

**Issue Specific Hearing 9 Traffic and Transportation 22 August 2019**

**City Hall, Malthouse Lane, Salisbury, SP2 7TU**

I am Lois Lloyd, an Archdruid of the Astronumerical Druid Order and of Sacred Grove Western Isles. I also speak on behalf of the pressure group Open Access to Stonehenge I request the right to reserve comment on the Agenda items 3.1 to 3.7 in the event that further information is provided by the Applicant or TRF in the course of this and subsequent Hearings.

**3.8 NMC-06: Amendment to Public Right of Way (PRoW) to Stonehenge visitor centre (only to be pursued if agreement can be reached with landowner without recourse to Compulsory Acquisition).**

and

**3.9 Merits of original proposal for new restricted byway alongside A360, in the event that NMC-06 cannot proceed.**

3.8 3.9 Reinstatement of full ProW rights and without reduction in length or width nor loss of full public amenity must be assured by all those concerned. Any alteration in direction or any other deviations resulting in loss of any ProW in the WHS must be the subject of public consultation.

**4. TRAIL RIDERS FELLOWSHIP'S (TRF) PROPOSED CHANGES [REP4-058]**

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010025/TR010025-001156-Brain%20Chase%20Coles%20on%20behalf%20of%20Margaret%20Stevenson%20-%20Written%20Summaries%20of%20Oral%20Representation.pdf>

**4.1 Amendment 1: To avoid extinguishment of link between byways AMES11 and AMES12 – Amend Part 1 of Schedule 3 of the draft Development Consent Order (dDCO) to create a new length of Byway Open to All Traffic (BOAT) between AMES11 and AMES12. Alternatively amend the extent of stopping up of the A303 in Part 1 of Schedule 3 of the dDCO so that it does not stop up the road between the byways and specifies a width.**

We do not want the A303 grassed nor restricted, so either of these suggestions in Amendment 1 are preferable to losing the link completely. Networks of byways work as they are joined together.

**4.2 Amendment 2: To ensure motorcycle-only use of the link; prohibition of use by motorised vehicles except for invalid carriages and two-wheeled motor vehicles.**

and

**4.3 Amendment 3: To retain use of the A303 for small capacity vehicles i.e. creation of a BOAT rather than a restricted byway, subject to a prohibition of vehicles, except motorcycles with a capacity of less than 50cc.**

and

**4.4 Amendment 4: To retain use of the A303 for motorcycles only.**

These 4.2. 4.3. 4.4 are not equitable and we will Object on all applicable grounds of discrimination. Wiltshire Council appeared to consider everyone can use a motorised disability scooter, or even afford one, or even get one out of a vehicle let alone suffer the pain and exhaustion of bouncing and bumping along their unmanaged, unmaintained, uneven surfaces which Blue Badge car drivers find very difficult and many able bodied van owners complain of damage due to immense potholes and sharp flints. You have to drive very slowly and carefully unless you are in a farm land rover or tractor. Using a scooter or wheelchair or any type on that surface would be unbearable and impossible to many disabled.

#### **4.5 Materiality of the TRF's proposed changes.**

Amendment 1 would appear not to be a material change in the avoidance of losing the link and the creation if necessary, of a new joining of both BOATs 11 and 12: there was a link in place, only the siting/design will be different.

#### **4.6 Evidence of harm to cultural heritage, landscape, tranquillity and other potential impacts arising from proposed changes.**

I refer to all my previous Submissions where I clearly state any proposed changes to the historical landscape and reduction in equitable access have obvious detrimental effects on all these aspects and will gravely reduce the qualitative experience of many Stonehenge users, community and pilgrims.

**4.7 Evidence of benefits/ need for the TRF's proposed changes.** Please note our comments under other numbered items and Any Other Matters.

#### **4.8 Implications of omitting link for motorised traffic and specifically motorcycles between byways AMES11 and AMES12 for European Convention on Human Rights Articles 9 and 14 and the Equality Act 2010, with particular regard to disability discrimination.**

##### **Disability discrimination**

We Object to any attempt to restrict the free traffic movement between any WHS Byways Open to All Traffic especially BOAT 11 and BOAT 12 and consider BOAT 12 must be extended from its present junction with A303, to Longbarrow roundabout without any restrictions and remain a BOAT as it is now. BOAT 11 should also retain its status without restrictions with the link as described elsewhere. As referred to in my previous Submissions, any attempt to reduce equitable access will be vigorously challenged via UK and International laws with particular regard to disability discrimination.

Implying a blanket Gating Order via an Experimental TRO disadvantages everyone equally is to completely denigrate the particular needs of a disabled car user when compared to an able-bodied car user.

Not everyone has a Blue Badge, some are temporarily disabled and need the security of their vehicle very near to them to enable them to cope with a short walk with rests to enjoy the free National Trust Lands and Stonehenge Permissive Path. Vehicles enable autistic sanctuary, privacy for use of medication and changing dressings, resting flat, avoiding alarming strangers in crowded buses and oxygen bottle use.

Yet we keep being told TROs are about traffic management and they must not remove public amenity nor highway rights.

