

A303 Amesbury to Berwick Down

Secretary of State's Re-determination of the Application for Development Consent

Representation of the Council for British Archaeology

1. The Secretary of State's reconsideration stems from the Save Stonehenge JR judgment [see [\[2021\] EWHC 2161 \(Admin\)](#)] that quashed the DCO and his decision to approve it. It upheld two areas of objection raised by the complainant:
 - How the significance of assets and harm to that significance was identified and assessed;
 - How consideration of alternatives was handled.
2. The Matters identified by the Secretary of State's statement of concern for redetermining the application can be summarised as:
 - i. The relative merits of Alternatives
 - ii. Any changes in respect of relevant local or national policies
 - iii. Any update to the assessment of the impact of the scheme on the carbon budgets, and any direct, indirect and cumulative likely significant effects on climate in the light of EIA regulations and NPSNN
 - iv. The adequacy of other environmental information and any further information or updates given since the examination closed;
 - v. Any other matters arising since 12 November 2020 that should be taken into account
3. For the most part, the Applicant's response has provided no material changes to the matters on which the CBA is mainly concerned. In so far as matters do arise, we note them below.
4. In this representation we briefly refer to the relevant policy context (Matter ii) and focus mainly on issues arising from the High Court's ruling [[\[2021\] EWHC 2161 \(Admin\)](#)] on the areas of objection that it upheld within a logical framework of how the issues relate to each other, as follows:
 - Issues of heritage assessment, both individually, in groups and cumulatively (Matters iv and iii – in respect of other cumulative and indirect effects)
 - Issues of alternatives (Matters i, iv and iii – in respect of other cumulative and indirect effects)

5. We further note the Secretary of State's identification of shortcomings in relation to the direct, indirect and cumulative likely significant effects of the development in the context of EIA Regulations and NPSNN policies, and wish to highlight other aspects of the environment to which this applies (Matter iii)
6. We also note a number of matters arising since November 2020 that should be taken into account, both within the context of how that position was reached, and the framework of the matters raised above, which we believe significantly strengthens the case against the proposal and the need for much closer consideration of alternatives.
7. For most of these issues we refer to submissions that the CBA made to the Examination that were not given due weight in the decision-making process. We trust that this representation will make clearer their relevance in terms of objective, balanced decision-making in line with relevant policy.
8. In making these references we have provided the Examination Library document reference with a hyperlink to the digital version.

Changes in respect of relevant local or national policies

9. While we are not aware of any substantive changes in policy, we draw attention to our original comments on policy requirements on policy how this [[REP2-070](#) pp 9-10 paras 25-27; pp 12-13 paras 34-39; [REP2-075](#) paras D.3-D.8; D.10; D14-D15; D.17-D19; D.22; [REP2a-005](#) pp 11-12 paras 39-44 ff; p 21 paras 64-66; pp 22-24 paras 71-82; [REP6-084](#) p 12-13 para CH.2.5; [REP8-036](#) p 3 para 3.2; pp 4-5 ; pp 7-8 para iii; pp 10-11 para 5.1ii; [REP8-037](#) p 2-3 paras 1 to 8; p 11-13 paras A1 to A8; pp 13-15 paras A9 to A17; [REP9-036](#) p 4-5 para 002]
10. We note that in relation to policies to conserve the WHS the position has changed with UNESCO's major concern for the designation were the scheme to proceed [REDACTED]. In this respect we especially draw attention to the issues we have raised referred to below that show why
 - a. The heritage assessment is deficient in terms of how the significance of harm has been underestimated
 - b. The approach to cumulative effects has been inconsistent and not properly objective, resulting in a distorted balancing of harm against benefit and in balancing relative merits of alternatives as compared with the proposed scheme
 - c. Clear opportunities to fulfil UK's treaty obligation to seek to 'rehabilitate' the World Heritage Sites have not been given due weight in the consideration of alternatives.

11. Otherwise, we note in our comments below some recent revisions of the DMRB which appear to retain items of advice that are out of kilter with national policy, advice and/or court rulings. While these are not new changes, the emphasis the Applicant has given to following set procedures suggests these problems may have a bearing on some of the shortcomings we have identified in the approach adopted.

