continues, this may yield evidence which would place it within the definition of a monument to warrant its consideration for scheduling.

7.5.9. Regardless of the lack of a specific designated status for Blick Mead however, it is nonetheless a heritage asset as defined under the NPSNN (5.122). Consequently there is a requirement under national policy for its

⁶ Jacques, D., Phillips, T. and Lyons, T., 2018. Blick Mead: Exploring the 'first place' in the Stonehenge landscape. Archaeological excavations at Blick Mead, Amesbury, Wiltshire 2005–2016. Studies in the British Mesolithic and Neolithic 1. Oxford: Peter Lang.

significance to be described, including that contribution made by its setting, in sufficient detail to understand the potential impact of the proposal on its significance as part of the documentation submitted under the NSIP process (NPSNN 5.127).

7.5.10. As a non-designated archaeological site, the assessment of impact and treatment under the Scheme of Blick Mead is a matter for Wiltshire Council's Archaeological Service to advise on. On this basis we have no further comments to provide on this aspect of the Scheme.

HBCME ORAL SUBMISSIONS PUT AT ISSUE SPECIFIC HEARING ON MATTERS RELATING TO LANDSCAPE AND VISUAL EFFECTS AND DESIGN (07 JUNE 2019)

8. POLICY AND GUIDANCE

Examining Authority's Agenda Questions

Including that of:

- i. ICOMOS/ UNESCO (see 8.2 below).**
- ii. The National Policy Statement for National Networks.**
- iii. Wiltshire Council.**
- iv. Published Landscape Assessments.**
- v. Comments on Local Landscape Character Assessments.**
- vi. Comments on Townscape Character Assessments.**

8.1. HBMCE did not make any specific oral submissions under this section of the agenda, bearing in mind the Examining Authority's reminder that there was no need to repeat the points that were already made in Written Representations or in ISH2 on the inscribed landscape. Therefore we would refer the Examining Authority to the relevant sections of our Written Representations as set out below.

8.2. ICOMOS/ UNESCO.

8.2.1. HBMCE's Written Representations set out a detailed explanation of the background to World Heritage Site management under the 1972 World Heritage Convention (in particular Sections 2.7 – 2.20) together with presentation of the associated ICOMOS/WH Committee Reports and Guidelines (Appendices 11 and 21). Consequently we have already provided our advice on this issue to the Examination.

8.2.2. We note however, that mention was made during the Hearing of the European Landscape Convention (ELC) which contributed to the framework around which our Written Representations were based (see Section 5.3.1 and fn. 18). To provide further context for this Convention

in the Examining Authority's consideration we offer the following additional context.

8.2.3. The ELC is *“devoted exclusively to the protection, management and planning of all landscapes in Europe”*. The UK signed the Convention on 21 February 2006, ratified it on 21 November 2006 and it came into force on 01 April 2007. The ELC applies to all landscapes *“as perceived by people, whose character is the result of the action and interaction of natural and/or human factors* (Article 1 (a)) and consequently it applies to the Stonehenge landscape. Article 1 (d) defines landscape protection as *“actions to conserve and maintain the significant characteristic features of a landscape, justified by its heritage value derived from its natural configuration and/or from human activity”*. The aims of the Convention include the promotion of *“landscape protection, management and planning”* (Article 3). It is the responsibility of parties to the Convention to implement the Convention *“in conformity with its own constitutional principles and administrative arrangements”* (Article 4). In this respect it is similar to the 1972 Convention, but without the formal arrangements for notifying developments to the appropriate authority. Many of the arguments about mitigation and benefit that apply to the WHS are relevant to compliance with the ELC. A process for monitoring is set up involving a *Committee of Experts* designated by the *Committee of Ministers of the Council of Europe* to be *“responsible for monitoring the implementation of the Convention”* (Article 10).

9. ENVIRONMENTAL STATEMENT CHAPTER 7 – ASSESSMENT METHODOLOGIES

Examining Authority’s Agenda Questions

- i. Compatibility of GLIVIA 3 and Interim Advice Note 135/10.**
- ii. Design of matrices**
- iii. Baseline assumptions**
- iv. Zone of Theoretical Visibility (ZTV) – assumptions and anomalies in outcomes**
- v. Range of photomontages and choice of receptors (see 9.2 below).**
- vi. Limits of Deviation (LoD) – effects on assessments and visual representations (see 9.2 below).**
- vii. Landscape Scheme (see 9.2 below):**
 - a. How is it to be produced and agreed before submission to the Secretary of State?**
 - b. How is this process secured in the Development Consent Order (DCO)?**

9.1. HBMCE did not provide detailed oral submissions under this section of the agenda, bearing in mind the Examining Authority’s reminder that there was no need to repeat the points that were already made in Written Representations. Therefore we would refer the Examining Authority to the relevant sections of our Written Representations as set out below.

