

Concerning Wiltshire Council's proposal to change the DCO in order to effect a ban on all motorised vehicles (except motorcycles) across existing Public Rights of Way (BOATs) within the World Heritage Site.

Simon Banton 4th July 2019

Wiltshire Council is attempting to use the Development Consent Order to achieve an outcome that has previously been rejected - in one instance by an Inspector at a public enquiry and in another by the High Court.

The outcome they seek is the imposition of a Traffic Regulation Order prohibiting motor vehicles (except motorcycles) from using any Byways Open to All Traffic within the World Heritage site, comprising these routes:

(1) Larkhill Willoughby Road junction with Fargo Road via Durrington 10, Amesbury 12, Wilsford cum Lake 1, Berwick St. James 11 and Woodford 16 to the A360.

(2) Lake Village via Wilsford cum Lake 2 and Amesbury 11 to the A303.

The suggested change is recognised as "material" by Wiltshire Council at para 6.2.15 in the document "*Wiltshire Council (A303-AFP022) Written Summaries of Oral Submissions put at the Issue Specific Hearings held between 4 and 14 June 2019*" but claims that adequate consultation could be carried out ahead of a hearing date sometime in August.

This claim is absurd.

The change proposed is not only material, it is fundamental.

In the original non-Statutory consultation responses Highways England repeatedly stated that byways within the World Heritage Site would be unaffected.

For example, in the document "*Consultation Report Volume 1 - A303 Stonehenge, Amesbury to Berwick Down I HE551506*"

Page 58: Traffic and Transport

Issue: "Wish for existing access and public Rights-of-Way to be maintained; this includes concerns that byway access may be restricted by the proposals"

Response: "**Rights-of-way affected by the scheme will be maintained.**"

These rights-of-way will remain in the jurisdiction of Wiltshire Council and there will be close liaison with the Council to agree how they can be best maintained and improved **for all users**. Discussions will also be held with affected parties to determine how all local accesses can be best maintained”

Page 96: Legacy

Issue: “Proposal to leave the byway past the stones open for locals to access by motor vehicles”

Response: “**The scheme proposals will accommodate all existing byways and rights-of-way (inside or outside the WHS) remaining in use according to their existing status**”

Page 168: Need

Issue: “Maintain connectivity to all rights-of-way with their current status, including retained motorised access between Amesbury Byways 11 & 12.”

Response: “**Maintaining connectivity to and between existing rights-of-way will be a key consideration in the continuing development of the scheme**. Relevant details will be presented at the next consultation stage on the scheme.”

Page 187: Traffic and Transport

Issue: “Proposal to downgrade byways 11 and 12 to a restricted byway, connected by the green byway, to avoid unsociable behaviour.”

Response: “Such a proposal would be for Wiltshire Council to consider as the responsible authority. **The proposal falls outside the scope of the scheme**”

Moreover, in the report on the subsequent Supplementary Consultation, detailed in Chapter 6 of TR010025-000179-5-1-Consultation-Report.pdf “*A303 Amesbury to Berwick Down TR010025 5.1 Consultation Report*” these points were reiterated repeatedly in response to consultee issues.

Page 6-28 Table 6-19 Summary of comments made on removing the previously proposed link between Byways 11 and 12 and Highways England response

Ref Num BY#2

Comment: “I don’t agree with removing the link”

Response: "Removal of the previously proposed byway link will avoid adverse impacts on the Normanton Down barrow group and will help achieve the scheme's objective to remove the sight and sound of traffic from much of the WHS landscape, a key aspiration also of the WHS Management Plan. **The designated BOAT status of AMES11 (Byway 11) and AMES12 (Byway 12) will not be affected by the scheme**, and non-motorised access between the two will be via the new restricted byway to be created along the old A303 through the WHS"

Ref Num By#12

Comment: "If you are removing this link, then all BOATS in the Stonehenge area should be closed to MPVs"

Response: "The remit of the scheme is to ensure the existing byway network is maintained in a satisfactory manner rather than changing the status of the BOATS in the WHS. **Changing the status of the existing BOATS is beyond the scope of the scheme** and is a matter for Wiltshire Council to consider as the responsible local highway authority"

