

IN THE MATTER OF THE STONEHENGE VISITOR CENTRE AND ASSOCIATED DEVELOPMENT

CLOSING SUBMISSIONS ON BEHALF OF SALISBURY DISTRICT COUNCIL

Introduction

1. The starting point in this Inquiry must be the international importance of Stonehenge, as one of the most important archaeological sites in the world, and the need to deal with it appropriately. It has become apparent from this Inquiry that there are a number of competing interests, with strongly conflicting views and solutions (archaeology, residents, highway users, visitors, financial). SDC has done its utmost to balance these interests, and takes the view that the application presents an acceptable solution to issues at Stonehenge, albeit not necessarily perfect in respect of any particular interest.
2. It is almost common ground in this Inquiry that the current situation at Stonehenge is totally unacceptable in a number of ways.¹ It is without doubt that the existing facilities, their proximity to the current setting of the Stones and the relationship with the A344 and A303 constitute a “shockingly detrimental” impact on the WHS (see OR section 6, DM App 2, p 18). This is in terms of archaeological impacts, landscape and visitor experience. The most important detriment is to the setting of the Stones, but further, the visitor facilities themselves are entirely inadequate. Not only do they fail to provide any meaningful introduction or interpretation of the WHS or any proper accompanying facilities (refreshments, toilets) but SDC’s view is that from a design point of view they are of a “very poor quality”, lacking “any discernable underpinning design concept” and with “no redeeming architectural merit whatsoever” (see OR section 6, DM App 2, p 18).

¹ The Wiltshire Archaeological and Natural History Society (“WANHS”), think the current situation is tolerable.

3. It is generally accepted amongst the parties before the Inquiry that there is a clear, established need for:

3.1. the provision of a more suitable setting for the central area of the WHS; and

3.2. better facilities for visitors to Stonehenge and its associated monuments.

4. This position has been widely recognised for over a decade. The Public Accounts Committee of the House of Commons described the presentation of the Site as “national disgrace” in 1993. Also in 1993, the National Audit Office described the existing visitor facilities at Stonehenge as “cramped, outdated and too small to deal with the 800,000 who visit the site each year.”

5. The present experience is nicely encapsulated in the quotation from Bill Bryson’s book *Notes From a Small Island* :

“impressive as Stonehenge is, there comes a moment somewhat about eleven minutes after your arrival when you realise you’ve seen pretty well as much as you care to, and spend another forty minutes walking around the perimeter rope looking at it..”

6. Sir Neil Cossons, the Chairman of EH, gave a rather similar view saying that any benefit to be currently obtained from visiting the stones is “profoundly compromised” by those existing facilities and their current setting. SDC concurs with this assessment.

7. These two issues are neatly demonstrated in the photograph of the current setting of the Stones over the road from the visitors’ car park and against the A303 and A344 at page 5 of the Design Statement and Planning Application Drawings. This photograph

shows not just the entirely inappropriate setting of the Stones within the WHS but also the physical restrictions provided by the existing facilities within the WHS and within metres of the Stones themselves.

8. Before turning to the main issues, a word on the overall approach to the application.
 - 8.1. Some action must be taken to improve the current situation in the WHS;
 - 8.2. No acceptable site for a new visitor centre within the WHS has been found;
 - 8.3. The Countess Rd site is the best site for a visitor centre which has been identified over many years of search;
 - 8.4. It is therefore inevitable that there must be a transit system to get visitors from the visitor centre to the Stones;
 - 8.5. That transit system must take people close enough to the Stones as to be an acceptable walk.
9. Objections to this application must be seen in the light of these points. They may not be agreed everyone, but we would suggest that each one is inevitably correct.

Main issues

10. The Inspector has identified the following main issues in the Inquiry. We have slightly re-ordered them, and put certain matters together – i.e. traffic, road proposal and sustainability under one heading of “transport”:

10.1.development plan

10.2.SPGs

10.3.transport

10.4.archaeology

10.5.tourism

10.6.noise

10.7.nature conservation.

Development Plan – main issue (1)

11. Section 38(6) PCPA 2004 provides that where regard is to be had to the development plan, a planning application must be determined in accordance with development plan unless material considerations indicate otherwise. The development plan for purpose of this appeal is as set out in section 4 of the Statement of Common Ground (SoCG, p 8) and consists of the Wiltshire Structure Plan (adopted January 2006), the Wiltshire and Swindon Waste Local Plan (awaiting Inspector's report from Revised Deposit Draft) and the Salisbury District Local Plan (adopted June 2003).
12. There are a large number of relevant policies in the Structure Plan and the Local Plan which are set out at section 4, SoCG (p 8) and SDC's position on each individual policy is set out in detail in Mr Milton's report to the SDC Planning and Regulatory Panel 10th July 2006 (OR, section 12, p 39ff). In these closing submissions, we will concentrate on those which are most central to this appeal.
13. In short, SDC's position is that the proposed scheme is in accordance with the development plan (as well as with regional and national planning policy and Supplementary Planning Guidance, which is dealt with below), for the following reasons.