##### **Assumptions as to how a strategy will work in practice**

One instance, amongst many, of misunderstanding the Stonehenge landscape is the really concerning plan to remove the link between BOAT 11 and 12 showing complete ignorance of the viewability of the droves from the Stones in that a dead end cul-de-sac could be actually thought a better plan? I refer to the TRF item 20 'Written Summary of Oral Submissions from ISH held on 13th June 2019 and suggested amendments to the draft DCO (dated 21.06.19) '

What reasoning is behind this and why was this considered to be preferable to traffic moving past and away rather than constantly stopping in full view of those paying to visit the Stones, then to have to turn around and repeat their journey back again? Difficult to know which is more bizarre, creating double journeys in a space the Applicant is principally aiming to reduce traffic, or them blithely suggesting a five-mile detour through local villages for motorcycles and the rest of us?

#### **4.9 Safety considerations.**

If the tunnel or Larkhill end of BOAT 12 is closed for any reason by MOD/DIA, Longbarrow will be the only public vehicle access point and a legal Health & Safety necessity since anything obstructing the in-situ 344 with permanent TRO then BOAT 12 will be the only safety exit, especially should a terror incident occur at Summer Solstice when armed police are now regularly present or in or near the tunnel, it being in the middle of the UK major military establishments and we have been on Severe Alert for a substantial period now and Critical twice since 2017 <https://www.mi5.gov.uk/threat-levels> We have no idea what levels we will be at post Brexit but my experience tells me that Critical will be most likely if there is a No Deal or attempt to bypass Parliament: the ExA no doubt will take expert advice on that aspect.

The High Court Judge Swift reminded Wiltshire Council in December 2018 of their duty to consult all users of BOATs especially if needing to be used in an emergency, and there may also be cost implications for utility services where diversion of their apparatus is required as per recent problems with a gas supplier.

#### **4.10 Implications of omitting proposed link for s136(i) of the Planning Act 2008, s130 of the Highways Act 1980 and para 5.185 of the National Policy Statement for National Networks.**

The National Networks NPS includes "other public rights of way" see para.5.184 re countryside recreation bearing in mind that anyone considering such promotion should be very careful of only suggesting able bodied activities without full and in depth enabling of equitable access for those who need vehicles with four wheels in order to move about once they leave their homes; there appears to be a preponderance of referrals to able bodied access.

Any attempt to reduce and decimate the networks of the UKs byways is counterproductive to government social policies for all people to access the countryside as easily as possible.

#### **4.11 Evidence of benefits/ need for the Highways England's proposed restricted byway along the route of the A303 from Longbarrow to Stonehenge Road.**

We do not agree with and Object to any restrictions on the A303 whatever it becomes and as many locals have indicated should remain open for local traffic use and emergency access in case the tunnel, if it is in place, is closed for any reason.

### **ANY OTHER MATTERS**

#### **Previous Stonehenge related Planning Applications and disability access provision**

I would respectfully request the ExA to consider the background of WHS Stonehenge previous planning processes and community interaction. During this current process I have been asked by the ExA why few of the countless Stonehenge Community of pilgrims, festival goers and travellers have engaged with this Inquiry in Public. I explained historical events had caused irreparable rifts with WHS authorities, and the communities' 'Wellbeing' had been violently ignored too many times to trust the process now, I was doing my best to represent them.

I wish to mention here why there is little faith in those communities in what an Applicant presents now, as from our experience of many years we can expect it to alter after any Decision is made, costs to quadruple, designs change, parking increase and for most promises to be forgotten, especially on equitable access.

I was involved fully in the 2009-11 Stonehenge Visitor Centre planning application and cross examined at the subsequent public inquiry relating to the proposed permanent Traffic Regulatory Order on the WHS BOATs.

The reasoning of the applicants, (then Wiltshire Council, English Heritage and other WHS stakeholders,) is the same now and mostly as the present Applicant, Highways England now:

1. no public four wheeled vehicles,
2. no equitable amenity for those who unable to walk miles, or needing the refuge of their own vehicles,
3. no consideration of what regular provision there might be for disabled visitors and pilgrims when the Visitor Centre is closed, ergo absolutely nothing after 5pm especially hours of darkness!
4. there were supposed to be disabled parking spaces near the Stones, there are none.
5. there was supposed to be a reinforced walkway for able bodied and ambulant disabled from the Visitor Centre across the grass to the Stones across National Trust land to save people dodging English Heritage buses, that did not happen either, disregarding Health & Safety!
6. On opening, the Visitor Centre were supposed to provide disabled accessible buses, but we had to struggle for years to get drop decked access. Even now, after 5 pm, there is no disabled access to the Stones area, nor the droves and BOATS because the 344 is shut; the BOATs are all there is.

### **Quantity over Quality?**

The Applicant, in their replies to TRF (and in fact to most of us who have a different view to the Applicant and Wiltshire Council), keep referring to quantitative evidence rather than qualitative measurements, as if there are not enough motorcycles or other considerations to make a difference to any evidence the Applicant thinks is relevant to this awaited Decision regarding access and public amenity.