9.2. Range of photomontages and choice of receptors including with regard to LoD and effects on assessments and visual representations

9.2.1. In HBMCE’s Written Representations we advised that it was essential that the complement of visualisations submitted demonstrated to the Examining Authority the full range of visual impacts on the OUV and experience of the Stonehenge WHS and the designated and non-designated heritage assets in that same landscape (Section 7.5.18). We outlined in detail in that submission a range of different approaches to visualisations that we considered would be of assistance in this regard

(Section 7.5.19-29). We therefore welcome the further requests for additional visualisations from the Examining Authority, some of which were produced and submitted at Deadline 3. In examining these new submissions HBMCE remain in discussion with Highways England regarding our own requests and anticipate being able to update the Examining Authority shortly on the results of these discussions. Our requests relate to the need to assess the impact of the Scheme on the WHS landscape as a whole beyond the specific views identified to express OUV as produced in the Applicant's Settings Assessment (Appendix 6.9 Figures 1-24) and this is reflected in the Examining Authority's own requests for further visualisations and representations of the Scheme.

9.2.2. Our approach to the assessment of visual effects on the historic environment considers heritage assets as receptors in their own right regardless of the level of public access. This is set out in HBMCE's Good Practice in Planning Advice Note 3 on The Setting of Heritage Assets (pages 2 and 4).

9.3. Landscape Scheme: Production and agreement prior to submission and how it will be secured under the DCO

9.3.1. In HBMCE's Written Representations we advised that Stonehenge and the Salisbury Plain together have a strong sense of place and history, and that the Stonehenge monument and its WHS landscape is an internationally recognised symbol of Britain. Its international significance cannot be overemphasised as one of the best-known and best-loved monuments in the world (paragraph 5.5.7). As part of the discussions during the session it was noted that there should be a timetable for implementation of the landscaping scheme so that its production was not left until the end of the construction programme. HBMCE also advised that the dDCO would need defined parameters with regard to the impact and referred to requirement 8 of the DCO together with the Environmental Masterplan which we would advise on in due course. We

therefore expected that this would be picked up in the next iteration of the dDCO.

9.3.2. In addition to this, HBMCE noted the discussion in the Hearing regarding the OEMP (which has a bearing on landscape). Our comments on the latest draft of this document are included alongside this summary of our oral submissions at Deadline 4 which follow on from those in our Written Representations (Section 7.6.123 – 131). We will continue to engage with Highways England on the further development of this document and in addition in relation to the OLEMP.

10.EFFECTS ON LANDSCAPE CHARACTER

Examining Authority's Agenda Questions

- i. Effects overall on the spatial character of the World Heritage Site (WHS) landscape ('a landscape without parallel') during construction and operation.**
- ii. Effects on particular landscape receptors.**
- iii. The effects on tranquillity during construction and operation.**

10.1. HBMCE did not provide detailed oral submissions under this section of the agenda, bearing in mind the Examining Authority's reminder that there was no need to repeat the points that were already made in Written Representations. Therefore we would refer the Examining Authority to the relevant sections of our Written Representations as set out below.

10.2. HBCME discussed the importance of the distribution of the monuments within the landscape in our Written Representations (Section 5.3.12, 5.4.3-4, 5.7.9) including in relation to the influence on its spatial character with reference to the natural landscape. We remain in discussion with Highways England regarding the assessment of the significance of this spatial distribution in relation to both the design of the Scheme through the OEMP and the DAMS.

10.3. HBMCE addressed the importance of the tranquillity of the landscape to the sense of place in our Written Representations (Sections 4.8; 5.5.2-3) and in relation to the assessment of noise on the experience of the WHS (Section 6.10.23). This is one of the factors that we are considering in relation to the proposals for temporary as well as the permanent works under the Scheme and remain in discussion with Highways England regarding how this might be minimised through design as well as commitments set out in the OEMP.

10.4. As a heritage body, our focus is on the historic environment. During the hearings we indicated however, that in the case of the Stonehenge WHS, we considered that the approach to landscaping was of importance to that

historic environment due to the intrinsic link between the historic monuments in the WHS and the natural landscape.

10.5. The Stonehenge landscape is defined in the Statement of OUV specifically in relation to prehistoric monuments and sites within the WHS which “together with their settings form landscapes without parallel”. This is primarily because of the relationship between the Neolithic and Bronze Age monuments and the pre-existing landform and with each other and the skies. The value in heritage terms of the landform itself is significantly enhanced as a result of these attributes of OUV and the integrity of the cultural landscape they define. In assessing the impact of the Scheme on the landform it is the effect on the integrity of the cultural landscape created by what we now regard as attributes of OUV because of those spatial, historic and functional relationships that must be considered if the overall impact on the WHS is to be established, not the impact on the landform in isolation from its use and exploitation during and as part of the cultural development of the Neolithic and Bronze Age.

10.6. We have been engaging with Highways England on the landscaping, visual assessment and design aspects of the Scheme including through discussion focused around the OEMP and the development of Design Principles. Those discussions are on-going as set out in our Deadline 4 submission with Comments on the draft OEMP, and we would anticipate being able to update the Examining Authority further in due course.