Page 6-55 Table 6-1: Summary of other matters raised during supplementary consultation

Ref Num G#24

Comment: "Do not close Byways 11 and 12"

Response: "**Byway 12 is not being closed or altered as part of the scheme**. Byway 11 will be stopped up for motorised use where it currently joins the existing A303 in order to avoid vehicles running between Byways 11 and 12 along the old A303 in close proximity to Stonehenge, to the detriment of the monument's setting. MPV's seeking access between Byways 11 and 12 will have to use the public highway network. Non- motorised users will be able to link between Byways 11 and 12 via the new public right of way being created along the old A303 through the WHS."

Ref Num G#94

Comment: "The needs of motorised user groups are not being considered"

Response: "The needs of motorised user groups have been considered in forming the Scheme's proposals. **No byways open to all traffic (BOATs) are being removed** and a new BOAT on the line of the old A303 to the west of Winterbourne Stoke is included to provide connection between Winterbourne Stoke and BSJA3. **The only change is in the WHS where Byway 11 will no**

longer be a through route because the old A303 will become a restricted byway in support of the aim to remove the sight and sound of traffic from the Stonehenge landscape”

Highways England reported that there were almost 5,000 responses to the non-Statutory Consultation on the whole A303 Tunnel plan.

They also reported that there were nearly 3,500 responses to the Supplementary Consultation which addressed only 3 (allegedly minor) issues - one of which was the suggested removal of the originally proposed link between Amesbury 11 and Amesbury 12.

The Supplementary Consultation on its own managed to garner a response rate that is nearly 70% of that of the original consultation, and it did so having had far less publicity and only two public open days - neither of which attempted to engage the wider public beyond the immediate locality, in contrast to the open days for the original consultation.

I submit that had the original consultation included a section detailing a plan to remove all vehicular access to the public rights of way network within the World Heritage Site, and the impact that would have, then the responses to that consultation would have been likely to have been markedly different.

As an indication of the strength of feeling against removal of vehicular access to the BOATs in the World Heritage Site, the Trail Riders Fellowship were able to quickly raise over £20,000 to challenge Wiltshire Council’s imposition of the Experimental Traffic Regulation Order in late 2018.

Perhaps the success of the TRF is why Wiltshire Council has now sought to introduce a new concept in Rights of Way law - that of Byways Open to All Traffic that Doesn’t Have Four or More Wheels, by exempting motorcycles from their proposal.

If Highways England, or the Examining Authority, or the Secretary of State choose to accept Wiltshire Council’s proposal, then it is clear that the initial and supplementary consultation process results would be wholly invalidated.

The plan upon which the public were invited to express their views would have fundamentally changed. Up until this point, repeated reassurances as to the preservation of the existing BOATs have been given, which will have led many people to believe that - if, and once, the tunnel is built - they would still be able to enjoy access through the WHS via motorised vehicle along the PRow network.

The prospect now facing everyone is the total removal of any opportunity to gain access through the WHS by motorised vehicle (except motorcycles).

Furthermore, it represents the removal of any way to view Stonehenge without paying English Heritage for the privilege, and it will only be available during the opening times of the visitor centre. The only alternative is to undertake a long walk from one of the few available parking areas on the border of the area.

Failure to go back to the public with the same level of detail and engagement as the original and supplementary consultation processes therefore denies the proper expression of views about the revised tunnel project as a whole.

Impact

Wiltshire Council claim, in para 5.4.3 of *“Wiltshire Council (A303-AFP022) Written Summaries of Oral Submissions put at the Issue Specific Hearings held between 4 and 14 June 2019”* that:

“Paid for car parking would be available at the Visitor’s Centre, and whilst acknowledged that not everybody wants to pay, it is not discriminatory as the charges apply to everybody. Alternatively, people could find somewhere nearby to park, i.e. in Larkhill, and walk to monument. The distance from both locations to the Stones is approximately 2km so is an acceptable distance to walk, and one that mobility scooters are fully capable of achieving in much the same time as a person could walk, so there would still be the ability to see the Stones by those with protected characteristics.”

The first sentence is untrue. Certain classes of people do not have to pay for parking: EH and NT members, local residents, corporate and affiliate members.