Historic Environment Policies of the Structure Plan

14. Chapter 7 of the Structure Plan sets out strategic policies for protecting archaeological and historical features including the Stonehenge WHS from inappropriate development. Paragraph 7.10 of the supporting text provides in relation to Stonehenge in particular:

“...The County Council would welcome proposals that acknowledge the provisions of Policies HE1 and HE2 to safeguard the site's archaeological value, whilst

providing appropriately designed and located facilities to enable visitors to experience a full appreciation of the site's heritage. More specifically proposals should seek to:

(i) minimise the effects of road traffic upon the site, setting and historic landscape

(ii) provide adequate visitor facilities in locations with least effect upon the site, setting(s) and historic landscape, and

(iii) develop access links between sites within and outside of the designated World Heritage Site. (emphasis added)

15. Policy HE1, referred to in the above paragraph provides that:

“HE1 THE WORLD HERITAGE SITE OF STONEHENGE AND AVEBURY, TOGETHER WITH ITS LANDSCAPE SETTING, SHOULD BE AFFORDED PROTECTION FROM INAPPROPRIATE DEVELOPMENT, TO REFLECT ITS OUTSTANDING INTERNATIONAL VALUE. NO DEVELOPMENT SHOULD TAKE PLACE WHICH BY REASON OF ITS SCALE, SITING AND DESIGN WOULD PREJUDICE THE WORLD HERITAGE SITE AND ITS SETTING IN THE LANDSCAPE.”

16. And Policy HE2 provides:

“FEATURES OF ARCHAEOLOGICAL OR HISTORIC INTEREST AND THEIR SETTINGS SHOULD BE PROTECTED FROM INAPPROPRIATE DEVELOPMENT. WHERE NATIONALLY IMPORTANT ARCHAEOLOGICAL OR HISTORIC REMAINS, WHETHER SCHEDULED SITES OR NOT, ARE AFFECTED BY PROPOSED DEVELOPMENT THERE SHOULD BE A PRESUMPTION IN FAVOUR OF THEIR PHYSICAL PRESERVATION "IN SITU".

17. The specific issues arising in relation to archaeology within these two Structure Plan policies are dealt with in detail under the heading of archaeology below. In summary however it is SDC's view that restoring the Stones themselves to something close to their original and appropriate setting by the removal of the existing visitor facilities, car park and the A344 is a very significant benefit to the Stones themselves and their

associated archaeological monuments. The proposed scheme therefore clearly complies with policies HE1 and HE2. The development within the WHS i.e. the land train and its associated development, is not inappropriate development and would not prejudice the archaeological features in the WHS and their setting in the landscape when viewed as a whole.

Key policies of the Local Plan

18. The key conservation policy in question is the site specific policy CN24 which provides that:

“Development that would adversely affect the archaeological landscape of the Stonehenge World Heritage Site, or the fabric or the setting of its monuments, will not be permitted.”

19. Approaching the proposed scheme as a whole, as set out above, it is SDC’s view that the overall impact on the archaeological landscape of the WHS and the setting of ancient monuments will be a clearly beneficial one and accordingly the proposal therefore complies with this policy.

20. Policy T3 supports the development of a new visitor centre, but gives no support to any specific site. *[insert wording of policy]*.

21. In deciding whether the proposal is in accordance with these policies it is necessary to consider the proposal in its entirety. It would be wrong in principle to take each individual element of the scheme, and if that part did not meet the criteria in the policy then conclude that the application did not accord with the policy. The correct approach to the policy must be to take the application as a whole, and then reach a judgement whether the application conforms with the policy. Therefore if the judgement is that the scheme as a whole is beneficial to archaeological and landscape

interests, then the application conforms with the policy, even if some individual elements are detrimental.

SPGs – main issue (2)

22. SDC adopted both the Planning Brief and the Management Plan as SPG.

Planning Brief:

23. This identifies Countess Road as the site for the visitor centre, therefore the proposal entirely accords with the Planning Brief as above (Planning Brief, paragraph 1.1, p 1; and further paragraph 7.1, p 40).

24. The Planning Brief provides for a “*environmentally sensitive and sustainable transport system...to transfer people from the new Visitor Centre to the viewing/drop off point(s)*” (paragraph 7.2, p 45). An attempt was made by the Stonehenge Alliance in xx of Mr Carson to suggest that the land train route forming part of the proposed scheme was somehow contrary to the Planning Brief at paragraph 7.2 (p 45). This is erroneous because paragraph 7.2 of the Planning Brief is not prescriptive as to the route to be chosen. Rather, paragraph 7.2(i)-(ix) sets out the criteria against which the transport proposals are to be assessed. The various options for the proposed land train route were then assessed as part of the ES (App 3.2 and section 3.3, p 43).