11. VISUAL EFFECTS

Examining Authority's Agenda Questions

- i. Effects overall on the visual character of the WHS landscape, during construction and operation.**
- ii. Effects on particular visual receptors.**
- iii. The effects on the night sky during construction and operation.**

11.1. HBMCE did not provide detailed oral submissions under this section of the agenda, bearing in mind the Examining Authority's reminder that there was no need to repeat the points that were already made in Written Representations. Therefore we would refer the Examining Authority to the relevant sections of our Written Representations as set out below.

11.2. In relation to the effect on the visual character of the WHS landscape we would refer you to our comments above at 9.2 and as referenced there to our Written Representations. Similarly, we outlined the importance of the night sky in our Written Representations in relation to the Scheme (Sections 5.4.5; 5.7.9; 6.10.20; 7.5.24; 7.6.24,42,50,58,60,75,76,97; 8.8 (f) and (g) and continue to discuss with Highways England the development of commitments and design principles under the OEMP to provide safeguards for the significance derived from this Attribute of OUV to the WHS.

12.ARBORICULTURE

Examining Authority's Agenda Questions

- i. Adequacy of the tree survey**
- ii. Professional judgment on tree categories and whether to fell.**
- iii. Planting scheme – how produced, agreed and secured in the DCO?**
- iv. Assumptions made in photomontages in the absence of a planting scheme.**

12.1. HBMCE did not provide oral submissions under this section of the agenda, bearing in mind the Examining Authority's reminder that there was no need to repeat the points that were already made in Written Representations. Therefore we would refer the Examining Authority to the relevant sections of our Written Representations which advised in relation to the importance of historic tree planting within the setting of the Grade II* registered park and garden of Amesbury House (Section 5.3.29), the implications of the proposed planting scheme at Countess Roundabout (Section 7.6.102) and the need for a clear understanding of the level of mitigation supplied by the planting scheme (Section 7.5.23). . We will continue to discuss these points with Highways England through our continuing meetings regarding the development of the OEMP and also the OLEMP.

13. DESIGN

Examining Authority's Agenda Questions

- i. **The need for an overall vision in such an important scheme and the need to consider the detailed design of critical aspects at an early stage.**
- ii. **Indicative themes in the development of detailed design.**
- iii. **The dangers of leaving the design to the contractor.**
- iv. **The process of design development and agreement with key Stakeholders.**
- v. **Confirmation of the basic dimensions, on which LoDs are based, of key elements of the Proposed Development, for proper assessment of visual effects.**
- vi. **Discussion of OEMP, concerns re process for parameters for design, need imaginative aspects of design, typologies that are appropriate and inappropriate and the sooner this produced the better, not always good to work downwards in scale to the detail, not directive but influence and guide good design, legacy for the site**

13.1. HBMCE understood and concurs with the Examining Authority's indication that there is a need for an overall vision with such an important scheme. The international importance of a World Heritage Site is such that any proposal and design must be of the highest quality, and they should be developed in parallel in the most sensitive way possible securing assurances regarding the process of decision making on elements of design detail and mitigation that cannot be confirmed at an early stage. However, wherever possible, without restricting the opportunity for the contractor to contribute positively in areas where this would be considered beneficial, the development of design details should be brought forward as soon as possible.

13.2. With this in mind HBMCE indicated in the Hearing that we had been engaged in discussions with Highways England alongside Wiltshire Council and other heritage bodies through HMAG in the development of the commitments and design principles set out in the OEMP. At the time of the Hearing we noted that the latest version of that document had not long been submitted and explained that therefore we had been unable to consider it in detail but that discussion remained on-going.

13.3. Our comments on the latest draft of the OEMP are now submitted alongside this summary of our oral submissions at the Issue Specific hearings and we would refer the Examining Authority to that document for further explanation of our approach to the development of Design Principles for the Scheme.

HBCME ORAL SUBMISSIONS PUT AT ISSUE SPECIFIC HEARING ON MATTERS RELATING TO FLOOD RISK, GROUNDWATER PROTECTION, GEOLOGY, LAND CONTAMINATION, WASTE AND MATERIALS MANAGEMENT (11 JUNE 2019)

14. GEOLOGY, GROUND CONDITIONS AND GROUNDWATER FLOWS

(Agenda Item 5)

Examining Authority's Agenda Questions:

- 5.1 Methodology and modelling.**
 - i. Adequacy of ground water testing, monitoring and modelling.**
 - ii. Geophysical survey work.**
 - iii. Availability of data.**

- 5.2 Construction.**
 - i. Vibration and land stability**
 - ii. Voids.**
 - iii. Subsidence.**
 - iv. Slope failure at cuttings.**
 - v. Settlement and compaction of rock.**
 - vi. Dewatering and abstraction.**
 - vii. Monitoring and remediation.**

- 5.3 Long-term effects.**
 - i. Potential creation of diversionary feature (tunnel and associated grout uptake).**
 - ii. Implications for groundwater flows.**
 - iii. Implications for groundwater resources and abstraction.**
 - iv. Monitoring and remediation.**

14.1. HBMCE did not provide oral submissions under this section of the agenda, bearing in mind the Examining Authority's reminder that there was no need to repeat the points that were already made in Written Representations or had been made in previous hearings. Therefore we would refer the Examining Authority to the summary of our oral submissions during the Cultural Heritage hearing above (Section 7). Where the issues covered in the hearing relate to the historic environment HBMCE is continuing discussion with Highways England in relation to the further

development of the DAMS and OEMP and would look to update the Examining Authority on the progress of these discussions in due course.

