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A303 Amesbury to Berwick Down

CBA Comments on Issues raised by the Secretary of State's letter of June 20th 2022 and Applicant's responses to it

12th August 2022

General context

1. Overall, the CBA's concerns were summarised with references to more detailed exposition of the issues in our submission of 26th April (for ease of reference hereafter [[CBA 2022a](#)]) in response to the Secretary of State's (Sec of St) letter of 24th February 2022.
2. The Sec of St's letter of June 20th (hereafter [[Sec of St 20/06/2022](#)]) asked National Highways to comment on objectors' representations, which included those such as the CBA's [[CBA 2022a](#)]. NH has restricted their comments only to those respondents and specific points highlighted by the Sec of St as needing to be *included* within the more general scope of the request. The Applicant has not commented on CBA's response of April 2022, though it raised various issues relevant to decision-making not considered by NH or by the ExA in their report [[ExA rept 2019 ExA appendices 2019](#)] or in the Sec of St's in his decision letter [[Sec of St decision 2020](#)].
3. These concerns in particular relate to issues that we set out in our response [[CBA 2022a](#)] to the Sec of St's questions of February 24th 2022 in respect of:
 - heritage and archaeology assessment (paras 12-19)
 - consideration of cumulative benefit and harm (paras 20-27; 36-38)
 - comparison with viable alternatives (paras 28-35)
 - cost benefit especially in respect of heritage valuation (para 34 items h to k).

These are also central to the matters covered by the Sec of St's letter [[Sec of St 20/06/2022](#)] and NH's responses. This submission follows the structure of the Sec of St's letter and seeks to clarify and explain why our concerns matter for his re-determination of the case.

Sec of State Question 1 (Assessment of archaeological assets highlighted by the Consortium of Archaeologists)

Assets in the Tunnel Approaches

4. At para 1.2.4 NH says that assets ‘a’ ‘b’ and ‘c’ are not recognised regionally as heritage assets because they are not recorded in the Wiltshire HER, and refer to the ES ([[Ch 6](#)] para 6.9.25) which states in relation to these and other assets that

*The archaeological evaluations that have been undertaken in support of the Scheme **to date** indicate that the archaeological remains encountered **so far**, within the Scheme footprint, are of Low to Medium value. [added emphasis]*

They go on to state that ‘Where these archaeological remains are removed by the construction of the Scheme then it would result in a Major negative impact’. Their current summary ([[NH Q1 response](#)] para 1.2.7) also goes no further than noting what has been found ‘to date’ – this time omitting any mention of human burials, which are critical elements of the potential importance of the assets.

5. EIA requirements and NSPNN policies¹ apply to heritage assets as elements of the historic environment as it physically exists, not just those bits that have been recorded ‘to date.’ As previously explained ([[CBA 2022a](#)] para 18 items a to e and references therein), such information may be very incompletely known and subject to extrapolation an interpretation to understand the full potential extent, character and significance of assets. This is highly dependent on the scope of preliminary sampling, in this case well below best practice standards.
6. Such uncertainty and the need to consider evidential potential is explicitly allowed for in both EIA Regulations and NSPNN,² which in relation to undesignated sites of archaeological interest NSPNN para 5.124, footnote 98 states:

‘There will be archaeological interest in a heritage asset if it holds, or potentially may hold evidence of past human activity worthy of expert investigation at some point.’³

[added emphasis]

7. With regard to national importance of undesignated assets, NPSNN para 5.124 together with its footnote 98 not only makes it clear that ‘*the absence of designation for such heritage assets does not indicate lower significance,*’ but also that it is the ‘*evidence*’ that such an asset ‘*holds, or potentially*

¹ Paras 5.121 and 5.122 set out very broad definitions of the historic environment and elements of it that constitute heritage assets (any evidence contributing to understanding the human past -)

² Footnote 98 requires consideration of evidence that assets ‘*potentially may hold*’ Paras 126, 127 refer to ‘*likely*’ effects and ‘*potential*’. These points reflect general EIA requirements (NPSNN paras 4.15 ff and EIA Regulations) for ‘*describing the aspects of the environment likely to be significantly affected*’ and the ‘*likely significant effects*’ on them. The EIA Regulations (Schedule 4 regulation 6) require that ‘*forecasting methods*’ and ‘*difficulties encountered compiling the required information and the main uncertainties involved*’ are reported in the ES so that the likelihood of aspects of the environment being present and for significant effects to occur can be understood.

