

**From:** [REDACTED]  
**To:** [A303 Stonehenge](#)  
**Cc:** [REDACTED]  
**Subject:** TR010025 A303 Amesbury to Berwick Down RE DETERMINATION  
**Date:** 03 April 2022 15:10:12

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For the attention of the A303 Stonehenge Case Team

I am responding as an Interested Party reg no. **768184** and would be grateful for confirmation you have received this submission which is in three parts:

**a. Requesting a full Re-examination of this Development Consent Order by an independent panel /Examining Authority BEFORE the Secretary of State Re-determines this Application for a DCO for the identical road scheme.**

**b. Response to Secretary of State's demand for further qualified evidence from the Applicant as per his Statement of Matters.**

**c. Inequitable access to public consultation information on Planning Inspectorate website and process significantly affected by substantial changes to Application**

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- a. **I Request a full Re-examination of this Development Consent Order by an independent panel /Examining Authority BEFORE the Secretary of State Re-determines this Application for a DCO for the identical road scheme. File Ref: TR010025**

I am registered as an Interested Party under No. 768184 and I request a full **Re-examination of this Development Consent Order** by an independent panel /Examining Authority BEFORE the Secretary of State Re-determines this Application for a DCO for the identical road scheme.

Who is the Applicant? We started with Highways England now they are National Highways, they both used to be Highways Agency – who will see this process out?

The compelling grounds for a Re-examination are:

1. the Applicant's omissions on current cost estimates, see the Office of Road and Rail data.
2. incapacity of the DCO relating to the Application to comply with Infrastructure and Building Regulations yet to be updated by the SoS and estimated to be in place in 2024 according to the SoS, to account for changes in climate laws and net zero aims and all new environmental policies.
3. UNESCO's unwavering position on the potential loss of WHS status
4. the abundance of new information and lack of time and scarcity of easily accessible transparent notation of 'further information ' changes submitted by the Applicant, since the Examination closed in October 2019.

I fully support the views of The Stonehenge Alliance and many others regarding the inappropriate incomplete and often obfuscating evidence that the Applicant has presented throughout this lengthy complicated process.

I wish to Complain particularly relating to the conduct of the process relating to Public Consultation where an Application has been Approved by the Secretary of State despite very clear indications in the recommendations by a very experienced and highly qualified panel of Inspectors known as the Examining Authority whose relevant and expert knowledge was eminently present throughout the Hearings of the Inquiry in Public, that I attended, and who I shall refer to as the EA - who were also ignored by the Secretary of State,

Subsequently the High Court Judge agreed with Stonehenge Alliance and EA recommendations re potential failings of this Application.

I can only surmise that the EA's recommendations were noted but ignored by the Secretary of State? "Summary of Recommendation: The Examining Authority recommends that the Secretary of State **should withhold consent**. If, however the Secretary of State decides to give consent, then the Examining Authority recommends that the Order should be in the form attached."

If that is true then the process appears flawed and not able to be challenged unless a member of the public funds a legal challenge by judicial review?

I recall many associates thinking if the Secretary of State can ignore the EA what is the point, but evidently the learned Judge knew his planning law!

Notwithstanding the Secretary of State having the lawful means at his disposal, under Regulations, to ignore the very evident warnings by the EA especially relating to the subsequent Statement of Matters reported to the Secretary of State, we the Public are again being asked to comment on issues and problems and technical options that were ignored previously and to attempt in our earnest best endeavours, to achieve what the EA failed to do!

In fact, as we read and took heed of the EA's warnings and eminent suggestions to the Secretary of State, he ignored them and awarded the DCO.

So, Stonehenge Alliance with the support of many thousands including myself, had to crowdfund a court action to ensure that the correct process was undertaken!

The Stonehenge Alliance and the public had to ensure we were all working correctly according to law and Planning Regulations, which one would have expected the Secretary of State's government legal colleagues to have advised him on even if his staff failed to do so

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-002181-STON%20%E2%80%93%20Final%20Recommendation%20Report.pdf>

After months of exhausting costly effort, the Stonehenge Alliance managed to obtain a ruling granted from The High Court's Order dated 30 July 2021 that quashed the decision of the Secretary of State for Transport dated 12 November 2020 to grant the application by Highways England ("the Applicant") for development consent for the construction of a new two-lane dual carriage way for the A303 between Amesbury and Berwick Down in Wiltshire ("the Development").

