

SA and AVS

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING ACT (INQUIRIES PROCEDURE) RULES
2000

APPEAL REF. APP/T31915/A/05/1193511

APPLICATION REF. S/2004/0001

APPEAL INQUIRY:

NEW STONEHENGE VISITOR CENTRE

ON

LAND TO THE EAST AND WEST OF COUNTESS ROAD,

AMESBURY

CLOSING STATEMENT

ON BEHALF OF

THE STONEHENGE ALLIANCE

AND

THE AVEBURY SOCIETY

DECEMBER 2006

1. Introduction

The Stonehenge Alliance's objections to the proposal remain unchanged and are as set out in our evidence to the Inquiry, in which we have attempted to deal with all of the matters raised by the Inspector in relation to the appeal and identified by the Secretary of State in relation to the call-in application. Further concerns in relation to these objections have arisen in respect of matters that have been heard at Inquiry.

The Avebury Society wishes to join with the Stonehenge Alliance in this closing statement; Dr Fielden, our witness on archaeological matters, having acted also for the Avebury Society throughout the Inquiry.

The District Council has not defended its position on the Appeal application and their evidence has been directed towards their decision on the second application for a new Stonehenge visitor centre and associated works which is not before this Inquiry.

Our principal concerns arising from matters raised at this Inquiry are as follows.

2. Planning considerations

The Town and Country Planning Act 1990 as amended at Section 54A says,

‘Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.’

The development plan consists of the Wiltshire and Swindon Structure Plan 2016 and the Salisbury District Local Plan 2003. The development plan is relevant to this appeal and the appropriate policies of these two plans have been presented to the Inquiry. It is submitted that when these policies are taken as a whole the submitted proposals are not in conformity with them. It is accepted that a site for a new visitor centre is a material consideration as is the removal of surface buildings at the present visitor centre with its surface car park. These considerations need to be taken into

account with the development plan policies concerning the need to protect and conserve the World Heritage Site and its archaeological monuments and also the need to comply with the provisions of the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage. PPG15 makes it clear that inclusion of a site in the World Heritage list highlights the international importance of the site as a key material consideration in the determination of a planning appeal. The word 'key' indicates the weight to be attached to the international importance of the Site. The Avebury Society has supplied a case history of decisions by Secretaries of State on planning proposals at Avebury and other UK WHSites which we believe are relevant for this Inquiry.

3. The World Heritage Convention

It is agreed by English Heritage (EH) that no UK statutory controls follow from inclusion of World Heritage Sites on the World Heritage list. It is also agreed by EH that the UK Government has, in signing the Convention, recognised its 'duty of ensuring the identification, protection, conservation, presentation and transmission to future generations' of the cultural heritage of the Stonehenge part of the WHS (Article 4) and is committed to 'endeavour, in so far as possible . . . to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage' (Article 5(d)).

The Convention itself is a legal document; and it is incorrect to describe it as 'International Guidance' as stated in the SOCG (p.11).

The provisions of the Convention require States Party to identify and delineate their cultural or natural sites of outstanding universal value (Article 3). English Heritage's witnesses did not challenge the delineated boundary of the WHS nor, for the purpose of the Convention, that the whole WHS is considered to be of outstanding universal value (OUV).

Sir Neil Cossons, witness for English Heritage, expressed the view that the application would provide for protection, conservation and presentation of the WHS, and that, although measures for the 'presentation' of Stonehenge inevitably required some disbenefits for conservation and protection, these could be weighed one against another in terms of the requirements of the Convention. We do not see any such provision for weighing the benefits and disbenefits of these three requirements in the Convention. It is implicit in the wording of the Convention that implementation of

measures for presentation must also ensure that protection and conservation of the WHS are not compromised.

In our view, any development scheme that does not contribute to conservation, protection, presentation and rehabilitation of the WHS without damage to the Site in the short or longer term is not acceptable. The basic assumption must be that no further damage should be done to the WHS: so that any scheme for providing visitor-facilities or road improvements must either be compatible with all of these commitments or not compromise any of them.