Issues of heritage assessment

12. The shortcomings of approach in the assessment of heritage effects were sufficiently substantive to quash the Secretary of State's decision to approve the DCO.
13. However, the review carried out by the Applicant has left the application documentation very largely unchanged with respect to heritage issues and alternatives. From this it appears that the Applicant has focussed more on procedure, not the substance underlying them that might relate to the basic finding of the ExA that *those public benefits which have been identified, even if they could be regarded as substantial, would not outweigh the substantial harm to the designated heritage asset* [[ExA Report 7.5.21](#)].
14. The criticisms of the court were not restricted to the Secretary of State's decision-making but also some lesser problems with the ExA's approach. In our view there is significant substance behind the issues on which the JR quashed the DCO on the grounds that the SoS had not properly applied NPSNN policy, especially in respect of para 5.129:

In considering the impact of a proposed development on any heritage assets, the Secretary of State should take into account the particular nature of the significance of the heritage asset and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal.

15. This is the basis on which the Court has emphasised [[\[2021\] EWHC 2161 \(Admin\)](#) para 170] the commonly accepted principle
..that, by whatever means he employs, the decision-maker must ensure that he has taken into account (a) the significance of each designated heritage asset affected by the proposed development and (b) the impact of the proposal on that significance.
16. The Court found that the SoS had not had proper access to the assessments made in the HIA and ES and therefore had not fulfilled this principle. We would further highlight two related NPSNN policy requirements of NPSNN that are very relevant:

- a. para 5.129 goes on to require the decision-makers to use the understanding of significance and impacts *to avoid or minimise conflict between their conservation and any aspect of the proposal*
 - b. para 5.128 specifically addresses the range of evidence sources that decision-makers must consider in arriving at these judgements, which make it very clear that they are not limited just to the HIA and ES provided by the Applicant: *the Secretary of State should seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise from representations made by interested parties during the examination ...'*
17. On this basis, the SoS is obliged to ensure ('by whatever means') that significance of assets, impacts and how conflicts between their conservation and any aspect of the proposals might be avoided, and in doing so there is an explicit obligation to take account of representations made to the Examination. This specifically includes issues of the setting of assets. From this it is clear that where expert representations from heritage organisations and individuals have raised issues not addressed in the Applicant's documents, or offer different conclusions based on relevant expertise, the SoS must reach a considered view on the merits of the evidence presented.
18. A great deal of the evidence submitted in the CBA's representations falls under this obligation, and in several important respects key issues are not referred to as having been considered in the ExA or SoS's reports, even where those matters were not raised by the Applicant or others, or we differed substantially in our conclusions about significance, impacts or conflicts with conservation. In particular we highlight the following concerns raised about the Applicant's assessment:

Archaeological remains

- a. No prediction/forecast of the full scale of the archaeological resource based on extrapolation from surveys [[REP2-070](#) pp 12-16; [REP2a-005](#) pp 5-12], or the full scale of loss [[REP2-070](#) pp14-17; [REP6-084](#) pp 5-13].
- b. No systematic analysis of the relative reliability of geophysical survey and ploughzone surveys in identifying different types of archaeology (notably Neolithic and Bronze Age habitation areas and flat graves) and the attached risk of substantial harm to sites of national importance [[REP2-070](#) pp 12-18; [REP2a-005](#) pp 5-12, 18-21; [REP6-084](#) pp 15-16].

- c. No consideration or resolution of the conflict between the DEFRA soil handling standards aspect of the proposals and the conservation of archaeological remains [[REP2-070](#) pp16-17; [REP2a-005](#) p 2 para 3; p 5 para 10; p 22 paras 71 and 75 [REP6-084](#) p 5-6 para CH.2.5; p 27 para CH.2.9iii; pp 36-40, para CH.2.9xv; p 46 para Fg.2.37; pp 82-83 para WM2.4; pp 83-85 paras WM.2.8. WM.2.10; [REP8-036](#) pp 7-8 para 3.3iii last two bullet points; p 12 para 5.2v and 5.2vi; p 13 para 5.3].
- d. Inadequate monitoring and modelling of potential hydrological drawdown effects risking loss of significant preservation at Blickmead [[REP2a-005](#) pp 19-20, 35-40; [REP6-084](#) pp 47 to 54; [REP8-036](#) pp 14-15].
- e. Underestimation of potential significance of identified areas of earlier prehistoric settlement and/or funerary remains located in between monuments [[REP2a-005](#) pp 2, paras 1-3; p. 6, para 16; pp. 8-9, paras 24-5; p.11, paras 36-40; p. 12, para 44 ff; pp. 18-20, paras 50-1, 60-3] (noting that this is highlighted in more detail in representations being made by the Consortium of Archaeologists/ Stonehenge Alliance).