Following that judgment, the Secretary of State must now Re-determine that Application and we must respond - again!

Who is to prevent the same problems happening again, as the Re-determination documents are far too many and technical and not scheduled to enable ease of understanding of any alterations, if any!

All Interested Parties like myself were informed on 30 November 2021 of the Re-determination of the Application and the Statement of Matters which were set out for us to consider together with "other than where already covered by the matters set out above, the adequacy of the environmental information produced in support of the application for the Development and whether any further or updated environmental information is now necessary given the time since the examination

closed; and • any other matters arising since 12 November 2020 which Interested Parties consider are material for the Secretary of State to take into account in his re-determination of the application.” as per this link [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-002191-TR010025\\_A303%20Amesbury%20to%20Berwick%20Down\\_DfT%20Statement%20of%20Matters.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010025/TR010025-002191-TR010025_A303%20Amesbury%20to%20Berwick%20Down_DfT%20Statement%20of%20Matters.pdf)

The SoS demands that the further information via the Statement of Matters must be proved by the Applicant that the questions **have been addressed fully and by a ‘named expert’ with referenced links of evidence**, - that new evidence is still hard to find as I mention elsewhere.

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### **b. Response to Secretary of State’s demand for further qualified evidence from the Applicant as per his Statement of Matters.**

I have responded at length to the previous Consultations and attended in front of the Examining Authority’s panel at the Inquiry in Public and Issue Specific Hearings in Salisbury. I am registered as an Interested Party under No. **768184** I represented myself as an Archdruid of Female Druids United and the environmental network Sacred Grove Western Isles, the environmental and Stonehenge equalities campaigning group Open Access To Stonehenge and many others who see Stonehenge as a sacred and historically significant monument to be equitably and freely accessed at all times.

My original evidence should stand as already submitted and as presented in person at the Inquiry in Public Hearings.

I submit below my responses to the Secretary of State’s request for public input into his Statement of Matters which stem from that original Application and its plans being quashed by the High Court.

I fully support and agree with the submissions of the Stonehenge Alliance, both formerly and currently.

In addition, I would add:

National Highways has not complied with WHC request in 13 below by 1 February 2022, neither have they:

made any changes to the Scheme to take the 2021 World Heritage Committee Decision into account;

Extract from [World Heritage Committee’s decision: Decision 44 COM 7B.61](#)

- *Stonehenge, Avebury and Associated Sites (United Kingdom of Great Britain and Northern Ireland) (C 373bis)* <https://whc.unesco.org/en/decisions/7778>
- *“11. Regrets that the Development Consent Order (DCO) has been granted for the scheme; and therefore, further considers in conformity with Paragraph 179 of the Operational Guidelines that the approved A303 improvement scheme is a potential threat to the property, which – if implemented – could have deleterious effects on its inherent characteristics, notably to its integrity; State of conservation of properties WHC/21/44.COM/7B.Add, p. 63 Inscribed on the World Heritage List”*
- *“12. Notes moreover that in the event that DCO consent was confirmed by the High Court, the property warrants the inscription on the List of World Heritage in Danger;”*

*“13. Finally requests the State Party to submit to the World Heritage Centre, by 1 February 2022, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 45th session in 2022, with a view to considering the inscription of the property on the List of World Heritage in Danger if the A303 route upgrade scheme is not modified to deliver the best available outcome for the OUV of the property.”*

## Alternative plans for tunnel and routes

The Applicant submitted these alternatives in their Closing Submissions October 2019 [REDACTED]. They were accepted by the SoS but rejected and quashed by the High Court so how are we to know whether the ‘further information’ is relevant or lawful?

A Search on the Planning Inspectorate website of National Highways Closing Submission 2022 produces nothing to compare with the original, so yet again unclear submissions by the Applicant.