Management Plan:

25. This envisages in the Vision for the Future at Part 4, para 4.1, a new visitor centre “*outside the boundary of the WHS as a starting point, visitors would gain access to the Stones and the heart of the WHS via primary access links and drop off points on the rim of the core area...*”

26. A key objective of the Management Plan is objective 9, which states that *“the appropriate landscape setting for the Stones and immediately related ceremonial monuments in the core should be restored.”*
27. Further, objective 18 seeks a *“new world class visitor centre... as a gateway to Stonehenge, to improve the visitor experience...”* The text following objective 18 explains that there was a *“strong consensus that the current arrangements for visitors in the WHS are unsatisfactory and unsustainable in the long-term. A new visitor centre is required as a priority to replace the existing inadequate and inappropriately located facilities adjacent to the Stones...”* (Part Four, p 13, paragraph 4.5.3, emphasis added).
28. It appears that a principle objection to the proposed scheme in terms of its compliance with the Management Plan is that it will not achieve access to the *whole* WHS as envisaged in objectives 18² and 20.³ As noted below, the distribution under the proposal is not perfect in that it is largely on the eastern side of the WHS. But it is a clear improvement on the existing situation where visitors are entirely focused on the Stones. Therefore the proposal is not a total solution but a significant contribution towards the WHS aims.
29. Both access and interpretation of the wider WHS will be significantly improved. The new visitor centre, a gateway to the whole WHS, will enable a much fuller interpretation of the wider WHS and its outstanding universal value (objective 3) and promote access to the wider WHS from the drop off points by foot and by bicycle. This is clearly a very large step towards achieving access to the whole WHS and to achieving objective 3.

² Objective 18: *“A new world class visitor centre...to act as a gateway to Stonehenge, to improve the visitor experience and to encourage the dispersal of visitors around the whole WHS.”*

³ Objective 20: *Access and circulation to other key archaeological sites within the WHS landscape should be improved to relieve pressure on the Stones and increase public awareness.”*

30. Further, and overall, as explained below, it is SDC's clear view that the proposed scheme overwhelmingly achieves the management plan aims of protecting – by conserving and enhancing - the archaeology and setting of the WHS for the detailed reasons given under the heading of archaeology which will not be repeated here.

Impact on archaeology

31. As to the Countess Road aspect of the proposal, this is generally accepted as having no material impact on the archaeology of the WHS. Neither of the statutory consultees on archaeology (the Country Archaeologist and EH Curatorial) raised concerns about the use of the Countess Rd site. The Co Arch raised a concern about the relevant documentation in the ES, but this was dealt with in the Supplementary Information.

32. The impact on archaeology which is raised by the Objectors arises from the Land Transit Route in two ways:

32.1.physical impact on archaeological features; and

32.2.impact on setting of archaeological features

Impact on archaeological features

33. The concern under this heading appears to focus on the land between Steel Houses and the Cursus Plantation and in particular the possible effect of planting that will take place in this area in order to mitigate the effect of the land train route on the amenity of the residents of the Steel Houses, and the loss of opportunity to remove existing planting on the Cursus.

34. It should be noted from the outset that the concern about new planting is in relation to as yet unidentified archaeological remains. There will be no such impact on the four *identified* ancient monuments in this area (see schematic plan of this area DM App 5). The concern is in relation to the need for and outcome of investigatory trial trenching which has not yet been carried out by EH in this area because access was not available to this area from the landowner, the MoD.
35. Physical impact on archaeological remains was not a concern raised by the Co Arch or EH Curatorial. They were both quite content with the proposal to undertake trial trenching once planning permission was granted. It should be recalled that the area has been subject to some archaeological investigation, so it is not an area of which there is no archaeological knowledge.
36. SDC accepts the need for trial trenching and Mr Milton's evidence was that such work would be done in consultation with experts (EH curatorial and Wiltshire County Council). Mr Milton stated publicly to the Inquiry that SDC would also take into account the views of the Stonehenge Alliance as part of this consultation exercise in order to address the concerns about the trial trenching.
37. Mr Milton's evidence was that there are various ways in which the necessary planting can be undertaken. Therefore even if the trial trenching does, somewhat unexpectedly, show significant archaeological remains in the area, it will be possible to carry out necessary screen planting. This could be done, for example, by areas of bunding for the planting, or the use of particular species which would not disturb any archaeological features.
38. Some reliance is placed by SA on PPG16, paragraph 21, which states that "*where early discussions with [LPAs] or the developer's own research indicate that important archaeological remains may exist, it is reasonable for LPA to request...*

field evaluation to be carried out before any decision on the planning application is taken.” However, although it may well be reasonable in certain circumstances for the LPA to require such evaluation *before* taking a decision on planning permission, the question of whether to do so is one for the LPA, having taken professional advice.