³ The EIA Regulations (Schedule 4 (6)) require reporting and explanation of difficulties and uncertainties that arise from the ‘*forecasting methods or evidence*’ used to assess the ‘*likely*’ aspects of the environment to be affected and identify ‘*likely*’ significant effects (EIA requirements summarised NSPNN paras 4.15)

may hold, that must be assessed, NOT merely what has been recorded *'so far'*, that has to be tested against being *'demonstrably of equivalent significance to Scheduled Monuments.'*

8. NPSNN para 5.124 requires direct consideration of the *'asset'* (as defined by NPSNN paras 5.122 with 5.121), not whether it is legally a *'monument'* eligible for designation.⁴ Nor does it require consideration of whether designation would be the appropriate form of management (as also applies to scheduling decisions). The only test is about of *'equivalent significance,'* to scheduling, the criteria for which are: *'Period; Rarity; Documentation/finds; Group value; Survival/condition; Fragility/vulnerability; Diversity; Potential'* (see [\[Historic England advice\]](#) with references). While the ES is transparent on what significance criteria were used, it is not transparent in respect of how they relate to those used to determine national importance for scheduling.⁵
9. The assessment of these areas as being of *'Low to Medium value'* ([\[NH Q1 response\]](#) paras 1.2.5, 1.2.7-8) contrasts dramatically with the more recent assessment of asset value in Updated Heritage Baseline ([\[EIR App 3.1\]](#) pp 179-192) in which a number of undated pits and enclosures of uncertain origin (some not certainly of archaeological origin) – notably numbers 7058, 7066, 7049, 7051, 7066 – are each assessed as having a *'Very High'* asset value, equivalent to being of international importance according to the cultural heritage section of the ES ([\[ES Ch 6\]](#) p 6-8 Table 6.2).
10. NH's response also fails to consider the separate test for World Heritage Sites (NPSNN para 5.135) by which the Secretary of State must

'treat the loss of a building (or other element) that makes a positive contribution to the site's significance either as substantial harm or less than substantial harm, as appropriate, taking into account the relative significance of the elements affected and their contribution to the significance of the ... World Heritage Site as a whole.'

11. By contrast, CoA's analysis is more in accordance with EIA and NPSNN requirements than the Applicant's approach (the words in italics being the relevant EIA and NPSNN terms).
 - They have used the evidence presented by NH together with other published records (some referred to in the fieldwork reports concerning these assets) to *'forecast'* the *'likely'* *'evidence'* that each *'holds or may hold'* that would be *'worthy of expert investigation.'*

⁴ [PPG Historic Environment 2019](#) para 041). NH's response ([\[NH Q1 response\]](#) para 1.2.8) muddies the waters in not distinguishing *'assets'* from *'monuments'*, and in not recognising that the evidence that assets may hold (not just evidence *'to date'*) is a core element of what must be considered in reaching an assessment of significance.

⁵ Chapter 6 of the ES does not mention these criteria, nor does DMRB LA06 ([\[DMRB CH\]](#)) which for assessment criteria cross-references DMRB LA04 ([\[DMRB EIA\]](#)); nor does either of these assessment guides refer to NPSNN policies other than that all its provisions must be addressed ([\[DMRB EIA\]](#) p.7, E/1.5).

- In doing so, they have properly assessed and taken into account the *'forecasting methods'* and *'evidence'* used, *'difficulties'* inherent in making archaeological predictions, and taking account of the *'main uncertainties involved'*.
 - Further, they have explained the *'worthiness'* of the evidence, in the context of relevant WHS OUVs and national and international research using considerations that closely reflect the non-statutory criteria of *'national importance'* to show that that the *'evidence'* that these *'assets'* *'hold or may potentially hold'* is *'demonstrably'* of *'equivalent significance'* to scheduled sites.
12. The CoA's approach to analysing and assessing these assets and their likely significance is thus fully in accord with NSPNN and EIA Regulations.
13. Despite what is stated in their Setting Assessment in relation to 'Archaeological Settings' ([\[ES Ch 6 Appendix 6.9\]](#), pars 3.6.4-7),⁶ NH has also not acknowledged that these assets are a significant part of the surroundings of adjacent designated monuments (notably those within Asset Groups 12 and 13) because of the *'evidence they hold or potentially may hold'* that is likely to contribute to a better understanding of those monuments – especially those of comparable date – in respect OUV Attribute 6. This applies to a significant number of monuments in Asset Groups 12 and 13, but to very varied extents.
14. Policy Planning Guidance ([\[PPG 2019\]](#) para 018) illustrates the test of *'substantial harm'* to a designated asset as being whether *'the adverse impact seriously affects a key element of its special ... interest.'* The advice says that less than total loss may in some circumstances be less than substantial harm or none (especially if inappropriate elements are removed); but that *'even minor works have the potential to cause substantial harm.'*
15. It is common ground that as stated in the ES, the *'removal'* of these assets would be *'major negative impacts,'* all the more so as the Applicant has not identified relevant issues of setting that would make the impact even worse. All told, when NPSNN policies 5.124 and 5.135 are properly applied, this would clearly constitute substantial harm to the assets highlighted by the Consortium which are likely to hold evidence of national significance and demonstrable importance for the WHS in contributing significantly to OUV Attribute 6.

⁶ The Applicant states *'In terms of assessment outcomes the removal of any modern elements that sever the landscape is seen as beneficial to archaeological setting. Conversely physical damage to archaeology or the introduction of new severance is seen as negative'* (though this is only expressed in terms of perception, not physical loss of or change to elements of an assets surroundings that contribute to its significance).