Settings of heritage assets

- a. Key attributes of setting that have systematically been overlooked or undervalued that would be significantly impacted [[REP2-070](#) pp 18-21, 24-25] – especially (given how *landcover* is now very different) how physical landform/topography, the night sky and other archaeological monuments or remains are the main relatively unchanged factors in the surroundings of most monuments that contribute to their significance and the OUV of the WHS [[REP2-070](#) p 21 para 61; [REP2a-005](#) pp 18-20, paras 50-63; [REP6-084](#) p.58]. We drew attention to the systematic over-emphasis on visual and noise perception rather than how the contributory physical characteristics of an asset’s surroundings would be changed [[REP2-070](#) p 21 para 61].¹
- b. Inappropriately arbitrary grouping of assets, disguising and/or failing to identify the *particular significance* of their settings [[REP2-070](#) p 20, para 58; [REP6-084](#) p. 59], especially where they are of a different era

¹ It appears that this may reflect the approach required by DMRB (LA 106 2020) which continues to define core parameters of setting only in terms of visual and noise intrusion, not physical attributes. This does not reflect current Historic England’s Advice Note 3. LA 106 rev 1 p 9 gives the starting point for assessing setting as asking ‘*is the setting of any designated or other cultural heritage resource in the footprint of the scheme, within the zone of visual influence or potentially affected by noise*’. It also effectively defines ‘*surroundings*’ in terms of perceptual limits, not the contribution that physical characteristics and relationships make to significance. It further indicates that ‘*experiencing*’ an asset and its surroundings is more or less limited to sight and sound (not for example experiencing topographical settings by moving through the landscape). This narrow perceptual approach is not consistent with Historic England’s advice or caselaw (eg Kedleston [[2018](#)] [EWCA Civ 1697](#)).

or different type (eg long barrows or other monuments that much later became the catalyst for barrow cemeteries and or relationships with other monuments) [[REP2a-005](#), pp 18-20; [REP6-084](#) p. 59-61].

- c. Observable (even if not previously formally recognised) interrelationships between prehistoric monuments that have not been taken into account in setting assessments, notably in relation to the Winterbourne Stoke barrow groups [[REP2-070](#) pp 20 para 58; [REP2a-005](#), pp 18-20; [REP6-084](#) p. 59-61].
- d. Lack of adequate analysis to identify significant setting issues of Amesbury RPG and its and relevance to WHS attributes and the impact of the scheme [[REP2-070](#) p 21, paras 61-62; pp. 19-21; [REP6-084](#) pp. 4-7; [REP8-036](#) pp 14-15].

19. Overall, the numerous shortcomings in assessment and under-recognition of the severity of effects means that the scheme would be significantly more harmful than the Applicant suggests² – and in some parts of the scheme more so than the ExA recognised.

Cumulative effects

20. In line with PINS Infrastructure Advice note 17, the CBA has consistently urged a far more precautionary approach [[REP2-070](#), pp 6-8 paras 14-23; [REP2-075](#) paragraph D4; [REP8-037](#) pp 13-15 paras A9-A17].
21. The Applicant's consideration of cumulative effects made no mention of cumulative effects with 'projects already in existence'³
22. Paragraph 72 of the High Court judgment notes that:

'In particular, this was not a proposal for an entirely new road. The scheme would remove the existing A303 which, it is generally accepted, has its own detrimental impacts on heritage assets. Accordingly, it was unavoidable that in assessing the impacts of the proposal on any particular asset or grouping of assets, the judgments expressed in the ES and HIA had to compare the effects of the existing A303 as part of the baseline.'

² DMRB LA 106 rev 1 p9 (2020) seems to contain a built-in provision to downplay significance of effects in a way that is not consistent with policy or case law: 'NOTE 1 The effect on the cultural heritage resource is not significant when the impact does not substantially diminish the heritage interest of the cultural heritage resource.' The courts have ruled that less than substantial harm does not mean that less than substantial weight should be given to conserving designated assets.