15. FLOOD RISK AND DRAINAGE (Agenda Item 6)

- 6.1 Updated Flood Risk Assessment and finalised hydrogeological reports (submitted at Deadline 3).**
- 6.2 Drainage strategy during construction.**
 - i. Effect of the River Avon flood plain.**
 - ii. Risk of impact on the rivers Till and Avon.**
 - iii. Adequacy of the Outline Environmental Management Plan (OEMP) [APP-187].**
 - iv. Monitoring (including the necessity for an additional drainage engineer post for Wiltshire Council).**
- 6.3 Wiltshire Council's peer review of the approach to flood risk.**
- 6.4 Climate Change allowances.**
- 6.5 Road drainage strategy.**
 - i. Access, adoption and maintenance responsibilities for drainage infrastructure (including Wiltshire Council).**
 - ii. Modification to strategy and model to remove 359m culvert.**
 - iii. Impounding sump.**
- 6.6 Mitigation and monitoring (effectiveness of Requirement 10 in the draft Development Consent Order (dDCO) and the OEMP).**
- 6.7 Disapplication of legislative provisions and Protective Provisions.**

15.1. HBMCE did not provide oral submissions under this section of the agenda, bearing in mind the Examining Authority's reminder that there was no need to repeat the points that were already made in Written Representations or had been made in previous hearings. Therefore we would refer the Examining Authority to the summary of our oral submissions during the Cultural Heritage hearing above (Section 7).

15.2. In general we noted the discussion amongst other Interested Parties and welcomed the indication from Highways England that they would engage with us as a statutory consultee on matters within our remit in production of the Handover Environmental Management Plan (HEMP) as stated in the OEMP. The level of that engagement remains an issue under discussion with Highways England and we would hope to update the Examining Authority on the progress of that discussion in due course.

16. CONTAMINATION (INCLUDING GROUNDWATER CONTAMINATION) (Agenda Item 7) and WASTE AND MATERIALS MANAGEMENT (Agenda Item 8)

Examining Authority's Agenda Questions:

- 7.1 Excavated materials and tunnel arisings.**
 - i. Treatment of arisings and reuse onsite (including phosphatic chalk).**
 - ii. Effect of groundwater, human and animal health.**
- 7.2 Potential implications of the tunnel boring and grout uptake on groundwater quality.**
- 7.3 Containment and treatment of contaminants (including in the drainage treatment areas).**
- 7.4 Effectiveness of measures to mitigate contamination within the OEMP.**
- 7.5 Previously unidentified contaminated land and groundwater (effective of Requirement 7 in the dDCO and the OEMP).**
- 8.1 Onsite depositing of tunnel arisings.**
 - i. Justification for and implications of depositing some of the tunnel risings on land east of Parsonage Down National Nature Reserve (NNR).**
 - ii. Methodology for the placement of tunnel arisings on land east of Parsonage Down NNR (masterplan, phasing, vehicle movements).**
 - iii. The CL:AIRE Code of Practice (CoP).**
 - iv. Whether the CL:AIRE CoP and the functions of the Qualified Person need to be secured as part of the DCO.**
- 8.2 Offsite disposal of tunnel arisings (under exceptional circumstances).**
 - i. Nature of any exceptional circumstances.**
 - ii. Implications if this arose (the scope of the proposed scheme, vehicle movements, noise and implications for the proposed landscape and ecological mitigation).**
- 8.3 Use of materials (secondary or recycles aggregates).**

16.1. HBMCE did not provide detailed oral submissions under these sections of the agenda, bearing in mind the Examining Authority's reminder that there

was no need to repeat the points that were already made in Written Representations or had been made in previous hearings. Therefore we would refer the Examining Authority to the relevant sections of our Written Representations as set out below.

16.2. In relation to the treatment of the tunnel arisings and their reuse on site we referred the Examining Authority to Sections 7.6.16 of our Written Representations and the series of questions we asked to assist in assessing the effect of this element of the Scheme. Discussions in relation to these questions are on-going with Highways England in relation to the development of the DAMS and we would hope to update the Examining Authority on their progress in due course.

16.3. Discussion with Highways England is also on-going in relation to the development of the DAMS and OEMP in tandem with the strategies for dealing with contaminated land and soil management with respect to archaeological remains to address the issue raised in our Written Representations (Section 7.6.129). We are looking to ensure that the next iteration of both of these documents will demonstrate a coherent environmental management strategy across all these associated documents.