39. In order to address the issue, condition 34 SOCG was proposed; and the model condition in paragraph 30 of PPG16 is now also agreed between EH and SDC. In SDC’s view, that with these conditions in place, the works can be done without any harm to any potential archaeological remains.
40. Insofar as the County Archaeologist expressed concerns regarding the impact on the archaeology of the WHS in his letter of 25th October 2004 (see Appendices to Dr Fielden’s evidence), it should be emphasised that the County Archaeologist was not at all concerned with this aspect of the scheme (as indeed Dr Fielden accepted in cross examination).
41. Some concern has been expressed about the physical impact of the landtrain track. However, the track is wholly reversible and will have no irreversible impact. This was accepted by the Co Arch (letter 25.20.04). It is governed by condition xx and requires a scheme for removal to be submitted to and agreed by the Council. This is a very important point. If the day comes when the transit system is no longer considered appropriate, it can be removed from the WHS with no impact on the historic landscape.
42. The WANHS has raised concern about the loss of the opportunity to remove the existing trees from the Cursus plantation, and therefore reduce existing harm to the Cursus. However, there is no present proposal to remove these trees and it is by no means inevitable that the National Trust would remove them. Ultimately the loss of the opportunity of betterment is only a minor disbenefit of the scheme.

43. On the position of the County Archaeologist, Wiltshire County Council did not object to the application on any grounds, including archaeology. However, it is a matter of record that Mr Canham did raise archaeological concerns and it is appropriate that the substance of these concerns should be dealt with.

Impact on setting

44. *The Cursus* The impact on the setting of the Cursus monument is accepted as being one of the disadvantages of the scheme (see OR, App 2, section 29, p 69; and see ES paragraph 5.5.29). It is however important not to overstate this impact. There will be some impact on the setting of the Cursus at the eastern end, where the landtrain goes close to it; and there will be some impact from visitors going along byway 12 from Durrington Farm drop off to the Stones.

45. However, in considering the Structure Plan policies set out above (HE1 and HE2) and Local Plan policies such as CN24, it is clear that one has to balance within each policy the competing archaeological benefits and disadvantages of the whole proposed scheme in evaluating the scheme. That this is the correct approach to take (rather than the approach advocated by SA) is underpinned by the conclusion of the Inspector at the A303 inquiry accepted (IR 10.110 and 10.365, DM's App 7).

46. *Land train shelter on Kings Barrow* These are intended to be minimal structures – “lightweight” as described by Mr Milton in evidence and see also application drawing P2 in App H of the Supplementary Information, referred to in EH's xx of Mr Norfolk, and also the artist's impression drawing in the Design Statement and Planning Application Drawings, p 16. They will not be lit and the effect will be minimal.

47. *Impact from land train itself on the WHS, and particularly Kings Barrow Ridge*

47.1.If the visitor centre is outside the WHS then there must be a transit system, which will be visible from the WHS.

47.2.The land trains will only be visible in one very short glimpse from the Stones themselves. The main visual impact is running from Countess Road to Strangways, which on no analysis is one of the most important or most prominent parts of the WHS;

47.3. Witnesses from Stonehenge Alliance showed a slight lack of perspective or balance on this issue. They were very concerned about the impact of the landtrain on the WHS, but refused to give any significant weight to the removal and grassing over of the A344 in the immediate vicinity of the Stones. In terms of impact from moving vehicles, that from the traffic on the A344 vastly outweighs any impact from the land trains.

47.4.Equally, the Stonehenge Alliance position was somewhat inconsistent. Mr Norfolk expressed great concern about the impact of the landtrain on Kings Barrow Ridge. But, Mr McDonic suggested that a more appropriate route would be to run the landtrain on the roof of the A303 tunnel, thereby bringing it into the immediate setting of the Stones, with a much greater visual impact on the WHS.

48. Some objectors have suggested that the design of the landtrain is insufficiently clear. Condition 46 allows Council to control design, colour, glass etc. The Council has been given sufficient information to show that a landtrain is possible. In terms of any negative impact from it, this can be controlled in respect of appearance, noise, and lighting by the condition. Therefore there is no need to have further information of the design of the landtrain at this stage.

49. Some concern has been expressed about lighting on the trains. It is impossible to see how this can be an issue. There will only need to be lights on in the trains when it is getting dark, or the weather is particularly bad. The impact of lighting can only be on human “receptors”, in these conditions the number of people wandering the WHS

who are likely to have their experience diminished by the lights will be close to non-existent.

50. *Impact of people in the WHS* This objection is flatly contrary to Management Plan objectives 18, 19 and 20 relating to improved access.⁴ There is no suggestion that the visitors will cause detriment to the archaeology.

51. It is important to bear in mind that a large number of archaeologists are in support of the proposal, see the letters for example from Professor Cunliffe of Oxford University ... [others?]

