

From: [REDACTED]
To: [A303 Stonehenge](#)
Subject: TRO10025 A303 AMESBURY TO BERWICK DOWN RE DETERMINATION
Date: 09 June 2022 20:25:50

For the attention of the A303 Stonehenge Case Team

I am responding as an Interested Party reg no. AP 768184 and would be grateful for confirmation you have received this submission.

I reiterate that I represent in my capacity as an Archdruid, the Female Druids United, the environmental voluntary network Sacred Grove Western Isles and the free access to Stonehenge campaigning group Open Access to Stonehenge and we continue to OBJECT to this Planning Application. There are no elements of this proposed development project, that I nor those I represent, can support. The tunnel would bring permanent archaeological and conservational damage to the WHS and deny free public amenity both to the public and those who hold Stonehenge and its environs as a sacred temple and landscape.

**Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 Re-determination of the Application by Highways England for an Order granting Development Consent for the A303 Amesbury to Berwick Down ("A303 Stonehenge")
Section 4 of Statement of Matters on Carbon Document reference: Re-determination 3.**

Background to this Re Determination

Despite the Quashing by Mr Justice Holgate in July 2021 of the Secretary of State for Transport's – SST's - Decision to approve the Development Consent Order DCO, this Re-determination is proceeding under the Secretary of State's request for further specific information from the Applicant re his Statement of Matters.

The SST intends to make his own new assessment -Re-determination- of his own failed Decision together with a vast amount of new or adjusted evidence supplied by the Applicant, without assistance or guidance from either the original Examining Panel or a newly formed panel.

This process action is bizarre considering the SST was referred to as irrational by Mr Justice Holgate when SST ignored the lawful warnings of his own experts and put himself in judicial peril resulting in the Quashing: now he has decided he alone as Secretary of State for Transport will Re-determine all this further evidence and submissions without expert guidance and reach his own new Decision!

There is obviously a high chance of yet another risk for a judicial review at great cost to all concerned not least the taxpayer

Request for a new Examining Panel and/or Further Public Consultation and Inquiry in Public before the SST makes his Re Determination Decision

Consequently, relating to the points above, I request this be set up before the SST attempts to make a further Decision without referring to relevant experts in order to avoid repeating the mistakes he has already committed.

Reasons for need for an Examining panel to assess the new evidence before the SST makes his new Decision.

The quashing of this Development Consent Order (DCO) was not alone in 2021, it was the fourth quashing in six months and it has been suggested by many experts in the field of major infrastructure projects that the National Policy Statement needs updating because until it is, these quashings are likely to continue.

To assist the lawful process and avoid further need for judicial reviews, this should be overseen by either the same Panel or a newly appointed one of similarly experienced inspectors.

The prime reasons for needing a Panel to assess evidence before the SST makes another decision are:

To consider why there is a need for a Re determination

The Secretary of State SST stated that they would welcome confirmation that the response by the Applicant to all parts of the Statement of Matters has been prepared by a competent expert. The Secretary of State also asked that links be provided to any documents referenced and their relevance fully explained!

Those bizarre and inane requests were inadvertently made on behalf of all of us who spent many hours struggling with evidence that was all too often incomprehensible. Nor did it take into account the most obvious basic requirements of a major national project in 2019 and especially not in 2022 after we learn how other such projects are now found to be incorrectly described, assessed, costed and 'sold to the public' as well as to the Government!

To address why in view of the need to make critical assessments the SST has had to request from the Applicant:

- a] how and where did you get your evidence from?
- b] whose data and research are you reliant upon? and
- c] where did you find this evidence please so we can find it too via referencing links – is pretty damning as to the attitude of the Applicant and smacks of being out of its depth or capacity to provide competent written tendering contracts and methodology statements that will be found to be coherent, feasible and practicable!

So regardless of all the other breaches of balancing evidence and presenting correct and clear data we who are the general public, are now asked to assess as lay people, the latest offering by the Applicant regarding the 'Carbon data'. This is the same Applicant, who had to be asked to provide clear and accurate referenced data like an undergraduate student, I certainly now have no faith in the qualitative and quantitative research hereby reproduced for the following reasons:

1. How do I know the data I'm reading has been researched and carried out correctly or if it's been adjusted to suit the needs of the Applicant's 'plan', I have no capacity to assess whether anything of note is accurate or whether it has been withheld or not.
2. How can we be assured of the veracity of this latest balancing exercise that the Secretary of State has now to do on this further evidence he has requested from the Applicant – considering his reliance previously had led him down a reckless incorrect route to make what the Judge Holgate referred to as an unlawful and irrational Decision?
3. So, if the original evidence provided was misleading, inadequate or plainly in error, how can anyone without profound pertinent intellect now make a valid assessment of what is now presented?

Is this consulting process fit for purpose?

Evidently, we are again at the point where all those engaged in this process so far are invited to re assess the new information supplied,

then give our opinions to the SST who ignored what we said and the Panel said before!

