

Re-determination of the Application by National Highways for an Order granting Development Consent for the A303 Amesbury to Berwick Down (A303 Stonehenge)

This is a personal submission from John Adams OBE a registered Interested Party to the above application

Alternatives

- a) National Highways document **Response to Bullet Point One – Alternatives Document** **reference: Redetermination-1.1** (NH 1.1) provides an unsatisfactory assessment of alternatives and contains a superficial and limited analysis of options. The Applicant provides no new evidence to inform interested parties or indeed the decision of the Secretary of State; assertions are made throughout the document without any robust data to support them and critically the views expressed in the document entirely fail to recognise the implications of the High Court Judgment (July 2021) following Judicial Review of Grant Shapps’ Decision to grant the Development Consent Order. [2021] EWHC 2161 (Admin). Case No: C0/4844/2020. IN THE HIGH COURT OF JUSTICE. QUEEN’S BENCH DIVISION. Save Stonehenge WHS and Secretary of State for Transport and (1) Highways England and (2) HBMC(E)

- b) Extracts from the decision of the High Court: (my underlining)

Para. 278. First, the designation of the WHS is a declaration that the asset has “outstanding universal value” for the cultural heritage of the world as well as the UK. There is a duty to protect and conserve the asset (article 4 of the Convention) and there is the objective *inter alia* to take effective and active measures for its “protection, conservation, presentation and rehabilitation” (article 5). The NPSNN treats a World Heritage Site as an asset of “the highest significance” (para. 5.131).

Para. 279. Second, the SST accepted the specific findings of the Panel on the harm to the settings of designated heritage assets (e.g. scheduled ancient monuments) that would be caused by the western cutting in the proposed scheme. He also accepted the Panel’s specific findings that OUV attributes, integrity and authenticity of the WHS would be harmed by that proposal. The Panel concluded that that overall impact would be “significantly adverse”, the SST repeated that (DL 28) and did not disagree.

Para. 280. Third, the western cutting involves large scale civil engineering works, as described by the Panel. The harm described by the Panel would be permanent and irreversible.

Para. 281. Fourth, the western cutting has attracted strong criticism from the WHC and interested parties at the Examination, as well as in findings by the Panel which the SST has accepted. These criticisms are reinforced by the protection given to the WHS by the objectives of Articles 4 and 5 of the Convention, the more specific heritage policies contained in the NPSNN and by regulation 3 of the 2010 Regulations.

Para. 282. Fifth, this is not a case where no harm would be caused to heritage assets (see *Bramshill* at [78]). The SST proceeded on the basis that the heritage benefits of the scheme, in particular the benefits to the OUV of the WHS, did not outweigh the harm that would be caused to heritage assets. The scheme would not produce an overall net benefit for the WHS. In that sense, it is not acceptable *per se*. The acceptability of the scheme depended

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upon the SST deciding that the heritage harm (and in the overall balancing exercise *all* disbenefits) were outweighed by the need for the new road and *all* its other benefits. This case fell fairly and squarely within the exceptional category of cases identified in, for example, *Trusthouse Forte*, where an assessment of relevant alternatives to the western cutting was required.

- c) These paragraphs extracted from the High Court record require National Highways to approach this task with a serious mindset but instead it seems as if the Applicant wishes to airbrush the High Court Decision and the confirmed views of the Secretary of State from history. The fact is the Court confirmed that the Secretary of State's clear finding was that the impact of the scheme upon the WHS would be significantly adverse. (My underlining).

In summary the Secretary of State found:

'The Proposed Development would benefit the OUV (Outstanding Universal Value) of the WHS (World Heritage Site) in certain valuable respects, especially relevant to our present generation. However, permanent irreversible harm, critical to the OUV would also occur, affecting not only our own, but future generations. The benefits to the OUV would not be capable of offsetting this harm. The overall effect on the WHS OUV would be significantly adverse.' (ExAR 5.7.321 and adopted by SoS at DL (Decision Letter).

- d) And yet National Highways in its Alternatives Document irrationally fails to recognise or accept the significantly adverse heritage impacts arising from its preferred scheme; this is unimaginative and fundamentally misleading and simply fails to assist Interested Parties or the Secretary of State.

It is completely unacceptable for a major agency (National Highways) reporting on such an important, expensive and sensitive scheme to treat the assessment of alternatives in such a casual and implausible manner. It's surprising that this document in its current form was approved for release.

- e) The Government's Consultation Principles 2018 require that:

- Consultations should be informative

By giving enough information to ensure that those consulted understand the issues and can give informed responses. Include validated impact assessments of the costs and benefits of the options being considered when possible; and

- Consultation should facilitate scrutiny.

