

ICOMOS-UK

The Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8, Rule 13 and Rule 16 Application by Highways England for an Order Granting Development Consent for the A303 Amesbury to Berwick Down
PLANNING INSPECTORATE REFERENCE: TR010025

Written response to some Questions posed for Issue Specific Hearing 8

21st August 2019

3.1 Harm to the Outstanding Universal Value (OUV)

- i. *Harm to the OUV and its place in the overall acceptability of the Proposed Development. Discussion.*

The question was asked in the Hearing as to who decides on harm to OUV: the short answer is the UNESCO World Heritage Committee.

The World Heritage Committee was set up under Part III of the World Heritage Convention for the Protection of the World Cultural and Natural Heritage, 1972.

The Committee decides whether:

- A property has OUV and should be inscribed on the WH List
- The OUV of a property is under threat
- The OUV of a property is threatened by serious and specific danger and should be inscribed on the World Heritage List in Danger
- A property has irretrievably lost its OUV and should be deleted from the WH List.

These are the fundamental purposes of the Committee as defined in the Operational Guidelines for the Implementation of the World Heritage Convention (Operational Guidelines)¹ in order to uphold the obligations of the Convention.

The Department for Digital, Culture, Media and Sport (DDCMS) leads for Government on WH issues in the UK and is responsible for ensuring that the UK meets its obligations under the Convention. The assertion made during the hearing by the Applicant that the World Heritage Committee is merely a Consultee to the A303 planning process with the implication that its decisions can be ignored does not reflect the Committee's formal role

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

to recommend measures to avoid substantial harm to OUV, nor the role of the UK as a State Party to the Convention to uphold the obligations of the Convention.

3.2 World Heritage Committee adopted decision and report, July 2019

- i. The report's criticism of the focus of the Proposed Development's analysis on measuring and aggregating its impact on individual components, and of its justification based on assessing whether the proposal is an improvement, rather than the best available outcome for the property.*

World Heritage Committee decision 43 COM 7B.95 states clearly that the current Scheme for the A303 tunnel would impact adversely on the OUV of the property. It urged the State Party not to proceed and to explore other options in conformity with Operational Guidelines.

The DDCMS stated during the hearing that it did not agree with paragraphs 4 and 5 of the Committee's decision. During the Committee Session in 2019, the State Party did not intervene as an Observer to state these concerns. It should be noted that the draft decision was not opened for debate by the Committee which means it was supported by all its members.

The DDCMS further stated at the hearing that its 'fundamental consideration was value for money'.

The World Heritage Committee has requested the State Party to explore other options to ensure that the OUV of the property is not adversely impacted. The Committee has requested the SP to report on the implementation of its decision by 1st February 2020. ICOMOS-UK considers that the budget should not be a constraining factor in protecting OUV or in exploring further options which might mitigate any unacceptable adverse impact on OUV.

Standards

The World Heritage Committee requested the SP to consider the 'best available outcome for the project in terms of impact on OUV'. This reflects the obligations of SPs as set out in Article 4 of the World Heritage Convention² which states that each a SP should 'do all it can' and 'to the utmost of its resources' to ensure the transmission to future generations of WH Sites which means protecting their OUV. State Parties are expected to apply the highest appropriate standards to the protection and conservation of WHSs in their care.

² Article 4 of the WH Convention states: 'Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain'.

The Applicant re-affirmed its view that it did not support the idea of aiming for the best available outcome for the overall project in terms of OUV and that ‘an improvement’ to part of the property is their current (lesser) aim.

The idea of ‘improvement’ is related in the applicant’s view to the idea that any harm arising from the Scheme can be mitigated by benefits elsewhere and that balancing the two can be seen to provide an overall improvement to the property. ICOMOS-UK has commented previously on this assertion that substantial harm to one part of the property can be balanced by benefits elsewhere: if harm to OUV is substantial, however great the benefits these cannot outweigh that harm.

Although the Applicant does not support the idea of aiming for the ‘best available outcome in terms of impact on OUV’ for the overall project, it nevertheless does support a broadly similar approach for some individual aspects of the Scheme. For instance, it accepted the need to aim for the ‘best possible means’ to minimize vibrations, and for the ‘highest practical standards’ for sifting evidence from disturbed ground. On the other hand, the idea of adopting what were called ‘industry standards’ to sampling percentages was not accepted by the Applicants and a much lower standard was being put proposed, even though this cannot be shown to reveal the necessary level of archaeological detail, and was not supported by the Scientific Committee, set up in response to one of the recommendations of the second ICOMOS Advisory Mission.