HBCME ORAL SUBMISSIONS PUT AT ISSUE SPECIFIC HEARING ON MATTERS RELATING TO NOISE AND VIBRATION, HEALTH AND WELLBEING (12 JUNE 2019)

17. ENVIRONMENTAL STATEMENT CHAPTER 9 [APP-047] (Agenda Item 4)

- i. Noise assessment in respect of tunnel portals and cuttings.**
- ii. Effect of topography and road levels relative to noise forecasts.**
- iii. Background noise levels ‘do minimum’ and ‘do something’ alternatives.**
- iv. Assessment of tranquillity within the World Heritage Site (WHS).**
- v. Seasonal differences.**

17.1. HBMCE did not provide oral submissions under this section of the agenda, bearing in mind the Examining Authority’s reminder that there was no need to repeat the points that were already made in Written Representations or had been made in previous hearings. Therefore we would refer the Examining Authority to the summary of our oral submissions during the Landscape hearing above (Section 10) and our Written Representations where we addressed the importance of the tranquillity of the landscape to the sense of place (Sections 4.8; 5.5.2-3) and in relation to the assessment of noise on the experience of the WHS (Section 6.10.23). This is one of the factors that we are considering in relation to the proposals for temporary as well as the permanent works under the Scheme and remain in discussion with Highways England regarding how this might be minimised through design as well as commitments set out in the OEMP.

18. NOISE IMPACTS AND MITIGATION MEASURES DURING THE CONSTRUCTION AND OPERATIONAL PERIODS

With particular regard to:

- i. Countess Roundabout, flyover, slip roads.**
- ii. River Till crossing.**
- iii. Tunnel portals and cuttings leading to them.**
- iv. Effects of noise on wildlife, farm animals, livery businesses.**
- v. Effects on Foredown House, Countess Farm, Bowles Hatches, Amesbury Abbey and Abbey Mews, Travelodge.**

18.1. HBMCE did not provide oral submissions under this section of the agenda, bearing in mind the Examining Authority's reminder that there was no need to repeat the points that were already made in Written Representations or had been made in previous hearings. Therefore we would refer the Examining Authority to our Written Representations and in relation to the potential for the Scheme to significantly reduce the noise of traffic within the section of the WHS closest to the Stonehenge monument (Section 7.6.32). HBMCE remains in discussion with Highways England regarding how this potential might be delivered through the design of the cuttings and portals through development of the OEMP.

19.VIBRATION IMPACTS AND MITIGATION MEASURES DURING THE CONSTRUCTION AND OPERATIONAL PERIODS

With particular regard to:

- i. Stonehenge Cottages.**
- ii. River Till.**
- iii. Archaeology, ancient monuments, cultural assets.**

19.1. HBMCE did not provide detailed oral submissions under this section of the agenda, bearing in mind the Examining Authority's reminder that there was no need to repeat the points that were already made in Written Representations or other submissions. In the hearing we clarified that we were in discussion with Highways England regarding our request for additional information mentioned in the Environmental Statement and supporting documentation to understand the potential for vibration to have an effect on scheduled monuments and associated archaeological remains as set out in our Written Representations (Section 7.6.54) and reiterated in our response to the Examining Authority's First Written Questions (Ns 1.15). HBMCE remains in discussion with Highways England regarding the detail of the strategy for archaeological mitigation associated with the tunnel monitoring stations, and how further measures to manage the tunnelling process with appropriate provisions for monitoring can be included in the development of the OEMP.

20.EFFECTS ON WELLBEING AND PUBLIC SECTOR EQUALITY DUTY

- i. Consideration of the cultural importance of the WHS as it affects people's wellbeing.**
- ii. Respect for religious beliefs.**
- iii. Access to WHS.**
- iv. View of the Stones.**

20.1. HBMCE did not provide oral submissions under this section of the agenda, but noted the discussion between other Interested Parties. Therefore we would refer the Examining Authority to our Written Representations on points related to the agenda items above (e.g. Sections 5.5.3; 6.10.23) and more generally regarding the experience of the WHS (e.g. Sections 5.4.6).

21. MITIGATION AND MONITORING

Suitability and effectiveness of measures to mitigate significant adverse impacts, including:

- i. Working hours.**
- ii. Barriers for compounds.**
- iii. Screens at River Till and Countess Roundabout.**
- iv. Finish to portals and cuttings.**
- v. Effectiveness of details within draft Development Consent Order (dDCO), Outline Environmental Management Plan (OEMP) [APP-187] and contractual obligations.**

21.1. HBMCE did not provide oral submissions under this section of the agenda, bearing in mind the Examining Authority's reminder that there was no need to repeat the points that were already made in Written Representations or had been made in previous hearings. Therefore we would refer the Examining Authority to the summary of our oral submissions during the Cultural Heritage hearing above (Section 10) and our comments on the latest draft of the OEMP submitted at Deadline 3. The effective management of noise within the WHS and its setting as well as within the setting of other designated heritage assets is one of the factors that we are considering in relation to the proposals for temporary as well as the permanent works under the Scheme and remain in discussion with Highways England regarding how appropriate measures might be included in the OEMP both to minimise temporary and permanent noise effects through careful design.