Blick Mead

16. In our response to the Sec of St Questions of 24th February ([\[CBA 2022a\]](#) para 18 item d) we drew attention to our previous submissions concerning factual and methodological flaws in the assessment of potential hydrological impacts on the preservation of waterlogged and anaerobic deposits that are critical to the significance of this site. These concerns were referred to by the ExA ([\[ExA rept 2019\]](#) para 5.7.108) but have not been refuted.
17. The preservation of Blick Mead continues to be a significant issue, and the Sec of St needs to make a judgment on the basis of all the particular factors that control anaerobic organic preservation within fluctuating watertable levels over the whole area that *holds or may potentially hold* evidence of national significance⁷ as outlined by the CBA ([\[REP6-084\]](#) pp 47 to 54; [\[REP8-036\]](#) pp 14-15) not based just the predicted hydrological fluctuations themselves.

Sec of State Question 2 (Western extended tunnel options; heritage impacts of alternatives)

Context of the Review and its Scope

18. Mr Justice Holgate’s judgment ([\[\[2021\] EWHC 2161 \(Admin\)\]](#) paras 244-276) explains how policy, statutory requirements and case law concerning alternatives apply to the particular circumstances of this case. At paras 278-282, he set out in five general reasons why in this case the Sec of St must give careful consideration to whether viable alternatives, without reference to tunnel options, would better achieve policy and statutory obligations to safeguard nationally and internationally important heritage.⁸
19. The particular need to look at options to extend the tunnel within the DCO boundary arise from focus of the claimant’s oral case (para 142) and relevant caselaw, that the need to consider alternatives that could be built within the application area applies ‘*with equal, if not greater force*’ (ibid. paras 285 and 287).
20. The CBA’s formal position on this matter (2016, see [\[CBA main submission Appendix B\]](#)) is consistent with that judgment:

The CBA maintains its view that, in terms of conventional traffic solutions, a long bored tunnel for the A303 is the best means of achieving greatest environmental gain while reconciling a majority of all demands and needs. If it proposes other solutions it is for the Government to explain why such a solution is held to be unaffordable, how other solutions relate to its policy on conservation in an area for which it has accepted, and recently reaffirmed, global trusteeship, and the wider implications for precedent. Any solution impacting upon the WHS

⁷ See above paras 5-9 for the approach required by EIA and policy considerations.

⁸ . He further concluded that the Sec of St’s suggestion that the proposed scheme is ‘*acceptable*’ making alternatives already appraised irrelevant, ‘*is untenable*’.

must be fully assessed in the context of a number of related factors, and, above all, with adequate information..... The strong attractions of a long-bored tunnel do not necessarily outweigh the case for a different solution. Despite its widely-acknowledged benefits, there may be elements of a reasoned case against it, for which in turn there are counter-arguments.

21. UNESCO WHC have not dropped their 2018 Decision ([[UNESCO WHC 2018](#)]) concerning the need (para 4) 'to consider the southern surface (F10) by-pass route and alternative alignment and longer tunnel options to remove dual carriageway cuttings from the property' and (para 8) 'to progress towards an optimal solution for the widening of the A303 with a view to avoiding adverse impact on the OUV of the property.' It has since reiterated its position ([[UNESCO WHC 2021](#)] para 9), 'that the State Party should not proceed with the A303 route upgrade for the section between Amesbury and Berwick Down in its current form', and has sought a further report from HMG for examination '**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.**' [original emphasis].
22. We also note that the third part of the S of St question 2 is not limited to alternatives involving possible western (or any other) tunnel extensions. The following observations cover NH's submissions about western tunnel extension options before highlighting how other alternatives both within and outside the DCO boundary need fresh consideration and what factors should inform the balancing of pros and cons.

Western Extensions to the Tunnel

23. Hitherto, there has been no explicit longer tunnel scheme to compare with the DCO scheme⁹ The options now submitted are clearly predicated on **a)** fitting within the DCO boundary and **b)** extending only just outside the present boundary of the WHS, keeping costs to a minimum. This makes some sense in terms of whether a scheme might be delivered within the DCO boundary at minimum extra cost, but is less useful for consideration of what might best minimise heritage effects on the setting of the WHS and heritage assets within it and contributing to its OUV, and on other nationally important assets.
24. It is noted that the 'Key considerations for the revised tunnel extension alternatives' ([[NH 2022 Q2](#)] para 1.3.4) do not include any consideration to minimise impacts on the setting of the WHS or the setting or fabric of nationally important assets contributing to aspects of OUV.

i) Cut and cover version

⁹ The information presented by NH still does not include long or cross sections or outline landscaping scheme, though elected photomontages are provided.