52. The overall balance on the impact on archaeological setting is as follows. The benefits of the scheme in terms of the setting are (a) the removal of the car park; (b) the removal of the existing visitor centre; (c) the removal and grassing over of the A344. These have a major beneficial impact on the immediate setting of the Stones. Although the entire area is within the WHS (a matter of record) and “outstanding universal value” doubtless applies to the entire WHS, there can be no real as opposed to forensic doubt, that the central element, and ultimately the *raison d’être* for the designation of the WHS must be Stonehenge itself. This is the central or core area, and of a particular importance. Therefore special weight should be given to the major benefit to that pivotal monument. Against that must be balanced the accepted harm, but not major harm, to the setting of the Cursus, and to a very minor extent from the landrains on Kings Barrow Ridge.

⁴ Objective 18: “A new world class visitor centre...to act as a gateway to Stonehenge, to improve the visitor experience and to encourage the dispersal of visitors around the whole WHS”; Objective 19: “Arrangements for managed open access on foot within the core WHS zone should be provided”; and Objective 20: “Access and circulation to other key archaeological sites within the WHS landscape should be improved...”

53. Also to be put into the wider archaeological balance is the greatly improved distribution of visitors across the WHS (management plan objective 20).⁵ The distribution under the proposal is not perfect. But it is much better than the existing situation where visitors are entirely focused on the Stones.

Alternatives

54. A number of people have put forward alternatives. The Secretary of State's primary concern must be whether or not the proposal before her is acceptable. However, given the international importance of Stonehenge, and the acknowledged impact on the setting of the Cursus, this is a case where the Secretary of State should give some consideration to whether or not there is a better alternative scheme. In the exceptional circumstances of Stonehenge the principles in Trusthouse Forte Hotels v Secretary of State for the Environment 1986 53 P&CR 293 apply.

55. The provision of a new visitor centre has been the subject of consideration and search for at least 10 years. A very large number of sites, with associated transit solutions, have been considered over the years and all except Countess Rd have been rejected. We will very briefly summarise the alternatives suggested at this Inquiry.

56. *Retain present visitor site* (Dr Chippindale) – this is contrary to the Planning Brief and the Management Plan. It retains the present highly detrimental impact on the immediate setting of the Stones. The only possible benefit from this is that it would involve no further damage to the WHS. But the present scheme creates no irreversible damage to the WHS. The only “damage” is to the setting from the landtrain – this can be entirely removed. Probably no solution will “last for all time” and future generations may well have different needs. But the EH proposal does not have to be a

⁵ Objective 20: *Access and circulation to other key archaeological sites within the WHS landscape should be improved to relieve pressure on the Stones and increase public awareness.*”

solution “for ever” because it is wholly reversible within the WHS. So if needs, understanding, or just fashions, change, then all the impacts on the WHS can be removed. Therefore the present scheme has very clear benefits over this alternative.

57. *A visitor centre at Countess Rd and drop off at or near Fargo (sometimes described as Airman’s Corner)* . (Cllr Spencer and some others) Five specific reasons why this site was discounted were highlighted by Mr Milton in response to questioning on this issue from Cllr Spencer, which were as follows.

57.1. Traffic impact on A303 as a result of having to bus people back up A303 and up A360;

57.2. Poor visitor experience of arriving at Countess Rd and then having to get into a bus and taken to the WHS, through a tunnel;

57.3. Effectively a satellite visitor centre would have to be created at Fargo, with associated road works to allow bus turning etc, refreshments etc, a significant intrusion of development into the WHS and the potential for pressure for “planning creep”;

57.4. Impact on archaeology at Fargo, particularly the Monarch of the Plain barrow;

57.5. No dispersal around the wider WHS as a key objective of the Management Plan.

58. There is a significant difference between using former A344 route for access for the severely disabled on an irregular basis (as per the proposed scheme) and using this route to drop of *all* 800,000 visitors per year.

59. *Running the landtrain up the A303 tunnel roof* (Mr McDonic)– much greater impact on the central area of the WHS.

60. *Putting the visitor centre into the A303 location, and moving the A303 well to the south* (Council Tax Payers) – involves a road scheme which was rejected by the A303

Inspector and has a massive detour of the A303, as well as significant environmental impact. If a shorter southern route was chosen then the environmental damage would be greater as it would have greater impact on the Woodford Valley.

Highway/Transport Issues - main issues (3) and (4)

61. There are four separate issues arising under this heading.

62. The first issue relates to the link between the proposed scheme and the scheme for the closure of the A303. As explained at paragraph 13-16 of our opening submissions, the A303 scheme is a fundamental part of the overall approach to Stonehenge and is an essential pre-condition to the visitor centre. The Environmental Statement is based on the assumption that the A303 Order scheme will go ahead, and all the traffic forecasting uses that scheme as its baseline. If the Order scheme does not go ahead then it is essential that the entire issue of the visitor centre can be re-considered. This was been made clear by Mr Milton in cross examination by the Stonehenge Alliance. To grant planning permission for the visitor centre without tying it to the A303 works brings the risk that the EIA process for the visitor centre is fundamentally flawed, because the baseline conditions would be become wholly inaccurate.