In the second sentence, Wiltshire Council are actually encouraging fly parking on unadopted roads that belong to the MoD - not the council - in Larkhill. Upon what authority are Wiltshire Council making this recommendation?

Sentence 3 massively underestimates the distance from the nearest allowable parking in Larkhill (in front of the Packway shops) to the monument as “approximately 2km”. In fact it is closer to 3km. From Woodhenge car park or the centre of Amesbury the shortest achievable distance is 3.7km - longer if you are unfamiliar with the routes across the landscape rather than those walkable by road and track. Those are one-way measurements, so round trips on foot are 6km (3.75 miles) or 7.4km (4.6 miles) respectively.

Sentence 3 goes on to assume that everyone who is not perfectly physically fit has a fully charged, all-terrain, mobility scooter at their disposal. This is obviously a ludicrous assertion to make.

Taken together, para 5.4.3 demonstrates that Wiltshire Council has given absolutely no thought at all to the impact that their proposal would have on the elderly, families with babies or young children, the disabled or anyone else who might have difficulty in walking long distances when it comes to accessing the Stonehenge landscape. There are no toilets along these routes, neither are there any benches or other seats, nor is there much shade or shelter from the weather.

The English Heritage car park is only available during the opening hours of the visitor centre, but Stonehenge is not a monument that is always best viewed between 9am and 8pm in summer time. Part of the OUV of the WHS relates to the interrelationship between the landscape and the skyscape and critical aspects of this are - quite obviously - only visible either during the night or at dawn and sunset.

Closing off vehicular access to the BOATs prevents the appreciation of these aspects of OUV to all but the physically fit individual prepared to walk long distances - sometimes in the dark, laden with equipment (tripods, cameras, surveying tools &c). Very few researchers, interested parties or members of the public are able to persuade EH to facilitate out-of-hours access in the way that others, such as universities, media organisations or dance music DJs can.



Summer Solstice Sunset alignment
(unknown until recognised by Prof. Gordon Freeman in 1995)



Winter Solstice Sunrise alignment
(unknown until recognised by Prof. Gordon Freeman in 1995)

The preceding two photographs were both taken by me, out of hours, from positions in the landscape around Stonehenge that are accessible from Amesbury 12 byway.

Without vehicular access, it would have been practically impossible for me to collaborate with and confirm Prof. Freeman's research as the nature of the work requires the ability to take advantage of good weather conditions on the spur of the moment. Prof. Freeman was in his mid-80s when I met him during his last visit to England in 2014, and he would have been wholly unable to undertake the necessary long walks.

There are innumerable examples of photos of Stonehenge taken by members of the public, out of hours, from the byways across the WHS that are discoverable online (example: Google image search for "sunrise stonehenge mist") and highlight exactly why it is vital that the casual encounter with the monument is not removed.

The issue of camping on the BOATs is raised by Wiltshire Council, and yet this is a problem that already has a solution - being the proper enforcement of existing laws and bylaws by the responsible authority - Wiltshire Council itself.

Wiltshire Council recently point-blank refused to act on a complaint from the public relating to Durrington 10. The tenant farmer, with the agreement of the landowner but without the authority of a Definitive Map Modification Order, installed new fencing that reduced the width of the BOAT to 6m when it is defined to be 12.2m wide in the Definitive Statement - a clear breach of the law.

The Council's repeated failure to enforce existing legislation, along with their ongoing failure to maintain the BOATs in good order is not an adequate reason to seek to apply a blanket ban on motorised users of the PRow network.

Neither is the projected level of traffic along the PRow network in the WHS once the tunnel is built (an unknowable factor at this stage) a valid reason, when ever-increasing numbers of bus shuttle journeys are made each day to and from the Visitor Centre.

Wiltshire Council's request to shoehorn their twice-failed ban on motorised vehicles into the DCO looks like an attempt to subvert the process to cover up for their own inadequacies to date.

I sincerely hope that the ExA will take a dim view of being made use of in this way, and therefore I urge you not to accept their proposed change.

If it is accepted, I fear that the way is open to legal challenges over the validity of the whole consultation process to date.

Simon Banton