Extrapolated further in this exercise, where quantity overrules quality, in a natural progression of expectation encompassing anything that is not a tunnel or vehicle on the A303, that would also appear to be the reaction to the Applicant's quantitative assessment of equitable access by those with disability requirements. In other words, the qualitative and specific statutorily protected needs of those groups of users don't appear to hit the quantitative high bar when compared to untold numbers of vehicles using the proposed new road, ergo:

Not enough disabled

Not enough motorcycles

Not enough Stonehenge community users

Not enough users during hours when Stonehenge Visitor Centre is not open

Not enough archaeologists incensed at the damage threatened to Blick Mead and the Stonehenge Landscape

Not enough farmers, tenants or landowners with a CPO

Not enough worldwide organisations with influence from those in high positions of knowledge and research such as ICOMOS or UNESCO

What there is enough of is vague unseen research that is dropped into Hearings, and replies to our Submissions, in order to nullify or at best, sideline, any qualitative objections or needs from the above groups and of concerned Stonehenge supporters and attendees.

## **Transparency & clear online information; accuracy of project data; availability & retrieval**

I would respectfully draw the attention of the ExA to the lack of easy and clear public access to provable facts from the Applicant throughout this process, especially for those who find the process confusing, and do not know which online document might provide what information.

Is the Applicant sure of their facts? Have they changed their minds after evidence Submitted at Hearings? How do we know? Why are there no updated site assessments or easy to find summaries if there are any: if there are some where are they? Many documents are not responding to 'Find' searches and some people may have to 'Save' a document before being able to use 'Find' even if you know what the term is – not everyone is aware of planning terms.

Eventually I found these published 19<sup>th</sup> August 2019, (that is today as I type this), under Additional Submissions, which I thought might hold some late info, but these contain Tracked Changes, I cannot find a previous note of these?

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-001524-8.11%20\(Rev%203\)%20%E2%80%93%20Draft%20Detailed%20ArchaeologicalMitigation%20Strategy%20\(DAMS\)%20-%20Tracked%20Changes.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-001524-8.11%20(Rev%203)%20%E2%80%93%20Draft%20Detailed%20ArchaeologicalMitigation%20Strategy%20(DAMS)%20-%20Tracked%20Changes.pdf)

There have been vague referrals to 'tunnel project unpublished evidence' that we have not had sight of which the Applicant refers to in their answers. I note the TRF have referred to this in their item 6 of their Written Summary of Oral Submissions from ISH held on 13th June 2019 and suggested amendments to the draft DCO (dated 21.06.19) "6. *In its oral evidence HE also referred to (and sought to rely upon) unpublished survey work being carried out now. Again, it is surprising that this work is only being done now. Moreover, TRF has not seen or had an opportunity to respond to that evidence and submits that the Examining Authority should be very cautious about placing any weight on it. In any event, the evidence (as summarised orally) is consistent with a regular amount of low level usage by motorcycles. It is not clear what if anything the evidence says about other types of use*"

It's one thing to be confident of their case with this dDCO, I consider it extremely concerning to see the Applicant admit to still carrying this research out during this process, then relying on it as fact, without any clear-to-read/understandable ongoing data to give any of us a gleam of what they are referring to or what is being /has just been discovered. I saw this at the planning application process for the Visitor Centre, I didn't expect it to be happening during this long Inquiry in Public.

Throughout the process of this Application there have been complaints of insufficient time for public consultation. There has, in all areas of debate, been far too little clear information for the general public to fully engage and understand the extent of this immensely complex building project.

### **Side Agreement:**

We have had the recent confusion for everyone involved in the Inquiry in Public, of Wiltshire Council's previously undisclosed surprise attempt to 'piggyback' their 2018 failed Experimental Traffic Regulatory Order onto Highway's England's Application: already very far down the road towards a Decision, eliciting calls from myself and others for a Material Change to be acknowledged thus provoking the need for further public consultation, but who knew what would happen?

We left that Hearing knowing we would have to await the ExAs ruling as we were getting out of time.

We appear now to still be in the muddy waters of not knowing what might be thrown into the mix next before the ExA reach a Decision, but we understand Wiltshire Council have withdrawn their suggested addition but then they admit to preparing a Side Agreement with Highways England for them to monitor and pay the costs to do so, all post tunnel vehicle activity on the byways, droves, Byways Open To All Traffic and whatever the A303 becomes in future!

Are we going to be privy to that Side Agreement in this Inquiry in Public? There has been a lot of supposition by the Applicant and Wiltshire Council that a DCO being granted is a 'fait accompli', thus potentially making a nonsense of this whole process, costly and time consuming both in money, attendance at hearings, professional and practical research, and also emotion – yes there is a lot of that, despite some legal opinions as to whether emotion counts for much, it's what drives humans to care about anything and there are countless of us that care very deeply for and fear much about the future of Stonehenge.

Once more, we respectfully ask the ExA team not to grant this DCO and to take account of the feelings and fears of future nuisances and issues coming to light before and after this project is finalised as noted above in Any Other Matters in respect of the planning application for the Visitor Centre.