63. The solution to this problem is to impose a Grampian condition which ensures that the visitor centre cannot go ahead until the Order scheme is commenced, or at the very least funded and committed. See conditions 43 and 44 in SoCG. Although (as explained in opening at paragraphs 13-16) we remain of the view that the terms of the Circular cannot be met, because one could not say at this stage whether or not there is a reasonable prospect that the Order scheme will go ahead (it is simply unknown), the Council takes the view that there are exceptional circumstances which justify departing from that Guidance. In BRB v Secretary of State for the Environment

[1994] JPL 32 the House of Lords held that the Secretary of State's policy on this point was not a legal requirement, i.e. it was open to LPAs and decision makers to depart from the policy.

64. **Stonehenge is a genuinely exceptional case.** There is no harm to the planning system from there being an extant planning permission for the visitor centre, even if ultimately it cannot be implemented because the Order scheme does not go ahead.

65. It is accepted that a degree of uncertainty therefore remains. However, this is unavoidable when one takes into consideration the need to move forward with the proposals and to consolidate the great deal of progress and in depth work that has culminated in this Inquiry.

66. The second issue under the head of highways/transport is the question of the car-parking to be provided at the proposed visitor centre that has been raised by the SA. The Council has to balance the provision of adequate car parking without which there could be traffic queuing back onto the A303, with the consequential road safety problems, as against the desirability of reducing the use of the private car in accordance with government policy. The Council's view is that this balance is appropriately struck in the application, and can be varied in the future through the Travel Plan if that is considered appropriate.

67. The third issue under this head is the adequacy of the travel plan. It is clear from the evidence of Mr Milton that SDC is strongly committed to the Travel Plan and encouraging a sustainable scheme. SDC has insisted on the Travel Plan within the s.106 and is committed to requiring targets to be set out within it, close co-operation with public transport providers, and maximising linkages with Amesbury. It is wholly sensible that the detail of the Travel Plan should be worked up once planning permission is granted, and that targets be set closer to the moment the development is

commenced. This allows consideration to be given to the most up to date public transport provision, and the most recent government guidance. The Plan also provides for regular review every 2 years allowing SDC to take into account policy changes or changes in visitor numbers.

68. The fourth matter is that raised by the SA in relation to the works to the A344. The SA's case (see McDonic paragraph xx and xxx –insert references) is that it was not appropriate for this part of the proposed scheme to form part of the application (and therefore presumably the Appeal) because the matter ought to have been dealt with by Traffic Regulation Order by the County Council as Highways Authority. SDC's position is that set out by Mr Milton in cross examination by Mr McDonic, namely that the removal of the A344 is an engineering operation, requiring planning permission and properly formed part of the application proposed scheme.

Noise

69. Matters relating to the noise arising from the construction and operation of the visitor centre and land train are covered by conditions 51-57 in SOCG and also by condition 46 on the details of the land train generally. Mr Milton explained clearly in his evidence that SDC is entirely satisfied that will protect interests from noise.
70. The Council took residents' concerns on this issue very seriously. SDC commissioned its own advice on noise from world experts Casella Stanger and did not simply accept ES and its specific conclusions on noise (see OR, (DM App 2) top of page 72). The concerns raised by Casella Stanger were addressed by the Temple Report provided by EH (a copy of which was provided to the Inquiry) and by the proposed conditions highlighted above. These will ensure a maximum level of noise emitted by the land train and visitor centre together with hours of operation. Indeed a number of the

concerns which had been raised by Dr Moon on behalf of the Stonehenge Alliance he accepted were addressed by the Temple report. There does not seem to be any doubt that there will no unacceptable noise impact on any residential properties.

71. Ms Judi Thompson raised the comparison with the noise of the buses outside the Steel Houses. The buses pass directly in front of the Houses on Fargo Road, whereas the land train at its closest point is over 60m from the rear of the Houses and behind a thick plantation of c.20m in depth, which itself will provide some further noise screening.

72. It has been suggested by Dr Moon on behalf of the Stonehenge Alliance that there might be noise arising from the land train in the wider WHS. Noise on the wider landscape was assessed in the ES and in subsequent information. There is no material suggesting that there would be any material impact. The conditions which limit noise at any residential receptor have the necessary consequence that noise generated by the land trains will be very limited. It is likely that a person standing very close to the landtrain when moving will hear noise from it, but that is hardly an unacceptable impact.