Although many colleagues have expressed dismay at the seemingly pointless exercise of replying to the Statement of Matters, after the SST ignored his own experts and the opinions and submissions of hundreds of others, including eminent archaeologists, historians, engineers and UNESCO, I am still engaging and responding as a registered Interested Party. I have, like countless others, already responded to the other aspects of the Statement of Matters under separate submissions.

I have also taken part in this Application from the start when the Applicant was Highways England but is now National Highways. I've attended the Inquiry in Public presenting both orally and in writing considerable amounts of pertinent evidence. I took part in the process both on my behalf and many others, and noted how helpful and considerate the Examining Panel experts were enabling everyone experienced or not, to fully engage with the process which could be daunting to those unused to Inquiries.

Now we are left alone wading through vast documents with over a thousand pages in at least one!

These thousands of pages of research, most of which have no clear summaries, abstracts or helpful schedules of changes, are documents which have been assembled with the same lack of consideration that members of the general public need, yet again, to have some idea of what they are seeking.

So, we are presented with all this unclear evidence but without the attentive guidance of the Examining Panel of experts whose own valid and correct recommendations were then ignored by the Secretary of State!

Not only is this Application arrogantly presented without clarity or equitable access to general understanding, this new information relating to the Statement of Matters does nothing to enable the easy assessment as to adverse impacts within technical data, nor does it clearly add anything to the Judge's demands regarding balancing exercises.

Applicant's response to the request to update section 4 of their response to the Statement of Matters on carbon Document reference: Re-determination 3.

Notwithstanding my above requests and comments, I will attempt to respond on the Re-determination Matter 3.

The Government, in spite of this lawful process of Quashing, is already including the Applicant's £2bn contract within its current costs for its Construction Pipeline as if it's a done deal and rendering this Consultation and Re Determination defunct!

- a. The Government despite calls for upgrading and revising is failing to update the relevant building regulations relating to this major infrastructure project Application and when asked the Government estimate the revisions will be in effect in 2023/24! We are still discussing major high investment projects under known outdated Regulations- how are we to know they are accurate safe or relevant?
- b. Major environmental benefits are claimed by the Applicant that the tunnel will reduce noise and emissions from the site. This claim is flawed as emissions will reduce naturally via Government electric vehicle legislation. A tunnel will have no beneficial effect on levels of noise and emissions that will accumulate and exude from tunnel mouths. Cumulative data is not well supported as there is no proven extrapolation.
- c. My previous comments remain relevant that this project does not prove Value for Money nor that the Application has considered Salisbury by pass which by the Applicant's own costings and Government auditing were more cost effective but less glamorous. National Audit Office Report May 20 2019 *"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. It will be even more important therefore that the Department and Highways England ensure that the project meets its strategic and heritage objectives, and that Highways England manages the project well. Currently, there are risks to Highways England's approach that it will need to manage to ensure future value for money for the Amesbury to Berwick Down project, and its other investments along the A303/A358 corridor.* [REDACTED]
- d. There is no surety nor process of monitoring, that the Applicant will perform adequate caretaking of elements of historical landscape the Applicant has already failed to consider nor what are their plans to deal with high risk unknown archaeological or ecological discoveries. These are high value risks that will massively increase delays and costs that are already causing concern to both the National Audit Office and The Office of Road and Rail.

CARBON & CLIMATE We are now to consider:

"the assessment of the impact of the scheme on the carbon budgets to take account of the sixth carbon budget; and on the direct, indirect and cumulative likely significant effects of the development with other existing and/or approved projects on climate, including greenhouse gas emissions and climate change adaptation, in light of the requirements set out in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) and in light of paragraphs 5.17 and 5.18 of the National Policy Statement for National Networks;

any changes in law or regulations since the examination closed "change in whether the Development would be consistent with the requirements and provisions of relevant local or national policies, given the time since the examination closed;"

Levelling up and carbon strategy

Too much has changed in law and environmental expectations, since the original Application was produced, and adding and subtracting items to be considered by public consultation have created a confusion as to what has been altered and improved and what has not. The Environment Act 2021 and other climate ambitions and promises have also progressed since COP26 and the sixth Carbon Budget.

We need expert guidance by an Examining Panel on this Application as to how it conforms to these new aims.

SUMMARY

This Re-determining process is not equitable nor fit for purpose without expert Planning Inspectorate guidance.

By ignoring the most cost effective and greatest overall benefit option how can this Application address fully the carbon and other questions raised by the Secretary of State and the public when the actual plan does not deal with the needs of Wiltshire itself and the national transport improvement promises, by ignoring the Salisbury bypass option – one part of Wiltshire traffic is moving a bit faster whilst its major tourist city remains congested and restricted!

The National Infrastructure Strategy page 23 refers to the Green Book Review but only an Examining Panel of experienced Planning Inspectors can advise myself and others that this updated evidence conforms to those aspirations.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938539/NIS_Report_Web_Accessible.pdf

With regards

Lois Lloyd BSc(Hons)
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