25. This option would not avoid the *major negative impacts* on archaeological remains in the western approach cutting, which NH acknowledges ([[NH 2022 Q2 CH C&C](#)] pp. 53-54) but disputes their significance (see Question 1 above). For the reasons given above, including the effects on the setting of several other monuments, these losses are much more serious than the Applicant acknowledges.
26. While the cut and cover tunnel extension would reduce the impact on some of the more easterly assets in Asset Groups 12 and 13 and their interrelationships, it would not address the main impacts on those groups arising from changes to their surroundings beyond the WHS boundary. These would be similar to the bored option (see below).
- ii) Bored version
27. The bored option would avoid physical impacts of the scheme within the WHS as discussed above, making it less harmful than the existing DCO scheme or the cut-and-cover version of the extended tunnel.
28. While that reduction in harm would be greater than NH have suggested because of the flaws and omissions in their assessment, comparable flaws in their approach mean that they have also underestimated the harm to the setting of the WHS and key monuments within it arising from proposals just outside its boundary, including their contribution to key aspects of OUV. In particular, NH continue to rely on their original ES assessments (HIA [[ES Ch 6 App 1](#)]; Setting Appendix ([[ES Ch 6 Appendix 6.9](#)]), which repeatedly restrict considerations of topography almost exclusively to perceptual issues, not how landform influenced the siting and grouping of monuments (evident for example in [[NH 2002 Q2 HIA Figures](#)] figure 3). By not including topographical siting in the baseline they have not considered the impact of physical changes to the present landform which is one of the key aspects of the WHS OUV attributes 3 and 5 that is least changed since prehistory ([[NH 2022 Q2 CH C&C](#)] pp. 46-49; [[NH 2002 Q2 CH Bored](#)] pp 44-47).
29. By contrast, the ExA ([[ExA rept 2019](#)] paras. 5.7.227-9) highlighted how multiple designated assets (primarily those arbitrarily grouped as Asset Group 12 and Asset Group 13) would be greatly harmed in respect of three key aspects of OUV:
- The relationship of sites and monuments to the landscape (Attribute 3) *would be greatly harmed* by the physical *intervention* of the scheme
 - The siting of Neolithic and Bronze Age funerary and ceremonial sites and monuments in relation to each other (Attribute 5) *would be greatly harmed by the substantial spatial intervention ... arising from the cutting as well as visual disturbance*
 - The disposition, physical remains and settings of the key Neolithic and Bronze Age funerary, ceremonial and other monuments and sites of the period which together form a landscape without parallel (Attribute 6) *would suffer major harm through the excavation of a deep*

wide slot in its midst... and despite attempts to mitigate visual effects... its presence would represent a fundamental physical change of a scale not previously experienced.

30. Mr Justice Holgate ([\[\[2021\] EWHC 2161 \(Admin\)\]](#)) at para 258) observed that the ExA ‘*pithily described it as the greatest physical change to the Stonehenge landscape in 6000 years and a change which would be permanent and irreversible, unlike a road constructed on the surface of the land*’ and at para 267 he further observed that ‘*the SST did not differ from the Panel in relation to the effect of the western section on attributes of the OUV and the integrity and authenticity of the WHS.*’
31. Key impacts of the indicative extended bored tunnel scheme would include (cf [\[2022 Q2 CH C&C figs\]](#) Figures 2 and 4; [\[2022 Q2 HIA Bored figs\]](#) Figure 3):
- The portal cutting within c.50m of the WHS extends c.50-100m beyond the crest of the ridge on which the Winterbourne Stone barrows are set.
 - The portal would be a new structure located exactly on the alignment of the barrow cemetery, together with retaining walls, lighting an immediately adjacent Tunnel Service Building on the N side set in the base of a wider, 15m+ deep cutting, 5m+ deeper than the application scheme or cut and cover version ([\[2022 Q2 CH Bored\]](#) Table 1 p.11; 6.2.3-5; 8.3.1; [\[2022 Q2 HIA Bored\]](#) Table 2 p.32, para 6.1.6), creating an even larger earthwork gash into the crest of the ridge than the application scheme, wholly disproportionate in scale to the earthworks that contribute so much to the WHS OUV. Noise, light and air quality pollution would be worse in the vicinity
 - The enlarged cutting for the tunnel portal would still be close to the small scheduled hengiform monument (NHLE 1011045) immediately to its south, and totally out of proportion to its scale. The HIA baseline entry for the Winterbourne Stoke Barrows (Asset Group 12, p 204) states that *in physical terms, these roads sever the group from the landscape to the south and west, dividing the monuments from others – most notably the Diamond Group (AG13), including scheduled barrow (NHLE 1011045), which shares the alignment of the long barrow and may therefore be an outlier of the Winterbourne Stoke Crossroads group.* But its topographical siting, at the end of the relatively level ridge occupied by the Winterbourne barrows where it begins to lose definition in a wider plateau or saddle before turning into a spur of Oatlands Hill, is not mentioned. In the original assessments of impacts and effects of the application scheme, and the assessment of the western tunnel options, there is no mention of exacerbating the severance of the alignment of the hengiform monument with the long barrow and other barrows (HIA [\[ES Ch 6 App 1\]](#) AGs 31, 32 pp. 204-5; Setting Appendix [\[ES Ch 6 Appendix 6.9\]](#) AGs 31, 32; [\[NH 2022 Q2 CH C&C\]](#) paras 8.3.6-8.3.20; 8.3.19; [\[NH 2002 Q2 CH Bored\]](#) paras 8.3.6-8.3.21; 8.3.19). Nor in the case of a western extension, is any mention made of the effect of the major physical intrusion of a tunnel portal on that alignment with and adjacent service building in the base

of a very large cutting into its largely unaltered topographical surroundings.¹⁰ NH's assessment is limited to *'traffic noise, poor air quality and potential light spill from the tunnel portal'*.