Residential Amenity

73. SDC is satisfied that proposed screening of the land train route at the rear of Steel Houses would mitigate the limited detriment to the residential amenity to those residents. SDC's position is set out in detail at p 7-9 of the OR and a diagram of the proposed landscape buffer and its distances from the Steel Houses is to be found at Appendix 5 of Mr Milton's evidence. First, the land train is a relatively substantial distance away from the Houses themselves: at the closest point the land train route will be 35m away from the rear fences of the Steel Houses, which then have rear

gardens ranging from 20-28m in length. Thus the land train will be at least 60m away from the rear of the Steel Houses themselves.

74. Secondly, there is already an access road to the rear of the Steel Houses between the gardens and the field boundary. Thirdly, the back of the Steel Houses are of varying quality – in many cases the view from the rear gardens of the Steel Houses is already partially or entirely blocked by the presence of garages, sheds etc. It is not the case that all the residents of Fargo Road therefore enjoy uninterrupted views over the field. Finally, insofar as these residents do have such a view, the view is of the existing Cursus Plantation and is not a view of open countryside in any event.

75. The proposed substantial 20m buffer would in effect bring the existing view somewhat closer (by 70m) and would effectively screen the landtrain. Proposed condition 10 in the SOCG requires this screening to be effective before the landtrain operation begins.

76. Any concerns raised about more people in the area seem to be misconceived. People can use the footpaths at the present time so there is no greater public access than there is now.

77. Any remaining marginal impact on the amenity of the Steel Houses residents is outweighed by the overwhelming benefits of the proposed scheme.

Nature conservation (main issue 8)

78. This issue arises in relation to the effects of the proposed scheme on the River Avon Special Area of Conservation (“SAC”).
79. Under the Conservation (Natural Habitats &C.) Regulations 1994 (SI 1994/2716) (“the Regulations”), which transpose the requirements of the Council Directives on Habitats and Wild Birds, regulation 48(1), an appropriate assessment must be undertaken in respect of any plan or project which “*is likely to have a significant effect on a European site... either alone or in combination with other plans or projects.*” Compliance with the Regulations in relation to the SAC in our view demonstrates compliance with aims of government policy contained in PPS9 on “Biodiversity and Geological Conservation” insofar as relevant to the proposed scheme (see in particular paragraph 1(vi) (planning decisions should aim to prevent harm to biodiversity and geological conservation interests; necessary adequate mitigation measures should be put in place)).
80. SDC was required under regulation 48(3) of the Regulations to consult English Nature as to whether an appropriate assessment was required within the terms of regulation 48(1) above, which it duly did; EN’s advice, received in a letter dated 28th October 2004 ([ref?](#)), was that the proposed scheme was likely to have significant such effects.
81. Accordingly, approval can only be granted for such a Proposal if “*in light of the conclusions of the assessment... it will **not adversely affect the integrity***” of the site (reg 48(5) as far as relevant here (emphasis added)).
82. Regulation 48(6) provides, importantly, that in considering whether a plan or project will adversely affect the integrity of the site, the authority “*shall have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the...permission... should be given.*”

83. There can accordingly be no doubt that the nature of conditions which could be imposed will be an integral part of the assessment and have to be taken in account in assessing whether or not a proposal “*will adversely affect the integrity of the site*”.

84. The role of conditions/terms in planning obligations is exemplified in the flow chart set out at figure 1 of the DEFRA Circular 06/2005 on Biodiversity and Geological conservation (and accompanying PPS9) *(a copy of which is attached to these closing submissions?)*. This demonstrates that the questions to be asked once an assessment has been carried out are:

84.1.Can it be ascertained that the proposal will not adversely affect the integrity of the site?

84.2.If not, because there would be an adverse effect or it is uncertain, the next question is whether compliance with conditions or other restrictions, such as a planning obligation, would enable it to be ascertained that the proposal would not adversely affect the integrity of the site.

84.3.If the answer is yes, then permission can be granted subject to conditions or an obligation.

85. The Inspector, and in turn the Secretary of State, as a competent authority determining the proposed scheme (regulation 6), is required to carry out his/her own appropriate assessment. SDC accordingly invites the Inspector and Secretary of State to place reliance on SDC’s appropriate assessment.

86. SDC’s Appropriate Assessment is set out Appendix 16 to Mr Milton’s proof and complies with the requirements of the 1994 Regulations and the appropriate guidance. It is summarised in Mr Milton’s proof at section 10 (p 34) and at section 48 of the OR (pp 84-88, App 2 DM).

87. In short, SDC's conclusion is that the proposed scheme would not, either alone or in combination, adversely affect the integrity of the SAC (OR, p 88).

88. In carrying out its appropriate assessment, SDC identified the following risks:

88.1.changes to water quality from run-off during construction affecting flora and fauna;

88.2.changes in hydrology caused by construction events, including during out of the floodplain fen and subsequent changes in vegetation

88.3.noise impacts from piling and machinery

88.4.risk of pollution and failure of mitigation measures during construction, which is assessed as a moderate adverse impact;

88.5.small adverse impact which may occur due to a rise in Biochemical Oxygen Demand (BOD) in the River through additional foul sewage treatment at Amesbury Sewage Works. (DM proof para 10.13; Assessment itself paragraph xx App 16).