The Applicant has not provided significant research, fully explained to the layperson reading it, that the Application complies with the Secretary of State demands in the Statement of Matters addressing:

1. that the Scheme’s impact on the proposed western cutting area would be **“significantly adverse”**;
  - **failure to fully re assess alternative routes less damaging to the World Heritage Site**
  - **the viability of** a southern bypass or a longer tunnel and
  - **still not identifying the costing** of a longer tunnel which would entail using ventilation shafts and ensuing impact of visible extraction towers as per regulations for tunnels over 3K.
  - **explored alternatives to hard engineering** solutions in the context of safeguarding and enhancing the World Heritage Site – strategies to reduce road traffic, **cumulative as well as local**, road emissions and improve access to the South West;
  - **have failed to update the scheme construction costs** which according to Office of Road and Rail were already overbudget, poor value and could be dropped  
<https://www.orr.gov.uk/sites/default/files/om/ris2-efficiency-and-deliverability-review.pdf>
  - [REDACTED]
  - **Lawfully regulated? How can the ‘further information’ updated carbon assessment and costs be accurate** when the Regulations they are liable under are outdated and not due for updating until 2024 according to the SoS own estimation?

## Other changes since the Examination closed:

- **concern for climate change** has increased with the latest Intergovernmental Panel on Climate Change report and the need to take urgent action to reduce emissions, not increase them as any new



Stonehenge road scheme cannot at this juncture, prove will not happen; <https://www.gov.uk/government/speeches/increasing-ambition-towards-a-climate-resilient-zero-carbon-economy> climate change are now prominent issues of concern to us all.

- They have brought considerable changes in aspects of our daily lives, including work styles and travel habits.
- The future implications of these changes are unknown and are particularly relevant in respect of road transport. There is very obviously an urgent need to reconsider the roads

**The Office of Rail and Road has also called on Highways England and the Department for Transport jointly with the ORR to take stock of the roads investment strategy for the remainder of the road period and beyond. This involves RIS2 projects, including the A303 Stonehenge Scheme**

- the Environment Act 2021 sets new ambitions around nature recovery. <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

**Proven evidence of danger to WHS and OUV status:**

**Heritage Impact Assessment** needs revision as Durrington pits proves the continued high probability of invasive tunnel drilling of creating damage to other unknown finds, there is also the known danger of sinkholes which do not seem to have been included in a **Risk Assessment?**

- Unscheduled monuments and ancient sites, can no longer be assumed to be protected as we have no idea where many of them are, as the June 2020 discovery of these finds at Durrington prove, and this is the epitome of why such an aggressive mechanised onslaught on this sensitive landscape must be prevented!

*[Redacted]* V. Gaffney et al., "A massive, Late Neolithic Pit Structure associated with Durrington Walls Henge", *Internet Archaeology* 55; 2020, <https://intarch.ac.uk/journal/issue55/4/index.html> 2. Chris Richards, "Covid-19 and the new normal for infrastructure systems", <https://www.ice.org.uk/news-andinsight/policy/covid-19-and-the-new-normal-for-infrastructure> Green Paper and Report, Institution of Civil Engineers, May 2020 3. Rob Horgan, "Regulator calls for stocktake of £27bn roads plan to assess impact of Covid-19", *New Civil Engineer*, 12 June 2020. <https://www.newcivilengineer.com/latest/regulator-calls-for-stocktake-of-27bnroads-plan-to-assess-impact-of-covid-19-12-06-2020/> 4. Committee on Climate Change, *Reducing UK emissions*

**c. Inequitable access to public consultation information on Planning Inspectorate website and process significantly affected by substantial changes to Application**

The Secretary of State upon requesting further qualified information himself, and the Applicant on complying with that request, I believe has failed to provide myself and others with the following essential information. This has resulted in my being unnecessarily hindered in easily finding new 'further information' on the Planning Inspectorate website in order to evaluate and deliver a response and provide myself with that certainty that I have found after protracted searching, the correct critical evidence from the Applicant, ergo:

The 'Further Information' – why is this not presented clearly in a separate Schedule of Alterations?