- While the physical severance scheduled Bronze Age enclosure and bowl barrow 100m west of Longbarrow Crossroads (NHLE 1011048) by the existing A303 of would be reversed (as for the Application scheme) their settings would be significantly harmed by the major intrusion of a large new dual carriageway cutting close to the S. But once again, none of the assessments considers the major physical intervention into their surroundings as a harmful effect (for Tunnel options see [[NH 2022 Q2 CH C&C](#)] paras 8.29-8.32; [[NH 2002 Q2 CH Bored](#)] paras 8.30-8.33).
 - The junction for the A360 would be somewhat further away from the WHS, partly filling a dry valley running down the R Till, but still representing a significant change in the landform west of the WHS that is part of its setting and landscape character.
32. As noted above, the extended tunnel options assessed by NH are in effect the minimum required to remove open cut from *within* the west side of WHS (not from its setting) while also fitting within the DCO boundary. But as noted above, UNESCO WHC has set a rather different test, seeking an *optimal solution for the widening of the A303 with a view to avoiding adverse impact on the OUV of the property*. This includes impacts on OUV derived from the setting of the WHS and/or its constituent elements (NSPNN paras 5.131, 5.135).
33. We hold that a still longer tunnel that would more effectively meet UNESCO WHC's goal could be built within the DCO boundary achieving a better fit with landform. There would clearly be some negative effects (such as the junction being closer to Winterbourne Stoke and involving more of a detour for some traffic between the A303 and A360), and above all, it would be very considerably more costly. But this helps to indicate what the cost of properly achieving UNESCO WHC's challenge by means of an extended tunnel could be, as compared with other alternatives that might achieve that objective better at much less cost, while also achieving a better overall balance of environmental pros and cons.

An Eastern Extension to the Tunnel

34. UNESCO WHC have not limited their concerns to the need to explore a westward tunnel extension. In their 2018 Decision ([[UNESCO WHC 2018](#)] para 7), the Committee *'Urges the State Party to continue to explore further design refinement, with a view to avoiding impact on the OUV of the property, including longer tunnel options that do not require an open dual carriageway cutting within the property*. That still stands as their basic position.

¹⁰ See Historic England guidance on physical attributes of setting that may be altered ([[HE Guidance note 3](#)] p. 11)

35. The CBA has consistently highlighted ([CBA 2022a] paras 20 to 27 and references therein) the need to consider how the application scheme would exacerbate the physical harm caused to the settings of Vespasian's Camp itself and Amesbury Abbey Grade II* RPG by the 1960s upgrade of the existing A303 west of the Countess Roundabout, which also applies to the Countess Farm and Vespasian's Camp barrows. The relationship of these assets to landform and the A303 are shown on HIA plans ([HIA figures] Figure 7b) and in the ES Ch 6 Setting Assessment ([ES CH figs] pp 73-5; 126-6) and CBA's submissions ([CBA REP6-084] p.22; [CBA REP8-036] pp.5-6).
36. The HIA notes the linearity and location of the barrows (AG31, AG32) along the N-S ridge, contributing to OUV attributes 3, 5 and 6 amongst others. But despite noting that the A303 is in a cutting – through the ridge – at the S end of the more northerly group and N of the Vespasian's Camp barrows, its impact is given as 'negligible' for AG31 and 'no impact' for AG32 ([ES Ch 6 App 1] p. 386-8; 391, 393-5).
37. Vespasian's Camp is described in the HIA as occupying '*a dominant position at the south end of a prominent spur immediately west of the River Avon at Amesbury. This topographic setting is very much still evident, though compromised by the housing development at its southern end*' ([ES Ch 6 App 1] p. 386-8; 391, 393-5). But no mention is made of the N entrance on the prominent spur, which is clearly fundamental to the siting of the hillfort; or the physical impact of the A303, which is only considered in terms of traffic intrusion. Historic England's survey of the hillfort records that '*the cutting for the Amesbury by-pass (A303), dug in the 1960s, passes within 6m of the rampart¹¹ at the entrance and will have destroyed any ditch and other outworks that might have existed¹²*' later describing the impact of the existing A303 as '*the excavation of a massive cutting immediately outside the northern entrance of the hillfort, altering the landscape significantly*' (Bowden, 2017 pp. 8, 24). Despite this, the HIA Report (p 395) states that '*The existing A303 is assessed as having No impact on Attributes of OUV of the WHS conveyed by this Asset Group, resulting in a Neutral effect.*' The ES setting baseline description is the same.
38. In the case of Amesbury Abbey Grade II*RPG, the HIA, Setting Assessment and ES Heritage chapter ([ES Ch 6 App 1] AG 32 p. 386-8; 391, 393-5; [ES Ch 6 Appendix 6.9], pp. 127-8; ([ES Ch 6] paras 6.6.104, 6.6.106) variously include some description of it as being the main element in a wider area which for a time became part of the park that included surviving tree plantations on King Barrow Ridge and the Nile Clumps. The setting of the RPG is stated in the Setting Appendix (p. 127) as including land '*west to Stonehenge Road and the high ground towards King Barrow Ridge and north to rising land north of the Amesbury bypass.*' But the significant physical severance over a distance of 1600m caused by the A303 through these areas, including the deep cutting across the (relandscaped) entrance of the hillfort that gave access along the ridge to the N and other parts of the designed

¹¹ Not 25m as stated in the HIA which might apply to one of the carriageways.