HBCME ORAL SUBMISSIONS PUT AT ISSUE SPECIFIC HEARING ON MATTERS RELATING TO TRAFFIC AND TRANSPORT (13 JUNE 2019)

22. PUBLIC RIGHTS OF WAY (PRoW) (Agenda Item 4)

Examining Authority's Agenda Questions

- 4.1 SLAN3 - suggested need for safe crossing of A303 at western end of scheme at Yarnbury Castle.**
- 4.2 Proposed new restricted byway with agricultural access to tie in with SLAN3 north of the A303 [APP-009, Ref B].**
- 4.3 Need for and location of Green Bridge 1.**
- 4.4 Proposed new route, part byway open to all traffic (BOAT) and part restricted byway along the southern side of the A303 to tie in with SLAN3 [APP-009, Refs A and D].**
- 4.5 New BOAT to tie in with WST06B and need for/ location of Green Bridge 2 [APP-009, Ref F].**
- 4.6 Proposed new bridleway from Winterbourne Stoke to Longbarrow junction, north of existing A303 and continuation to connect with restricted byway within the World Heritage Site via Green Bridge 4 [APP-009, Refs Y and Z].**
- 4.7 Crossing arrangements for non-motorised users (NMUs) at Longbarrow junction.**
- 4.8 Siting of Green Bridge 4.**
- 4.9 Omission of link for motorised users along route of existing A303 between AMES11 and AMES12 from Proposed Development.**
- 4.10 Legal implications of turning AMES11 into a cul de sac for motorised users.**
- 4.11 Whether the Development Consent Order should include a prohibition of driving order along the section of route between AMES11 and AMES12.**
- 4.12 Implications of these proposals for s130 of the Highways Act 1980, the Public Sector Equality Duty and paragraph 3.19 of the National Policy Statement for National Networks.**
- 4.13 Proposed restricted byway alongside A360 and interaction with Stonehenge Visitor Centre.**

4.14 Proposed stopping-up of AMES1 and new footpath along its route [APP-009, Ref P].

4.15 Treatment of stopped-up Allington Track.

22.1. HBMCE did not provide oral submissions under this section of the agenda, bearing in mind the Examining Authority's reminder that there was no need to repeat the points that were already made in Written Representations, or had been made in previous hearings. Therefore we would refer the Examining Authority to the relevant sections of our Written Representations as set out below or clarifying where we have addressed the issues discussed in other submissions to the Examining Authority.

22.2. A series of four green bridges are proposed across the Scheme. In all cases there is a need to consider the potential impacts as well as the benefits for the historic environment in terms of matters such as landscape integration and provision of access. HBMCE's written submissions have been primarily focused on the location and design of Green Bridge 4 in relation to the current Scheme (principally Sections 7.6.38 – 43). We did not make reference to Green Bridge 1 in our Written Representations as we were aware that the setting of Yarnbury Castle had been taken into account when identifying the location for this element of the Scheme. It is unclear whether the objective to avoid impacts on the significance of Yarnbury Castle as a prominent site in the landscape (as outlined in our Written Representations (Sections 5.3.20 and 7.6.10-13) could be achieved with any alternative location.

22.3. In relation to the location and design aspects of the hearing agenda, HBMCE is continuing to discuss these matters as part of the development of the OEMP and the design principles for the Scheme, a first draft of which was included in the version submitted at Deadline 3 and on which we have commented separately at Deadline 4. Those discussions are focused on how the heritage benefit of the Green Bridge can be maximised through its detailed design. Discussions are also taking account of how enhanced access within the WHS can be provided as part of the Scheme with sensitive

approaches to the design of all PRoWs within or within the settings of designated heritage assets, regardless of the level of access required.

22.4. We are aware that the Scheme includes proposals to address existing rights of way that clip or transect scheduled monuments at the eastern extent of the Order limits in order to re-route access around those monuments. Our comments were provided in our Written Representations (Section 7.6.106) and further discussions with Highways England regarding how these aspects of the Scheme should be detailed are on-going as part of the development of the OEMP.

**23.CONSTRUCTION TRAFFIC (Agenda Item 5) and OPERATIONAL TRAFFIC
(Agenda Item 6)**

Examining Authority's Agenda Questions

- 5.1 Potential for diversions from A303 to alternative routes during the construction phase to affect communities.**
- 5.2 Environmental impacts of construction traffic using internal haul routes.**
- 6.1 Potential for traffic diversion during tunnel closures/emergencies to affect communities.**
- 6.2 Potential for exceptional loads to affect communities.**

23.1. HBMCE did not provide oral submissions under this section of the agenda. We are continuing discussions with Highways England through development of the OEMP regarding how the management of environmental impacts for the historic environment from both temporary haul routes and permanent routes can be appropriately minimised and mitigated.

24.ASSESSMENT OF OTHER SUGGESTED ROUTES (Agenda Item 7)

Examining Authority's Agenda Questions

7.1 Route F010 – through Upper Woodford Valley.

7.2 The 'Parker Route' – Balfour Beatty.

24.1. HBMCE did not provide oral submissions under this section of the agenda, bearing in mind the Examining Authority's reminder that there was no need to repeat the points that were already made in Written Representations, or had been made in previous hearings. Therefore we would refer the Examining Authority to the relevant section of our Written Representations (Appendix 11).