New documents – why, when some documents are 1101 pages, are there not clear **summaries with different colours or italics to easily show updates or alterations**? This basic administration auditing would assist not only the public but the SoS and the Examining Authorities and any future Judiciary examinations. <https://tinyurl.com/hn9zhbpr> Published: 23/02/2022 on Planning Inspectorate website.

I respectfully submit there was insufficient consultation time for anyone without specific expertise to read, evaluate and offer credible opinion or provable data either in favour or not!

Is the Secretary of State convinced and sure in his stance that the vast array of 'new' documents in the Applicant's 'further information' will not be seen lawfully as an 'unfair and unreasonable' failure by the Secretary of State NOT to re-consult the public and others upon the whole Application not just the alterations and amendments, given the substantial (but unclear and yet presumed to be significant) changes demanded by the Statement of Matters?

**Who is the Applicant?** The Applicant has changed its name during this Application from Highways England to National Highways in August 2021. Prior name was Highways Agency, so who will complete this Application process?

Yet there appears to be no lodged Certificate of Incorporation or change of name on the Planning Inspectorate website to inform everyone and by happenstance I found a letter from Derek Parody Project Director to the Ministry of Transport proving even the DoT didn't know they were a different entity!



### **Difficulties in finding documents on Planning Inspectorate website**

Under the NIP processes <https://infrastructure.planninginspectorate.gov.uk/> the general public is asked to respond in a measured structured manner, yet, in a few weeks and often for a second and third time, on similar documents I find that further information 'alterations' to be inadequate and unclearly presented on the Planning Inspectorate website and the too evident difficulties in locating documents and changes are cited here:

Starting off logically at Overview,

<https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a303-stonehenge/?ipcsection=overview> there is NO link to the Re-determination

documents area in the What Happens Next note " Documents main tab - (Overview s51 advice Exam Timetable Documents Relevant Representations)

*"The Applicant has issued a [notice on 24 February 2022 \(PDF, 130KB\)](#). The Secretary notes the Applicant is treating all of the information it has provided in response to the Secretary of State's (SoS) Statement of Matters dated 30 November 2021 as if it were 'further information' as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Responses to the notice will be sent to the Secretary of State in due course.*

*Please note that the [SoS's letter \(PDF, 188KB\)](#) dated 23 February 2022 has been updated. 24 February 2022"*

We are being asked by the SoS to respond but we have to go find where these documents are when they are not even findable by a Search at that level.

Choose Documents – is that clearly tabbed with these very important NEW DOCUMENTS? No, again we search under five tabs until the sixth Decision option tab reveals the **hidden** Re-determination documents, even trying to add the

+ Re-determination fails to show up under Search or Filter!

Redetermination documents were to be found eventually under the folder Documents <https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a303-stonehenge/?ipcsection=docs> but were not visible as a drop down until you managed to choose the correct one 'Decision' which contains 168 documents!

You cannot Search for Re-determination because it is styled + Re-determination (71 documents) <https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a303-stonehenge/?ipcsection=docs&stage=6&filter1=Re-determination>

Not even an opportunity to assist and be clear arose in the note below:

*"The Applicant has issued a [notice on 24 February 2022 \(PDF, 130KB\)](#). The Secretary notes the Applicant is treating all of the information it has provided in response to the Secretary of State's (SoS) Statement of Matters dated 30 November 2021 as if it were 'further information' as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Responses to the notice will be sent to the Secretary of State in due course. Please note that the [SoS's letter \(PDF, 188KB\)](#) dated 23 February 2022 has been updated.24 February 2022  
<https://infrastructure.planninginspectorate.gov.uk/projects/south-west/a303-stonehenge/?ipcsection=docs>*

So, these documents, when found, have been online since 24 February 2022 but we have to read them all and reply by the 4<sup>th</sup> April 2022!

I respectfully submit that this is not only highly unreasonable but appears deliberately to be obscured from those of us who need sufficient time to read technical tomes with no Abstracts Summaries or Schedule of Changes.

Please ensure future Applications are presented in a more equitable and empowering manner to the public and especially those who may require access assistance.

**Kind regards**  
**Lois Lloyd BSc(Hons)**