This document albeit not strictly a consultation document per se nevertheless serves the same purpose and disappointingly fails on both key principles.

- f) What we have in this document is National Highways wedded to their preferred scheme and essentially restating their previous options appraisal and its flawed conclusions, it's difficult to know how the Secretary of State will be any better informed or satisfied that the Court Judgment has been adequately addressed by the agency. It is an unconvincing presentation given that almost all the information contained in this current document was available at the Examination and the appointed examiners of the scheme in 2019 recommended against it,

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owing to the adverse impacts it would have on the WHS and its Outstanding Universal Value (OUV).

- g) It is worth reminding ourselves that the agency only presented two options for public consultation, both involving short tunnels through only part of the WHS. Insufficient comparative information was provided on options that would be less expensive and not so damaging to the WHS, i.e., bypasses to the north and south. Alternatives involving no new road building were not considered. Without more detailed comparative data it was and continues to be impossible for consultees to make full and meaningful comparisons between later-stage routes and those selected for consultation.
- h) Section 2.6 of NH 1.1 mentions the statutory consultation on the Preferred Route. Some **79%** of respondents were opposed to the proposals at the statutory consultation stage. An overwhelming majority of respondents were objectors at the supplementary consultation stage (**83%+**) and in Relevant Representations to the Examination (**c.90%**). Most recorded views of consultees on the Scheme have previously been disregarded
- i) The Examining Authority found that since the WHS is a heritage asset of the highest significance (NPSNN para. 5.131), the impact of any development scheme on the Site and its setting must be a primary consideration. One of the key aims of the Proposed Scheme, 'To help conserve and enhance the World Heritage Site and to make it easier to reach and explore' would, however, not be realised (see [ExA Report](#), para. 7.2.17). (My underlining).
- j) Further, given the detailed findings of the Secretary of State as to the heritage harm of the proposed scheme, it is imperative that any alternatives assessment considers not just the headline conclusion but also the detailed analysis. The Applicant fails to provide this detailed analysis.
- k) For example, the Secretary of State made damning comments as to the effect of the Longbarrow Junction upon the WHS and the setting of various assets (see ExAR 5.7.224, 5.7.245, 5.7.247 all adopted by SoS at DL[10]). These findings included that the junction would dwarf all other individual features including the stones from the air. And yet in NH 1.1, NH makes a sweeping assertion that a repositioning of the Longbarrow junction may have the potential for 'worsened landscape and visual impacts from the repositioning of Longbarrow junction' (para. 4.3.7). However, it makes no acknowledgment of the damning findings of the Secretary of State in relation to the location of the proposed junction. There is a complete disconnect between NH's assessment which appears to maintain the misguided positive view of the scheme in heritage terms vs the reality of the Secretary of State's previous findings.
- l) The continuing failures in NH's alternatives assessment means that there remains a failure to adequately consider alternatives in this case and there is no robust basis for the Secretary of State to conclude that there is no better solution to the traffic issues on the A303. The fact is there are better solutions which would remove the A303 from the WHS, cost much less and would be quicker to construct, but NH stubbornly refuses to give these alternatives a fair hearing.

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- m) The lack of robust evidence is easily highlighted by brief examples of the following unsubstantiated assertions in NH 1.1.

Cut and Cover Tunnel Extension to WHS Boundary

3.2.9 The cut and cover extension would reduce the distance between Longbarrow Junction and the tunnel portal. This would result in disruption to smooth traffic flow close to the tunnel portal and increase the risk of collisions and incidents in this area.

- *There is no explanation of why the Longbarrow Junction cannot be relocated to allow sufficient distance.*

3.2.10 A tunnel length of 4.285km would require inclusion of lay-bys in the tunnel. Construction of these features would require long breakouts from the bored tunnel's primary structural lining which is a high safety risk operation for construction workers.

And yet at **3.3.2** NH confirms that:

- *Since examination, a safety risk assessment has been carried out on the need for emergency stopping areas in tunnels. This assessment has concluded that laybys do not provide a proportionate response to managing the residual risk associated with vehicle breakdowns in the tunnel and so the likelihood of long breakouts being required in the primary tunnel lining as set out in paragraph 3.2.10 above has reduced.*

Why hasn't NH presented a range of tunnel length options not only 4.285km?

3.3.7 Cost: The delay to the proposed start of construction will result in inflationary cost increases but the magnitude of these increases combined with changes in market conditions are within estimating variance margins and therefore the estimate of additional cost presented at examination remains valid.