³ DMRB (LA 104 rev 1 2020 paras 3.19-3.22 p 17-18) makes no specific mention of the need to consider 'projects already in existence' and far from referring to either NPSNN or PINS guidance about the need to consider relevant developments already in existence, those frameworks are also not mentioned as being relevant, note 3 erroneously saying *There are no defined limits or criteria for selecting the list of projects for cumulative assessment. Professional judgement using Annex III of the EIA Directive 2014/52/EU [Ref 1.N] can be applied and justification provided for developments selected (and excluded)* [in fact clause 3 in Annex III says (g) *the cumulation of the impact with the impact of other existing and/or approved projects*].

23. This engages NPSNN paragraph 4.16 which states that
- When considering significant cumulative effects, any environmental statement should provide information on how the effects of the applicant's proposal would combine and interact with the effects of other development (including projects for which consent has been granted, as well as those already in existence) [added emphasis].*
24. In our submissions to the ExA we sought to show how the consideration of the seriousness of the cumulative loss of archaeology and harm to the setting of multiple monuments have been underestimated [REP2-070 p 24, para 69; REP6-084 pp 17-24] and that *the effects of the A303 as part of the baseline* were not handled in an objectively balanced way. The cumulative effects of the scheme with the existing road have only been considered where the effects of the proposal have beneficial effects in remedying existing harm [REP2-070 p 25, para 70]. But we repeatedly drew attention to how at both ends of the WHS the proposals would exacerbate harm already caused by previous A303 upgrades, which were especially significant (ie substantial harm) for Vespasian's Camp and the Amesbury RPG, effects largely dismissed as non-significant in the ES [REP6-084 pp 17-24;].
25. The failure to identify the combined severity of harm of the proposals with the existing scheme is not just a procedural nicety, but is a key factor in potentially closing off future options for greater rehabilitation of the WHS [REP3-049 p. 6, Qu. CH.1.38;].
26. By assessing the in-combination effects objectively to include not just the benefits of remedying harm caused by the current road, but also how the harm of previous upgrades would be exacerbated, a significantly different overall balance is reached. This is clearly weighted towards the proposed scheme being significantly more harmful than has been recognised.
27. Another issue of balance is the importance of considering these cumulative effects with the existing A303 in the context of the pros and cons of alternatives that would better avoid or minimise cumulative harm, especially in potentially opening up major opportunities for rehabilitating the WHS to a far greater extent than the proposed scheme would do.

Consideration of alternatives – shortcomings in the heritage assessment

28. The CBA has urged – and continues to urge – a proper reconsideration of alternatives because of the harm that the proposed scheme would do to the WHS [REP2-070 pp 31-40, paras 95-121] – as also recognised by UNESCO (see below).
29. The CBA highlighted the shortcomings of the Heritage Assessment regarding alternatives and the cumulative effects at all levels in our

previous submissions. Our position remains as set out in the evidence submitted to the Examination [[REP2-070](#) pp 31-40, paras 95-121] but in the light of the considerations above and the findings of the ExA, the High Court and UNESCO, we reiterate even more strongly that far more serious consideration should therefore be given to any alternatives by which the harm to the WHS could be avoided – especially where they offer much greater opportunities for enhancement and rehabilitation.

30. While the JR focussed on whether longer tunnel alternatives had been considered adequately, it referred to the southern surface (F010) route in the context of what the WH Cttee had asked to be considered in 2017. In their more recent objections (2018, 2021) in the context of the UK's response to lengthen the tunnel to 3.3km, the WH Committee has consistently referred back to its earlier statement (2017). This has the clear implication that if a long tunnel under the whole of the WHS is not achievable, then the earlier advice of reconsidering other alternatives notably F010 must logically follow to avoid the unacceptable harm caused by the proposed scheme.
31. The CBA examined this issue in some detail, recognising that if a substantially longer tunnel is not acceptable, the southern surface offers significant advantages which had not been optimised or given sufficient weight [[REP2-070](#) pp 31-40, paras 95-121]. This includes how beneficial outcomes are weighed against harm – especially in the context of how the cumulative effects of the existing highway are dealt with as required by NPSNN (see above), how adverse effects might be ameliorated and how cost benefits are identified.
32. The CBA argued that the Applicant's approach was too formulaic and the evidence base is far too broad brush and uneven to obtain an objective balance. We explained [[REP2-070](#) pp 29-31 paras 84-94; [REP3-050](#) paras 14-17] that for a '*heritage led*' scheme in which issues of substantial harm to or substantial benefits for a WHS are at stake, the standard approach used by the Applicant is not fit for purpose. We observed that the business-as-usual approach adopted by the Applicant falls short of the UK's duties under Article 4 of the WH Convention to *do all it can to* [fulfil them] *to the utmost of its own resources* [[REP2-070](#) p. 31 para-93].
33. It also falls short of the requirement under Article 5(d) '*to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage.*' Nor do the inadequacies accord with the '*great weight*' that must be given to conserving and enhancing the WHS under NPSNN para 5.131, recognising that the need for any harm requires '*clear and convincing justification*'.