Witnesses for English Heritage expressed the opinion that the central area of the WHS, within the setting of the Stonehenge monument, was of greater importance than the area outside the central area; and that the benefits that would be gained for the central area by the scheme would outweigh any disbenefits that would result from the scheme in other parts of the WHS.

Mr Moore suggested in giving evidence that the henge and associated monuments and sites were to be considered of greater OUV than the remainder of the WHS. We believe that no such distinction can be made under the obligations of the Convention. We agree with the view of ICOMOS-UK, as expressed in their closing statement to the A303 Inquiry, that OUV may be understood to be present in the whole WHS in the

‘. . . complex archaeological landscape, its strong spatial interrelationships, the dense collection of its monuments, its designed landscaping, its ceremonial approaches, its associations with astronomical practices, and its reflection of a long continuity of inhabited space’ (ICOMOS-UK’s submission to *this* Inquiry, Annexe 3, para.10.2).

We also agree the concept of these characteristics and interrelationships expressing OUV as being present in ‘layers’ across the WHS, as discussed in Section 12 of ICOMOS-UK’s Annexe 3, mentioned above. We have commended the whole of this ICOMOS-UK document to the attention of the Inspector.

We have seen the letter to the Inspector from Professor Alec Boksenberg, Chair of the UK National Commission for UNESCO (dated 7 December 2006), and note that this body supports the application largely on the grounds that it will improve the visitor-experience. The letter does however give scant regard to the wider obligations of the

WH Convention. We would like to point out to the Inspector that this body is broadly based and was ‘designed and tasked to work closely in partnership’ with the Government; it does not speak for UNESCO and it is not specifically charged, as is ICOMOS-UK, to advise the UK Government and, through ICOMOS International, the World Heritage Committee on World Heritage Sites.

Mr Hobson, for English Heritage, referred to the A303 Inquiry Inspector’s Report (D. Milton, PoE, Appendix 7, p.321, para 10.110) in which he rejected the suggestion that balancing positive and negative impacts is inappropriate in a WHS. In our view the A303 Inquiry Inspector was wrong in his conclusion and in his recommendation, in part because he had incorrectly interpreted the nature of OUV and its application to the whole WHS and had given insufficient weight to the requirement to meet the obligations of the World Heritage Convention. We pointed to a press statement, issued on 30 March 2006 (K. Fielden, PoE, Appendix SA/2/2/9) by ten conservation organisations including the NT, ICOMOS-UK and Stonehenge Alliance member-organisations, stating (p.1, penult. para.) that

‘All challenge the Inspector’s reasoning and recommendation in the A303 Public Inquiry Report, and consider that there could be grounds for judicial review should the preferred scheme be approved for implementation.’

We ask the Inspector to draw the content of this press statement to the attention of the Secretary of State.

4. Supplementary Planning Guidance

4.1. Stonehenge WHS Management Plan (2000)

Sir Neil Cossons and Mr Carson, for English Heritage, said or indicated that the application was compatible with Objectives of the Management Plan and/or that the scheme would, through implementation of Management Plan objectives, meet HMG’s obligations under the WHConvention.

Mr Carson, in cross examination however, admitted that many of the Plan Objectives would not be met by the scheme, either wholly or in part. It has been shown that the Management Plan’s aims and objectives would not be met in terms of conservation and rehabilitation of the core and wider areas of the WHS (Obs. 9, 10 and 11) nor of the WHS as a whole (Obs. 2, 3, 6, 13).

Measures to enhance the ancient Avenue to make it more clearly visible on the ground (Ob. 16) would be compromised by the presence of the land trains and associated structures on King Barrow Ridge.

No 'limits of acceptable change' model has been drawn up (Ob.15, para.4.4.19) to assist in management of the landscape; nor has a comprehensive tourism plan been developed to benefit conservation and tourism (Ob.17, para 4.5.1, first two bullet points).

The site chosen for the new 'world class visitor centre' (Ob.18) would not encourage the dispersal of visitors around the whole WHS. The A303 Published Scheme, opposed by the Alliance and the Avebury Society, does not fulfil the requirement of Objective 23, para 4.6.4, bullet point one). Objective 25 would also not be fully met by the scheme and it would appear that realisation of Ob 24 would be in some doubt.