- *The latest published costings were in 2016 and with [inflation forecast by the OBR](#) to peak at a 40-year high of 8.7 per cent in the fourth quarter of this year, its highest level since the second oil shock of the late 1970s and early 1980s must surely require the estimate of additional cost presented at examination should be revised. After all this was a scheme The National Audit Office's (NAO) described in 2019 as "currently only just value for money."*
- *Additionally, the NAO said there are risks for Highways England and the Department to manage to ensure the project has a realistic chance of being value for money...the economic case relies on heritage benefits that are uncertain. The NAO concluded: 'In pure economic terms, because of the high cost of building a tunnel, the Amesbury to Berwick Down project, at £1.15 of quantified benefit for every £1 spent, has a significantly lower benefit–cost ratio than is usual in road schemes. Given our experience of cost increases on projects of this kind, this ratio could move to an even lower or negative value.'*
- *Given these measured concerns by the public spending watchdog and the considerable length of time that has elapsed since 2016 how can the costs presented at examination possibly remain valid?*

3.4.8 The Applicant's overall position to exclude the cut and cover tunnel extension from further development remains unchanged; there is no evidence that the additional investment required to

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extend the tunnel length would deliver meaningful additional benefits to the WHS that would justify the additional cost.

- *To say there is ‘no evidence’ ignores the damning findings of the Secretary of State as to the significant harm which the proposed scheme would cause to the WHS, its setting and designated heritage assets. Without accepting this finding and then re-assessing the proposed scheme and alternatives in light of it, the work by NH is fundamentally flawed and cannot be relied upon.*

Bored Tunnel Extension to 600m beyond WHS boundary

Traffic and Operational issues

4.2.9 The bored tunnel extension would reduce the distance between Longbarrow Junction and the tunnel portal. This would result in disruption to smooth traffic flow close to the tunnel portal and increase the risk of collisions and incidents in this area.

- *Presumably this assertion is based on not moving the current position of the Longbarrow Junction? But why can't it be moved?*

4.2.10 In addition to this, the longer bored tunnel extension would need Longbarrow junction to be relocated to the west. This relocated Longbarrow junction would need to fit between the western portal and the River Till Viaduct. The combination of these two constraints would require the use of a compact, and consequently lower capacity, junction which would not be compliant with standards for the volumes of traffic which would be using the A303.

- *What detailed engineering re-evaluation has NH carried out to support their assertion that re-locating the junction would be problematic. The clear impression is that this work/options appraisal has not been carried out because the Applicant remains wedded to its original scheme and is not prepared to assist the Secretary of State by providing the necessary revised assessment.*
- *Why can't the Longbarrow junction be moved further west to allow the same type of junction as per the original scheme? Why does the junction have to be extended 600m beyond the WHS boundary, rather than some alternative distance? What solutions might exist through the compulsory acquisition of more land in this area? This junction is arguably the most contentious element of the proposal and yet NH has treated the matter with a superficial touch. The unconvincing narrative supplied cannot possibly assist the Secretary of State in redetermining the matter.*

4.2.11 The A360 would need to remain in its current location.

- *There is no explanation about why the A360 would have to remain in its current location, particularly if the Longbarrow junction is moved further west? This belies an absence of creative design solutions.*

4.2.12 The revised junction position and arrangement would increase journey times and displace more traffic on to the local road network.

- *Again, there is absolutely no explanation about why a revised junction would increase journey times and/or displace more traffic on to the local road network. This statement is*

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completely unsubstantiated; which specific local roads is NH referring to here? How can any reasonable person make any sense of such assertions without the necessary supporting data?

4.4.4 The increase in traffic forecasts and the associated increase in non-compliance with standards of the compact junction, strengthens the Applicant's existing position that the option for a bored tunnel extension should be excluded from further development.

- *But this raises the question of whether the increase in traffic forecasts made by NH are in fact reliable estimates, many academics and traffic/transport experts would challenge the applicant's assumptions; issues regarding the compact junction could be resolved by improved design solutions for this section of the scheme.*
 - *Despite this assertion concerning traffic forecasts, and the earlier reason for dismissing this option on the ground of cost and a longer construction period, there is no indication that a longer bored tunnel is not viable, simply that there could be operational problems with the solution NH proposes. These problems apparently depend on the volume of traffic involved – a matter over which there is considerable future uncertainty.*
- n) The remaining alternative routes discussed in this document – and as presented to the Examining Authority - all merit further detailed reappraisal in particular the northern route and F010 both of which would benefit the WHS by removing the A303 from the Site and would avoid permanent and irreversible harm occurring as a result of the loss of over 7ha of the fabric of the WHS - which the current proposal would inflict.
- o) In this document NH has provided no evidence to support its assertions. Further, it has failed to acknowledge and accept the findings of the SoS about the harm of the proposed scheme.
- p) Much more detail on the alternative routes is required so that a fair comparison and assessment can be made, to include costings, heritage harm, disruption and impact on the landscape and local road network.
- q) NH's business case for the proposed scheme was wholly dependent upon there being net heritage benefits, now that the Secretary of State has confirmed that the proposed scheme would lead to significant harm, the business case is undermined and any conclusions upon relative value for money which fails to take account of this are thus unsafe.
- r) This moves the scheme into the realm of uncertainty highlighted by the NAO and the Secretary of State should either reject the scheme or require the Applicant to provide further robust data and evidence in support of their case.
- s) The reputations of our Government and Historic England on the protection and conservation of its WHSs must seriously be questioned following the loss of Liverpool's WHS status and the "significantly adverse" and "irreversible" impacts now threatening the Stonehenge WHS.