34. Specific factors that were not adequately considered (to at least a generic level) for alternatives – discussed in the context of F010, but applicable to any alternative – include:
- a. Cumulative harm as well as benefits in relation to the existing road in respect of which an alternative scheme could not just avoid but reduce and better remedy existing harm, delivering significantly – and potentially substantially greater benefits [[REP6-084](#) pp. 16-24].
 - b. Greater opportunities to rectify other past impacts of the existing A303 as well as those addressed by the benefits of the proposed scheme (see above; [[REP2a-005](#) pp 21-2, paras 67-8; 19-20, 35-40; [REP6-084](#) pp. 16-24]).
 - c. A more even playing field of comparison of effects, including a more realistic basis for assessing significance of environmental constraints (especially an internationally protected landscape versus local landscape policies [[REP2-070](#) p. 33- para 103])
 - d. Taking account of benefits as well as adverse effects in relation to numbers of heritage assets and their proximity to the route [[REP3-050](#) para 20]
 - e. Comparisons based on further alignment optimisations (including provision and design of major structures to optimise avoidance of key constraints [[REP2-070](#) p. 33- paras 102-106; [REP3-050](#) paras 18-36]
 - f. Comparative footprints when temporary construction sites causing permanent damage, landscaping and spoil disposal requirements are taken into account
 - g. Comparisons based on what mitigation measures could be assumed to be adopted to minimise harm of alternatives (and any cost implications relative to available budget and/or projected cost of alternatives) [[REP2-070](#) pp. 33-34 paras-104-5; [REP3-050](#) paras 18-26]
 - h. Including potential local economic benefits from enhanced heritage/tourism visitors if the whole WHS were to be enhanced as an archaeological park with potential for multi-day visits [[REP2-070](#) pp. 34-35 paras-106-9]
 - i. How the findings of the heritage valuation study (so far as it is valid [[REP6-084](#) pp. 65-8]) should be extrapolated to have an even greater scale for alternatives that more completely or wholly removed the A303 from the WHS [[REP6-084](#) pp. 79-81, p. 82]
 - j. How economic detriments of any longer routes might be diminished by an optimised design [ibid.]
 - k. Comparison of overall costs at current (2022) rates.

35. The Applicant's assessment of alternatives and responses to ExA questions [[REP2-024](#)] did not effectively address or refute these matters.

Wider cumulative effects (climate and other issues)

36. The CBA presented a clear analysis suggesting that RIS 1 and RIS 2 – and regional route strategies or groups of schemes along a key strategic highway (such as the A303) should have been subject to SEA, not just for climate but also other major environmental issues [[REP2-070](#) pp. 40-47 paras-124-47; [REP2-078](#); [REP3-050](#) paras 1-13; [REP8-037](#)]. In response, the Applicant acknowledged [[REP8-013](#) p 2-57] that *"The question of whether the costs of this project could be better spent on environmental protection and improvement elsewhere in the RIS programme [sic] is moot"* – immediately going on to note, notwithstanding this, that *"The RIS contained a commitment to develop the A303 Amesbury to Berwick Down scheme, and Government remains committed to its delivery."*
37. The Secretary of State's request for an assessment of cumulative direct and indirect effects on climate concerns in accordance with EIA Regulations across a large range of individual schemes from national to regional and local level is instead left to analysis through the assessment of cumulative and indirect effects of individual projects.
38. The requirement of the EIA Regulations to consider cumulative effects is not restricted to climate but applies to all aspects of the environment that need to be assessed, and the interactions between them. The Secretary of State's request for this gap to be filled in respect of climate is commendable but far too narrow. This alters the scope of the EIA undertaken for the scheme, and a wider reconsideration of the coverage of cumulative effects at more strategic levels should be undertaken to address other environmental issues of national and international significance. We specifically drew attention to this [[REP2-070](#) p 25-26, paras 73-6; pp. 40-47; [REP2-078](#); [REP3-050](#) paras 1-13; [REP6-084](#) ; pp 2-3; 42; 43; 44; 45; 78-9; [REP8-037](#)] In particular:
- a. Cumulative effects on protected landscapes of national and international importance and where and how resources might best be deployed to avoid and minimise harm under the 'exceptional circumstances' tests for national landscapes [[REP2-070](#) *ibid.*; p 28 para 83; pp 44-47].
 - b. Cumulative effects of the wider A303 route on the historic environment [[REP3-050](#) paras 11-13; [REP6-084](#) pp. 78-9], which was identified as a specific issue in route strategies.