¹² The 1960s work was only subject to a watching brief and little was found ([Bowden 2017] p.8)

landscape, is not mentioned. There is no assessment of how the additional works for the application scheme would exacerbate that physical impact, the whole effect being dismissed as *'slight adverse (derived from a Minor impact on a High value asset)'* although as an acknowledged important contributor to OUV attribute 7 in the HIA, it should be 'Very High Value'.

39. Although the HIA and ES setting assessment does include some consideration of the impact of the existing A303, NH's approach is limited to its operational effects (ie traffic and intrusion) not physical changes to the surroundings of assets. This does not fulfil the more general requirement of the EIA Regulations and NSPNN to include assessment of *how the effects of the applicant's proposal would combine and interact with the effects of other developments* (including those already in existence) – not just their operational impacts. PPG Historic Environment ([[PPG 2019](#)] para 013) refers to the need to *consider the implications of cumulative change* when assessing applications that affect the setting of heritage assets. Wiltshire Council's policy 59iii ([[Wilts. Core Policy](#)] p. 293) and WHS management plan 6a ([[WHS MP Policy](#)] p 172)) explicitly refer to the need to reduce the impacts of *'roads, traffic and parking'*, not just traffic. Historic England's guidance on the factors that can contribute to setting ([[HE Guidance note 3](#)] p. 11) distinguishes factors inherent in *'The asset's physical surroundings'*, from those arising from *'Experience of the asset'*.
40. the ExA drew attention in general to *'the harmful impact of the existing roads on the various asset groups, their interrelationships, and their settings...'* and that *'...the roads could be removed at any time, should a satisfactory scheme be put forward, just as the A344 was removed, leaving little permanent effect on the cultural heritage of the Stonehenge landscape'* ([[ExA rept 2019](#)] para 5.7.224). In relation to the physical impact of the proposed western approach cutting, they vividly highlighted the unprecedented scale of the proposed scheme and the *'great harm'* that it would cause to multiple designated assets. But they did not apply the same logic to how the scheme would exacerbate the substantial harm already caused by the deep cutting of the present A303 at the N entrance to Vespasian's Camp. Nor did they consider how some alternatives might allow the road to *'be removed at any time, should a satisfactory scheme be put forward'*.
41. In the context of the UNESCO WHC's 2018 to 2021 Decisions, this raises the matter of whether an eastward extension of the tunnel to a point well east of the former ridge line at the original main entrance to Vespasian's Camp would be feasible, and what opportunity might alternatively be afforded by a Southern bypass route such as F010.
42. Such an extension could reverse the substantial harm caused by the existing A303 cutting (or very substantially ameliorate it) by restoring landform. It might be achievable within or nearly within the DCO boundary, but key feasibility issues might include:
 - Relocating the proposed Countess junction to allow more than the minimum 10 seconds travel time between the western slip roads and the tunnel portal;

- Problems of trying to construct a tunnel almost on-line;
- Any consequential environmental challenges, including safeguarding the R Avon.

But much the biggest challenge would be affordability: F010 might be far more promising.

Do Something outcomes

43. The CBA outlined in its original submission ([[CBA 2019a](#)] paras 110-113) a 'Do-Something' scenario, which in the event of the proposed scheme not proceeding (for whatever reason) would potentially alleviate traffic problems and reduce current intrusion without causing irreversible harm to the WHS. This remains an important consideration as a default alternative to doing nothing at all (NH has not suggested any do something amelioration)
44. However, in relation to CBA's original comments, the current DCO scheme and tunnel alternatives do not provide flexibility in the locations for the Winterbourne Stone bypass or future junctions if a potential S route were adopted to avoid harm to the WHS.¹³
45. Immediate priorities would therefore need to focus on traffic management/calming and other measures to reduce intrusion and assist connectivity across the WHS, while longer term solutions (if ultimately needed) are reconsidered. It would also be desirable to consider any easing of pressure from initiatives to facilitate an intermodal shift of passengers and freight to rail, which is otherwise potentially inhibited by a full A303 upgrade¹⁴

Alternatives outside the Application Area: Southern Surface Route F010

46. Extending the tunnel still further west and doing likewise at the eastern end would help to address UNESCO WHC's challenge to avoid major harm to the WHS, reduce or remove existing problems and secure new benefits – but at a cost greatly beyond what NH say is unaffordable.
47. But that does not make the application scheme any more 'acceptable.' It gives even more weight to the need consider whether any other alternative, especially when properly optimised, would be a better than the application scheme or extended tunnel versions.
48. Of various alternative routes outside the DCO boundary were put to the Examination, the CBA has only considered the Southern Surface Route (F010), which the UNESCO WHC highlighted as needing further consideration. Others may also need consideration in the light of the reasoning given in the JR judgment (see above para 19).