25. We note subsequent to the hearing that the Examining Authority has now issued a procedural decision to vary the examination timetable (letter dated 19 June 2019). The Examining Authority have confirmed their request that Wiltshire Council, the Trail Riders Fellowship and Highways England provide to Deadline 4 written submissions to establish their respective legal positions with regards to the proposed changes to the dDCO. We understand from the hearing that this includes the issue of the link for motorised users along the route of the existing A303 between AMES11 and AMES12. In addition, the Authority has included a new Deadline 4a (5 July 2019) by which Interested Parties are invited to comment on the legal positions established by Wiltshire Council, the Trail Riders Fellowship and the Applicant at Deadline 4. HBMCE will therefore carefully consider these additional representations in detail and look to update the Examining Authority on our position as set out in our Written Representations (Section 7.6.65-71) at Deadline 4a as requested.

26. This concludes the summary of HBMCE's oral submissions put at hearings held between 4 and 14 June 2019.



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Ms Bhakti Depala
City of London
PO Box 270
Guildhall
London
EC2P 2EJ

Direct Dial: 020 7973 3774

Our ref: P00996770

6 December 2018

Dear Ms Depala

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND ADJACENT TO 20 BURY STREET LONDON EC3A 5AX
Application No. 18/01213/FULEIA**

Thank you for your letter of 19 November 2018 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

We have been involved in providing advice on these proposals for several months, and a pre-application design similar to the submitted proposals was considered at this stage by our London Advisory Committee. The advice set out in this letter reflects our earlier pre-application advice to the application, which was informed by the advice of the London Advisory Committee. A summary of that position is set out below.

The proposed building, by virtue of its location, will form the eastern edge of the City's Eastern Cluster of tall buildings. This, combined with its height and form, means that the Eastern Cluster forms a sharp backdrop to the Tower of London when seen in the LVMF view from the north bastion of Tower Bridge. In our view, this sharp contrast, combined with the unusual eye-catching form of the proposed building, reduces the visual dominance of the Tower of London and harms an attribute of its Outstanding Universal Value, namely the Tower's role as a symbol of royal power set apart from the City of London and dominating its strategic riverside setting. We have not seen clear and convincing evidence that this harm would be outweighed by public benefits, and we therefore cannot support the proposals.

Historic England Advice

Significance

The designated heritage asset most affected by the proposals is the Tower of London, which is located around 630 metres south-east of the development site. The Tower is



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one of London's four World Heritage Sites and its significance, history and development are well known and form the basis of its Outstanding Universal Value (OUV). In summary, the OUV is based on a number of attributes, including (but not limited to) its strategic site and function as a fortress and gateway to London, illustrating both the protection and control of the city; the rare survival of a continuously developing ensemble of royal buildings from the 11th to 16th centuries and their symbolism of royal power; the outstanding example of late 11th century Norman military architecture. The Tower is also a Scheduled Monument containing a number of highly graded listed buildings and is within a conservation area.

The LVMF views from the North Bastion of Tower Bridge (10A.1) and Queen's Walk (25A.1) illustrate the Tower's setting and many of its attributes of OUV, including its role as a symbol of royal power set apart from the City of London. View 10A.1, more than any other, clearly shows the Tower's relationship with the developing Eastern Cluster. In this view, the Tower's strategic position along the river is clearly illustrated. As it has done for centuries, the Tower dominates its immediate riverside setting, but the towering modern (existing and consented) buildings of the Eastern Cluster rise sharply to the west. The visual contrast between the modern City of London and the historic Tower has been established for decades, but has intensified in recent years as the Eastern Cluster becomes taller and denser. The contrast is particularly notable in this view, which shows the City and Tower in close juxtaposition. View 25A.1 is from Queen's Walk on the South Bank further to the west. It shows the Eastern Cluster from the river, with the Tower noticeably further to the east. The Tower's OUV attribute of being set apart from the City of London is clearly illustrated in this view.

Proposals

The project is being financed by the current owner of 30 St. Mary Axe. The intention is to create a viable new visitor attraction in the City of London principally for the enjoyment of high level views over London. The proposals have been designed by Foster + Partners as a glazed 'tulip-shaped' pod atop a narrow concrete lift shaft. The height of the top of the pod will, at 305.3m AOD, match the height of the consented building at 1 Undershaft, which will be the tallest building in the City of London (only slightly lower than the Shard across the river in Southwark). The pod contains 12 floors of varying size and form. Level 3 will be used for educational use, and the top floors for bar and restaurants. The middle floors will be dedicated for the visitor experience of viewing and learning about London, its history and development. These floors will be set back from the glazed elevation, with a 'floating' skybridge walkway along the inside perimeter at level 4. The middle floors will be accessed by paid-for ticket holders and used for private events.

Policy

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a statutory duty on planning authorities to consider the impact of proposals upon listed buildings and their settings.