I am strongly opposed to this road scheme for the following summary reasons:

- t) **1. Harm to the UNESCO World Heritage Site (WHS).** The scheme was announced in 2014 and funding allocated prior to knowledge of the harm it would cause to the WHS. Since then, three World Heritage Centre and ICOMOS advisory missions have advised less damaging

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options be explored. In 2021 the World Heritage Committee warned the WHS might be considered for the World Heritage in Danger List, should the scheme proceed unaltered.

- u) **2. Finding of harm by five senior Planning Inspectors.** The appointed examiners of the scheme in 2019 recommended against it, owing to the adverse impacts it would have on the WHS and its Outstanding Universal Value (OUV), notably where the western tunnel entrances would emerge in a deep cutting leading to a major interchange at the WHS boundary. They concluded that

“... the effects of the Proposed Development on WHS OUV and the historic environment as a whole would be significantly adverse. Irreversible harm would occur, affecting the criteria for which the Stonehenge, Avebury and Associated World Heritage Site was inscribed on the World Heritage List.” (Report, para. 5.7.326)

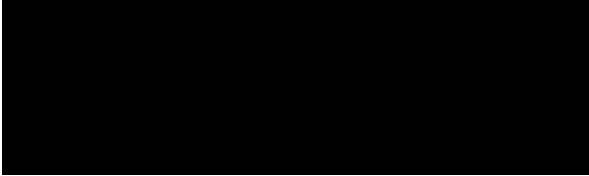
- v) **3. The poor economic case.** The National Audit Office and Public Accounts Committee have cast serious doubts on the scheme’s value for money. Even then the scheme’s low value was only achieved when dubious “heritage benefits” were included, making up around 75% of the scheme’s economic value.[3] The contingent heritage valuation survey used by Highways England was based on inaccurate information supplied to participants unaware of the adverse impacts of the scheme on the WHS. Professor Phil Goodwin, leading transport specialist, advises that the survey could easily be re-run to obtain a more realistic understanding of the scheme’s value for money. The Secretary of State must ask for this to be done before any further decision is made.
- w) **4. The Climate Emergency.** The Government has signed up to ambitious targets to cut carbon emissions by 68% by 2030 as part of its Nationally Determined Contribution to the Paris Agreement, while the recent IPCC report highlights the need for urgency. With surface transport being the largest emitter of carbon in the UK, action is needed now to reduce road traffic since electrification of vehicles will not suffice. Given that new roads increase traffic and emissions, this scheme should be abandoned. At the very least it should be paused until the National Policy Statement on National Networks has been reviewed to take account of the change in circumstances.
- x) **5. Leading archaeologists oppose the scheme.** A consortium of more than 20 specialists working in the field of Stonehenge archaeology voiced their objections at the formal scheme Examination in 2019. Professor Mike Parker Pearson has demonstrated that the direct impacts of the engineering works would lead to substantial loss of archaeological evidence since insufficient time and finance would be available for full recovery of artefacts.
- y) **6. Public opinion.** A petition to the Transport and DCMS Secretaries asking for the A303 scheme to be reconsidered, was first handed in to 10 Downing Street in February 2019. It now has well over 200,000 signatures, reflecting national and international concern about the threat to the WHS.
- z) **7. The successful High Court challenge to the Transport Secretary’s decision** revealed his failure to consider i) the impacts of the scheme on each heritage asset affected, and ii) less damaging alternatives, including longer tunnel options. It was confirmed in the High Court

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that he found the scheme would cause significant harm to OUV attributes, the authenticity and integrity of the WHS.

The SST has previously accepted that the heritage benefits of the scheme, in particular the benefits to the OUV of the WHS, do not outweigh the harm that would be caused to heritage assets it would be irrational for him to now change his mind on this crucial finding.

I therefore urge the Secretary of State to consider alternatives to the current scheme.



John Adams OBE