¹³ By contrast, a southern Winterbourne Stoke bypass with appropriate junction locations could allow flexibility as between a southern surface route outside the WHS and a tunnel solution.

¹⁴ Network Rail's West of England strategic planning study ([NR SW Strategy](#) p.39 and 57 sees the A303 upgrades as a 'market impacting' and 'competitive' factor, though rail journey times are far shorter (ibid. p. 40), with each freight train taking c.76 HGVs off the roads, but there are also serious challenges to increase low freight capacity in this area (ibid. pp.47-9)

49. The CBA has already made submissions ([\[CBA 2022a\]](#) paras 31-5 and references therein) about why the approach so far adopted by the Applicant to examining the pros and cons of the F010 alternative has been inadequate for the Sec of St to reach an objective, properly balanced judgment. The issues are listed again in the Appendix referring back to the CBA's response to the Sec of St Questions of 24th February and previous detailed submissions.

Sec of State Question 3 (Responses to consultation where further information and/or assessments are sought: the Applicant to provide additional information and/or assessments or other documents where it is necessary to deal with the matters raised in the consultation responses.)

50. In their response ([\[NH Q3 response\]](#) para 3.2.1) the Applicant has with good reason widened the scope of this question to include responses to the consultation of February 24th.
51. The Applicant has restricted their response **only** to the interested parties identified '*in particular*' by the Sec of St, not all those (like the CBA's) whose submissions must be considered under NPSNN para 5.128. We further note that NH have not provided the information or assessments identified by the CBA as being needed to meet main regulatory and policy requirements to ensure properly informed decision-making. This is despite our submission almost wholly concerned listing, summarising and cross-referencing numerous issues where further information and/or assessments are needed to meet regulatory and policy requirements for decision-making. These needs remain unresolved.
52. Rather than reiterate the issues in detail, it seems most helpful to list the particular needs for further information and/or assessments that we have identified and where they are to be found in our response to the February consultation (which also cross-refers to more detailed explanations and reasons in earlier submissions) – see **Appendix**.
53. With regard to the regulatory obligations and policy requirements and official guidance related to why these issues matter and need addressing, many are referenced and explained in the submissions cited in the table. But in addition, in our response to Sec of St's Questions 1 and 2 – especially in relation to archaeological matters, setting issues and cumulative effects – we have given greater detail of gaps, omissions and flaws in NH's approach and have related them more closely to specific policy definitions, information requirements and assessment needs. These site-specific concerns usefully exemplify the key problems: but they are systemic flaws in assessment methods, not limited to the particular assets, areas, impacts, and other matters discussed above.

Sec of State Questions 4 to 6 (Specific questions about issues raised by certain interested parties, including updated heritage baseline)

54. These questions concern some specific heritage issues, but we consider that our responses to Questions 1 to 3 above cover the main points that arise.

Conclusion

55. The problems that led to the Sec of St's original approval of the DCO application to be quashed under both Ground 1(iv) and Ground 5(iii) JR remain. The Applicant's responses, are flawed because NH's approach has not been altered to take account of the full implications of that ruling, or of previous submissions which highlight why the information presented by NH continues to be insufficient for the Sec of St to reach a properly informed decision taking account of all regulatory and policy considerations.

56. The logic of the current situation is in effect the same as when the CBA made its original submission to the Examination ([\[CBA 2019a\]](#) paras 148-154,), concluding that:

The Applicant's proposals fall far short of delivering what the CBA has for years consistently promulgated for Stonehenge and its surroundings; more importantly, they fall far short of what legal and policy framework for decision-making requires.

The assessment of the cultural heritage effects of the scheme, despite involving some thorough archaeological fieldwork, is deeply flawed, not properly seeking to forecast likely effects, not taking account properly of key aspects and tests of WHS OUV, and not properly assessing harm against the international as well as national policy. As a result, the harm to the WHS and its environs are badly underestimated; the assessment of benefit, although significant, is overplayed.

...A surface route to the South like F010, but much more effectively optimised, must be very seriously considered, and failing that a long bored tunnel, to remove the A303 from the WHS without unduly harming other objectives...

Taking the long view, it has taken c.25 years to progress to the current unsatisfactory point. This is but a moment in the 6,500-year evolution of the Stonehenge landscape. In the next decades transport needs and traffic management will likely change radically, not least because of climate issues. But any scheme built now will last for millennia. As a Globally iconic landscape of prehistoric human culture, Stonehenge is the last place on earth to create a memorial to Britain's current obsession with economics built on road transport.

We urge the [Secretary of State] to take an equally long view and reflect deeply on the physical legacy that, if the proposed scheme is approved, will become the permanent symbol of Britain's attitude to the world's culture and environment in the latter stages of the age of the fossil-fuelled car.