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Government guidance on how to carry out this duty is found in the National Planning Policy Framework (NPPF). At the heart of the framework is a presumption in favour of 'sustainable development' where protecting and enhancing the built and historic environment forms part of one of the three overarching interdependent objectives (economic, social and environmental).

Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced, and makes it clear at paragraph 193 that when considering the impact of a proposed development on a heritage asset (which includes its setting), local planning authorities should give 'great weight' to preserving the asset's significance. Any harm or loss should require clear and convincing justification and substantial harm or total loss should be exceptional. In the case of Grade II* or Grade I listed or registered assets or World Heritage Sites, substantial harm or loss should be wholly exceptional (paragraph 194).

Where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial. If the harm is deemed to be less than substantial, paragraph 196 of the NPPF requires that harm to be weighed against the public benefits of the proposals.

If the harm is substantial, or results in a total loss of significance, paragraph 195 states that local authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or all four of the following criteria apply: a: The nature of the heritage asset prevents all reasonable uses of the site; and b: No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c: Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and d: The harm or loss is outweighed by the benefit of bringing the site back into use.

Policies in the London Plan for the protection of London's heritage are set out in 7.8-7.12. Between December 2017 and March 2018, the Mayor of London consulted on a new draft London Plan. This included policies on design, heritage and tall buildings. The following draft policies are relevant: Policy D8 (B) requires that tall buildings should be part of a plan-led approach; Parts C1 (a) (i) of the same policy relate to visual impacts on important local or strategic views; C1 (d) requires proposals to 'take account of, and avoid harm to, the significance of London's heritage assets and their settings'; C1 (e) provides policy protection for the Outstanding Universal Value of World Heritage Sites and C1 (f) gives protection to views from the River Thames. In March 2012 the GLA adopted 'London's World Heritage Sites-Guidance on Settings' as Supplementary Planning Guidance. The document includes a framework for assessing the potential impact of development on the setting and OUV of World Heritage Sites and assets within those sites.



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Notwithstanding the policy and guidance framework described above, it should be noted that the World Heritage Committee and its cultural heritage advisor ICOMOS (the international body based in Paris) interpret the World Heritage Convention in a way that places great weight on the need to avoid any harm to OUV. Only if it is clear that proposed development is essential and cannot occur without harm to OUV does ICOMOS concede in its 2011 Guidance on Heritage Impact Assessment that balancing harm against benefit is acceptable.

Position

The gradual intensification and densification of the Eastern Cluster of tall buildings has changed the visual relationship between the City and the Tower of London WHS in some views. The proposals will further change this relationship, creating a vertical 'cliff edge' to the Eastern Cluster when viewed from the north bastion of Tower Bridge (LVMF 10A.1), while the unusual form of the building, intended to be eye-catching, draws attention away from the Tower. In our view, the proposed new building would change the relationship between City and Tower to such an extent that the Eastern Cluster begins to visually challenge the dominance and strategic position of the Tower (both attributes of OUV), thereby causing harm to its significance.

This harm is primarily experienced in one view, but it is the view that best illustrates the relationship between the Tower and the City of London and thereby the attribute of OUV that relates to the strategic and dominant position along the river, set apart from the mercantile City. The proposed building would diminish the sense of dominance of the Tower, resulting in harm to the significance of the World Heritage Site.

A further impact on the significance of the Tower occurs in the view from the Inner Ward towards the Chapel Royal of St. Peter ad Vincula. Here, the top of the 'Tulip' would be visible above the roofline of the Chapel, adding to the modern visual intrusions of the tall buildings at 22 Bishopsgate (under construction) and 1 Undershaft (consented) above the chapel roofline when these buildings are completed. The appearance of modern tall buildings above this roofline causes harm, as it diminishes the self-contained ensemble of historic buildings currently largely unimpeded by signs of the modern city beyond. This is not a pristine view, but each time a new building appears in the view, it contributes to a diminution of the impact of the sense of history in this special place. Our view is that the harm here is less than substantial.

We also note that there are already viewing platforms in the City of London, including of course Wren's historic Monument, with which the proposed new development would compete.

NPPF policy states that any harm to the significance of a designated heritage asset should require clear and convincing justification (paragraph 194). In cases where proposals lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal (paragraph 196).

Recommendation

Historic England objects to the application on heritage grounds.





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It is for your authority to weigh the harm identified above against any public benefits of the scheme when they consider formal applications. We also urge you to consider the documents submitted with the application to ensure that the Historic Impact Assessment is in accordance with ICOMOS guidance.

Based on the documents submitted with the application, Historic England is not convinced that the harm to the significance of the Tower of London, a World Heritage Site of international importance, could be outweighed by public benefits. We have informed the DCMS of our position, and understand that they intend to send a paragraph 172 notification to the World Heritage Centre.

This response relates to designated heritage assets only. If the proposals meet the Greater London Archaeological Advisory Service's published consultation criteria we recommend that you seek their view as specialist archaeological adviser to the local planning authority.

The full GLAAS consultation criteria are on our webpage at the following link:

<https://www.historicengland.org.uk/services-skills/our-planning-services/greater-london-archaeology-advisory-service/our-advice/>

Yours sincerely



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