There is thus a clear lack of consistency between the approaches suggested for different aspects of the Scheme. Only when convenient it seems that the best or highest standards are accepted by the Applicant. We are thus in a position where it would appear that the Scheme is being designed to meet financial targets with standards set arbitrarily according to what is deemed to be affordable or contribute to affordable outcomes.

The first ICOMOS Mission recommended that an exemplary approach should be adopted for the way the overall Scheme was managed in terms of the way cultural heritage requirements were integrated into engineering requirements and practices. Unfortunately, such an approach was not, in our view, adopted and nor was the overall aim defined to sustain the OUV of the WHS. As a result, there has been no appreciable commitment to adopt the best or high standards for the whole Scheme or for its individual aspects to ensure that OUV is respected.

We now have a Scheme which cannot be seen as exemplary, does not meet the best or highest standards for many of its individual component aspects, and as it currently stands does not in the view of the World Heritage Committee meet the obligations of the WH Convention to sustain OUV.

3.3 Heritage Impact Assessment (HIA)

ii. Integrity and authenticity.

The HIA sets out to evaluate the impact of potential development upon both the OUV of the WHS and integrity and authenticity. During the hearing the Applicant stated that the assessment of impact on integrity and authenticity was seen as a ‘parallel process’ to impact on OUV.

Integrity and authenticity are part of OUV, not separate from it. To meet OUV, a property has to justify one or more criteria, satisfy conditions of integrity and authenticity, and have adequate protection and management in place. These elements are all part of the Statement of Outstanding Universal Value (SoOUV) that is agreed by the Committee with the Brief Synthesis setting out what the property is and why it has OUV.

Integrity is a measure of the intactness of the attributes that convey OUV, while authenticity is the measure of how truthfully those attributes convey their meaning – that is their OUV³.

In the Table set out in the HIA, impact on the attributes and on Integrity and Authenticity are set out separately which is misleading.

Although the HIA clearly states that [*emphasis added*]:

- ‘The Scheme would introduce a deep cutting and tunnel portal between the Winterbourne Stoke Crossroads Barrows and the Diamond Group, affecting the **integrity** of physical relationships between the monuments’;
- ‘The approach road, cutting and tunnel portals to the west would also adversely affect the **integrity** of physical relationships between the Normanton Down Barrows, the Winterbourne Stoke Crossroads Barrows and the Diamond Group, as well as visual and physical relationships between long barrows in the western part of the WHS and other dispersed barrows and associated monuments’;
- ‘The development of new areas of dual carriageway and portals, particularly in the western approach section, would introduce additional adverse impacts and degrade the **Integrity** of the WHS by:
 - Partially severing physical relationships between important Asset Groups such as the Winterbourne Stoke Crossroads Barrows (AG16) and the Diamond Group (AG17), and between a wider grouping of Neolithic longbarrows in the western tunnel approaches around the Wilsford/Normanton dry valley; and
 - Severing the landscape in this area, dividing the Wilsford/Normanton dry river valley in the western tunnel approaches east of the existing A360’.

It goes on to suggest that the overall impact of the Scheme would have a ‘Negligible Positive impact on the Integrity of the WHS, resulting in a Slight Beneficial effect’.

³ ICOMOS *Guidance on Heritage Impact Assessments for Cultural World Heritage properties*, para 5-12

Authenticity is similarly assessed separately from OUV. In terms of both form and design and the interrelationships between those assets, the HIA states that the ‘Scheme would have both positive and negative impacts on the designed relationships between assets; it would therefore both strengthen and degrade this aspect of **Authenticity**’, while for location and setting, it is stated that some areas of the WHS would see ‘a marked improvement in the experience and display of these aspects of **Authenticity**, and others experiencing a negative impact’. Overall it is suggested that ‘the Scheme would have a Negligible Positive impact on the **Authenticity** of the WHS, resulting in a Slight Beneficial effect’. [*emphasis added*].

In ICOMOS-UK’s view, as set out in REP2-195, severing physical relationships in one part of the WHS as a result of deep cuttings for the approach road would cause substantial and irreversible impact of key attributes of OUV and ‘degrade’ both integrity and authenticity, as acknowledged in the HIA. Such impacts on both integrity and authenticity would mean substantial and irreversible impact on OUV. The precise links between damage to integrity and authenticity and damage to OUV are not made clear in the HIA. As set out above, substantial and irreversible harm to one part of the WHS cannot be compensated for by benefits elsewhere.

6 September 2019