89. These risks accordingly largely related to the construction phase. In answer to the question at paragraph [84.2] above, that is whether compliance with conditions or other restrictions would ensure that the proposal would not have such adverse effects or risks, it was, and remains, SDC's view that the mitigation measures proposed in the Outline Construction Environmental Management Plan, the Ecological Management and Monitoring Plan (EMMP) and Water Strategy submitted with the application, will prove effective if properly implemented. It is accordingly proposed that these measures, and their effective implementation, be secured by way of conditions 35-37, p 31, SOCG.

90. An integral part of the Appropriate Assessment carried out by SDC was “the In-combination Assessment”. This is required to ensure that other planning developments and extant consents *in addition* to the proposed scheme would not cumulatively have an adverse impact on the integrity of the SAC. The “In-combination Assessment” was based on a report from 2002 (Baseline In Combination Assessment, DM, App 16) which was brought up to date at the time of the OR and which therefore included the information produced on behalf of the Highway Agency for the A303 Scheme, *inter alia*. The full detail on the material taken into account is set out in section 6 of the Appropriate Assessment at DM’s App 16. It was considered, as set out above, that the minor risks identified as part of this Assessment could be adequately mitigated by condition.

91. Dr Fielden on behalf of SA has raised particular concerns about the impact of hydrogeological effects of the A303 tunnel on the in-combination effects. The Inspector at the A303 inquiry dealt with the matter as it was presented to him. Dr Fielden refers to the review of the A303 scheme. The Environment Agency and English Nature are on the review group, and are consultees to the visitor centre application. Neither of these statutory agencies have raised any concerns that material coming from the A303 review (such as the particular properties of the chalk) **would affect the Assessment which has already been carried out.**

Tourism/benefits to Amesbury

92. The proposed scheme would be without doubt an improvement on the existing facilities available for visitors to the Stones and the WHS and would provide a far superior visitor experience, which is clearly of benefit to tourism. Visitor numbers are likely to remain the same (c. 800,000 visitors per year). The Guild of Registered Tourist Guides, the national body, “fundamentally supports” EH’s proposed scheme

and there is “clear support” for a new centre from the Association of Wessex Tourist Guides.

93. There may be some potential visitors who are put off by the length of the visit, which will be needed via the new visitor centre. However, this likely to be outweighed by the number of people who have a far more interesting and fulfilling visit to the site. It will be an almost infinitely more fulfilling experience than simply driving past the Stones, or spending Mr Bryson’s 11 minutes there. Certainly the Council agrees with Ms Keatinge that Stonehenge is such an important attraction that people will continue to come even with the longer visit.

94. The principle of providing off-site centres in order to protect very major tourist attractions is accepted around the world. The nature of Stonehenge and its wider archaeological landscape is such that tourists can gain huge benefit from learning more and understanding more before they visit the site.

95. Some have raised concerns about visitors having to walk from Durrington Farm drop-off to the Stones. Firstly, this walk will give visitors some greater opportunity to see the Stones in their historic landscape. Secondly, walking is good for people and this will not be a strenuous walk, there will be buggies for those who cannot undertake the walk and alternative arrangements for the severely disabled. On the subject of the possibility of rain, Stonehenge is an outdoor site, and rain is a quintessentially British experience.

96. The Council also considers there to be important wider tourism benefits from the proposal. There is the potential for great benefit to Amesbury, from bringing the visitor centre much closer to it and within easy walking distance. It will be much easier and more attractive for visitors to Stonehenge to go into Amesbury, perhaps to eat, and for linked trips with Amesbury. Further, by turning Stonehenge into a longer

visit it is likely that more visitors will remain in the area, perhaps staying in Salisbury, and thereby bringing much more benefit to the local economy.

97. In PPS7 terms, the Countess Road site is the closest to Amesbury town centre, enabling opportunities for local services and businesses to generate income from the visitors exploring the area. Mr Milton sets out the benefits from the proposed scheme to the local community in detail (see OR section 26, p 65). In short, these include: the creation of 47.5 full time jobs in the operation of the new visitor centre and the equivalent of 38 full time jobs during the construction process; the encouragement of “linked trips” to Amesbury from visitors exploring the area; and the “dwell time” of the attraction which is likely to increase opportunities for such “linked trips” in Amesbury.

Conclusions

98. It is SDC’s clear view that the appeal should be allowed and permission granted subject to conditions and the section 106 agreement. The marginal disbenefits are very clearly outweighed by the benefits.

NATHALIE LIEVEN QC

ZOE LEVENTHAL

Thursday 14th December 2006

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