Yours sincerely



Neil I Redfern
Executive Director



Appendix: Needs for further information and/or assessments as raised by the CBA in its submission responding to the Sec of St Questions of 24th February 2022

Areas where further information and/or assessments are needed to support informed decision-making	Reference in CBA's response to Feb 24 th consultation (and Examination submissions)
<i>Archaeological assets</i>	
Prediction/forecast of the full scale of the archaeological resource	[CBA 2022a] para 18 <i>archaeology</i> item a) referencing REP2-070 pp 12-16; REP2a-005 pp 5-12, [REP2-070 pp14-17; REP6-084 pp 5-13.
Systematic analysis of the relative reliability of surveys compared with trenching	[CBA 2022a] para 18 <i>archaeology</i> item b) referencing REP2-070 pp 12-18; REP2a-005 pp 5-12, 18-21; REP6-084 pp 15-16.
Resolution of conflict between DEFRA soil handling standards and archaeological preservation in situ	[CBA 2022a] para 18 <i>archaeology</i> item c) referencing 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 Fig.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
Proper monitoring and modelling of hydrological risks to aerobic preservation of organic deposits at Blick Mead	[CBA 2022a] para 18 <i>archaeology</i> item d) referencing REP2a-005 pp 19-20, 35-40; REP6-084 pp 47 to 54; REP8-036 pp 14-15
Predicative assessment of likely significance of earlier prehistoric settlement and/or funerary remains located in between monuments	[CBA 2022a] para 18 <i>archaeology</i> items a and b) above and e) referencing 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

Setting of heritage assets	
Consideration of key attributes of setting that have systematically been overlooked or undervalued that would be significantly impacted	[CBA 2022a] para 18 setting item a) referencing REP2-070 pp 18-21, 24-25 REP2-070 p 21 para 61; REP2a-005 pp 18-20, paras 50-63; REP6-084 p.58 REP2-070 p 21 para 61
Assessment or re-assessment of setting issues Inappropriately arbitrary grouping of assets disguising and/or failing to identify the particular significance of their settings	[CBA 2022a] para 18 setting item b) referencing REP2-070 p 20, para 58; REP6-084 p. 59 REP2a-005 , pp 18-20; [REP6-084 p. 59-61
Observable interrelationships between prehistoric monuments that have not been taken into account	[CBA 2022a] para 18 setting item c) referencing REP2-070 pp 20 para 58; REP2a-005 , pp 18-20; [REP6-084 p. 59-61
Lack of adequate analysis to identify significant setting issues of Amesbury RPG, its relevance to WHS attributes; and the impact of the scheme	[CBA 2022a] para 18 setting item d) referencing REP2-070 p 21, paras 61-62; pp. 19-21; REP6-084 pp. 4-7; REP8-036 pp 14-15
Cumulative effects	
Need for more precautionary approach in line with PINS advice	[CBA 2022a] paras 20, 25 to 27 referencing REP2-070 , pp 6-8 paras 14-23; REP2-075 paragraph D4; REP8-037 pp 13-15 paras A9-A17; REP3-049 p. 6, Qu. CH.1.38
Need to consider cumulative effects with the existing A303 exacerbating/ ameliorating physical change (<i>the road</i>) not just operational impacts (<i>traffic</i>)	[CBA 2022a] paras 21 to 25 Referencing REP2-070 p 25, para 70; REP6-084 pp 17-24; REP3-049 p. 6, Qu. CH.1.38
Need for full consideration of the seriousness of the cumulative loss of archaeology and harm to the setting of multiple monuments	[CBA 2022a] para 24 referencing REP2-070 p 24, para 69; REP6-084 pp 17-24
Consideration of Alternatives and Cost Comparisons	
Need for a proper reconsideration of alternatives because of the harm that the proposed scheme would do to the WHS	[CBA 2022a] paras 28-33 referencing REP2-070 pp 31-40, paras 95-121; REP2-070 pp 29-31 paras 84-94; REP3-050 paras 14-17
Eleven issues where more information/assessment is required for an objective comparison of alternatives	[CBA 2022a] para 34
Cumulative harm and benefits (see also above)	[CBA 2022a] para 34a referencing REP6-084 pp. 16-24
Opportunities to rectify past harm	[CBA 2022a] para 34b referencing REP2a-005 pp 21-2, paras 67-8; 19-20, 35-40; REP6-084 pp. 16-24

A more balanced and sensitive basis for comparing likely effects	[CBA 2022a] para 34c referencing REP2-070 p. 33-para 103
Coverage of benefits as well as adverse effects	[CBA 2022a] para 34d referencing REP3-050 para 20
Need for further alignment optimisation	[CBA 2022a] para 34e referencing REP2-070 p. 33- paras 102-106; REP3-050 paras 18-36
Consideration of potential scale of construction sites	[CBA 2022a] para 34f
Consideration of potential design/mitigation measures needed to avoid or minimise harm	[CBA 2022a] para 34g referencing REP2-070 pp. 33-34 paras-104-5; REP3-050 paras 18-26
Potential economic benefits from enhanced heritage/tourism visitors from beneficial effects avoidance of harm to the WHS	[CBA 2022a] para 34h referencing REP2-070 pp. 34-35 paras-106-9
Route optimisation to diminish economic detriments of a longer route	[CBA 2022a] para 34i referencing REP6-084 pp. 65-8; 79-81; 82
Cost comparisons at 2022 rates.	[CBA 2022a] para 34k