

From: [REDACTED]
To: [A303 Stonehenge](#)
Subject: Response to the Comments by National Highways & advice to SoS
Date: 04 April 2022 21:47:53

Dear Sir,

National Highways has responded to the Secretary of State for Transport regarding the future of the A303 past Stonehenge. The five matters he wishes to review are:

- Alternatives,
- Policy,
- Carbon,
- Environmental Information, and
- Any Other Matters.

These are my comments on the National Highways response, for consideration by the Secretary of State. The starting point for my assessment, and, I assume that of the Inspectorate and the Secretary of State, is the report of the DCO Panel and the subsequent judgement by the High Court on 30th July 2021. The Secretary of State decided not to appeal the decision of the High Court, despite being given the opportunity to do so by the Judge. We can therefore assume that the Secretary of State does not in substance depart from the views of the High Court judgement, and we certainly have the right to assume that this current consultation exercise will not be used as a back door method to attempt to circumvent the findings of the Court. Were that to happen, the Secretary of State would of course find himself a defendant in a further High Court challenge. Close attention should therefore be paid to the Court's rulings.

National Highways does not seem to have worked this out for themselves. I have read their submissions. On the substantive issues of disagreement addressed by the Panel and the Court, National Highways appears to think it acceptable largely to restate their earlier views to the Examination without substantive modification in the light of the views of the Panel and Court. This is arrogant and reinforces the public perception that National Highways is purely intent on pursuing road building at any social, heritage or environmental cost and without regard to wider public interests.

The issue of Alternatives is one of the key matters to address and the one on which I shall concentrate most. The Court set down with great clarity its views on how this matter needed to be addressed and how both the Panel and the Secretary of State had failed to do this in accordance with the law (paragraphs 242-290). The central finding was that the alternative of a substantially longer bored tunnel emerging about 1.2km further west (or an extra 1.6km, depending on how it is measured), beyond the west end of the World Heritage Site, did need to be given very serious consideration, and this had not been done. Anyone reading the National Highways response would be none the wiser about this.

At paragraph 17, the Court reports the findings of the Panel regarding the impact of the proposed scheme (i.e. a short tunnel with cuttings at either end), much in the light of impacts at the western end, as follows:

“The Panel recommended that the DCO should not be granted (PR 7.5.25). In its final conclusions the Panel said that the scheme would have a “significantly adverse effect” on the OUV of the WHS, including its integrity and authenticity. Taking this together with its impact upon the

“significance of heritage assets through development within their settings”, the scheme would result in “substantial harm” (PR 7.5.11). The Panel considered that the benefits of the scheme would not be substantial and, in any event, would not outweigh the harm to the WHS (PR 7.5.21). In addition, the totality of the adverse impacts of the proposed scheme would strongly outweigh its overall benefits (PR 7.5.22). Those impacts included “considerable harm to both landscape character and visual amenity” (PR 7.5.12).”

Against this it is instructive to see what National Highways has to say on the same subject. In its section 4.3 (of its ‘Alternatives’ report), on ‘Updates/further information since the Applicant’s last submissions’ [i.e. to the Examination or Court], its ‘Heritage’ paragraphs 4.3.6 states in its entirety, as if this was all that had changed:

“The cultural heritage baseline for the western approach road and western portal areas has not changed since the assessment for the bored tunnel extension was undertaken (see Response to Bullet Point Four – Environmental Information Review [Redetermination 1.4]). As a result there is no change in the assessment of the bored tunnel extension due to a change in the baseline. Similarly, no change in policy, methodology, guidance and environmental information (see Response to Bullet Point Four – Environmental Information Review [Redetermination 1.4]) has resulted in any change to the assessment previously undertaken.”

This extraordinary statement is in defiance of the Panel’s findings, and indeed of National Highways own grudging admission in paragraph 4.2.18 that “When compared with the Proposed Scheme, the bored tunnel extension would provide connectivity between key assets and would allow retention of the existing landform in the WHS benefiting Attribute 5 (The siting of Neolithic and Bronze Age funerary and ceremonial sites and monuments in relation to each other), in the western approach road and western portal area.” Even so, its paragraphs 4.2.17-21 try very hard to play down the benefits to heritage from a longer bored and ignore the Panel and Court.

It is also instructive that National Highways is so blinkered that it failed to mention that:

- (a) UNESCO’s World Heritage Committee stated on 22 July 2021 that if the originally proposed A303 Stonehenge scheme were to proceed as National Highways would like without modification, consideration would be given to placing Stonehenge, Avebury and Associated Sites WHS on the List of World Heritage in Danger;
- (b) even the Secretary of State himself found the original scheme’s impact on the proposed western cutting area would be “significantly adverse”, in contrast to the view put to him by National Highways;
- (c) national and international concern about climate change has increased since the Examination, which should have prompted attention by National Highways to find ways of reducing the need for carbon-emitting traffic, especially on the A303 – instead of increasing capacity which would be bound to encourage yet more traffic, let alone assuming that there will be a 10% increase in traffic on the A303 in any event (paragraph 3.3.1);
- (d) the High Court overturned the Secretary of State’s decision that the harm caused by the originally proposed scheme at its western end with a short tunnel can be treated as ‘less than substantial’, even though the Panel had identified ‘substantial harm’ from this: National Highways does not address ‘substantial harm’ to heritage whatsoever.

National Highways clearly has its fingers in its ears. I can only hope that the Secretary of State does not.

On the key issues regarding the proposed tunnelling of the A303 in the vicinity of Stonehenge, the central issue is not whether the Secretary of State would like to proceed with the originally proposed scheme (which would be in breach of the Court ruling), but whether the Government wishes to find the money for a substantially longer tunnel at its western end comfortably clearing the boundary of the World Heritage Site before emerging. After so many years of dithering about this issue, my own view is that a firm decision is now required. Probably the best one would be to build nothing but set about drastically reducing traffic on the A303 in the interests of carbon emissions and Stonehenge itself. If, however, a major project is to proceed then only a full length tunnel should be approved. The additional cost of a full length tunnel would be about half a percent of the cost of that great white elephant HS2, so I am unlikely to be persuaded that the money is not available.

I should be grateful to receive a copy of the Secretary of State's decision in due course.

Yours faithfully,

Richard Bate

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