Any other matters arising since 12 November 2020 that should be taken into account

39. Matters arising since 12th November 2020 need to be put into some basic perspective. Since the scheme was announced in 2014 –
- a. Three World Heritage Centre and ICOMOS advisory missions have advised that even with significant (and very expensive) amendments the scheme would not properly conserve the WHS and that less damaging options should be explored.
 - b. After considering all the evidence, a panel of 5 independent Inspectors recommended against the proposals, finding in their *Overall Findings and Conclusions* [section 7.5 of their [Recommendation Report](#)] that
 - 7.5.11 The ExA considers that the effects of the Proposed Development would substantially and permanently harm the integrity of the WHS, now and in the future. In addition, it would seriously harm the authenticity of the WHS. The overall effect on the WHS OUV would be significantly adverse. The effect of the Proposed Development on the OUV of the WHS, and the significance of heritage assets through development within their settings, taken as a whole, would lead to substantial harm.*
 - 7.5.12 In addition, there would be considerable harm to both landscape character and visual amenity, notwithstanding the mitigation proposed.*
 - 7.5.21. The ExA disagrees with the Applicant as to the extent of the public benefits that would be delivered. In totality, it does not consider that substantial public benefit would result from the Proposed Development. In reaching that view, the ExA has had regard to all potential benefits including any long-term or wider benefits. In any event, those public benefits which have been identified, even if they could be regarded as substantial, would not outweigh the substantial harm to the designated heritage asset. In the light of NPSNN, paragraph 5.133, the substantial harm that would result to the WHS cannot therefore be justified.*
 - 7.5.22. In applying the NPSNN, paragraph 4.3, the ExA concludes that the totality of the adverse impacts of the Proposed Development would strongly outweigh its overall benefits. S104(7) PA2008 applies and the NPSNN presumption in favour of the grant of development consent cannot therefore be sustained.*
40. Since 12th November 2020, a number of further considerations add significant weight to these matters:
- a. The High Court’s ruling quashing the November 2020 decision has confirmed that the SoS found that the scheme would cause significant

- harm to the WHS; and that alternative ways of avoiding harm and maximising benefits had not been adequately considered
- b. The World Heritage Committee on behalf of UNESCO has warned that it will consider *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.*
 - c. A public petition raised 200,000 signatures against the scheme – a far higher number than the sample of visitors questioned for the contingent valuation study, who never offered the opportunity to compare the scheme with alternatives that would remove the A303 from the WHS altogether.
41. The SoS should bear in mind that key supporters of the scheme – especially Historic England, English Heritage and the National Trust have significant statutory, property and financial interests in the central area of the WHS (Stonehenge and its surroundings) which would clearly benefit from the tunnel. This does not apply to the outer parts of the WHS that would be significantly harmed by the scheme.
42. If those formal (and perfectly legitimate) special interests did not exist, it is almost unthinkable that in other circumstances such bodies would support a major infrastructure scheme so harmful to a WHS that
- a. an independent panel of five planning Inspectors concluded, after reviewing all the evidence, that it would cause substantial harm to a WHS, judging that *the adverse impacts of the Proposed Development would strongly outweigh its overall benefits;* and
 - b. UNESCO is threatening to inscribe it onto the World Heritage in Danger List.