4.2. Visitor Centre Planning Brief (1999)

It was established that the Planning Brief for a New Stonehenge Visitor Centre (adopted as SPG in December 1999) differs substantially from the application in its proposals for vehicular visitor-access routes into the WHS: it only suggests drop-offs on King Barrow Ridge (site unspecified) and at Fargo; and no route is proposed alongside and to the north of the Cursus.

5. The land train

5.1. Route options

It has not been a part of the evidence submitted by ourselves to make any suggestions for an alternative route for the land train, but we were interested to see that in the evidence for the local planning authority it was recognised that there were viable options. Mr Milton in his proof at paragraph 7.34 recognised a southern route would be a viable alternative option. It is agreed that this route would be a viable alternative and if there is a demonstrable need for a land train to run within the WHS it is accepted that this route would be acceptable.

5.2. Visual impact

It has been shown that the land train would be an intrusion into the landscape of outstanding universal value in the WHS. The appellant has accepted that it would

have some adverse impacts within the WHS. It is considered that it would be conspicuous from many parts of the open countryside particularly on and to the east of King Barrow Ridge and would be an intrusion into the area where it would run. It would adversely affect the tranquillity of the WHS. The appellant has admitted that it would have an adverse impact on the settings of a number Scheduled ancient monuments, some of them lying within the 'Core' area of ceremonial monuments associated with the henge: the Cursus, the barrows on King Barrow Ridge and the Avenue. The large bus shelters would be incongruous features in the landscape with their extensive glazed sides.

It is proposed by the applicant that mitigation by tree and shrub planting will overcome the adverse effects of the land train scheme on some of the Scheduled monuments. These measures are in conflict with the Management Plan which seeks to limit screen planting where used to justify development (Objective 13, para. 4.4.16, bullet point one); and they are in some respects alien to the character of the WHS.

The scale of the land train roads in the WHS indicates the effect they would have on the landscape and visual appearance of the area. Application Plan CO11 shows the metalled road surface as being variously 4m, 5m and 6m in width.

Application section drawings NR03.3 and NR04.3 show the metalled surface on an embankment of up to 0.80m above ground level and some 10m in width which will be clearly visible in the landscape. Our measurements of height were not challenged by the applicant whose witness (Mr Moore) said in evidence that the height of the embankment would be only c.0.40m.

It was admitted by Mr Blandford, for EH, that the land train roads would be fenced. There are no application drawings showing fenced land train roads or how the crossings of Bridleways 39 and 9A by the land train roads would be constructed.

The proposed new path from the Seven Barrows drop-off up to King Barrow Ridge would have a dressed surface width of 2.5m and its overall width, with its shoulders, would be between 9m and 9.5m. It would be another new distinct feature in this open landscape which provides a setting for the monuments on King Barrow Ridge.

5.3. Land train specification and feasibility

It is clear from the advice of Mr Gamper, a consultant chartered civil and structural engineer, and the evidence of our witness Dr Moon, that the land train roads would

not be wide enough for articulated trains, each said by the applicant to be of four coaches some 2.5–3m wide and 30–35m in combined length, to be driven along them. (Indicative trains shown in the section drawing on Plan CO11 are shown as c.2.5m wide without wing mirrors.) It was pointed out that some of the curves in the track appeared too tight and too narrow to accommodate the natural tendency of the later carriages to swing wide during a turn. Mr Gamper noted that the turning circles appeared inadequate for an articulated land train 35m long; and he could not see how an articulated land train could possibly steer the route in safety, even at low speed. Mr Gamper also noted that the proposed structure of the track was potentially unstable and subject to seasonal shrinking or expansion. The complete infeasibility of two trains passing safely on a 5m wide section of track was established. None of the observations made by Dr Moon and Mr Gamper was challenged at the Inquiry.

The feasibility of measurements given on the plans and sections for the land train roads provided with the application must therefore be questioned.

5.4. Safety and emergency access

Further considerations arise from these observations in respect of health and safety, emergency access to land trains, and the impracticality of attending to and towing away land train vehicles that have broken down. Mr Milton, for SDC, admitted that Health and Safety issues had not yet been addressed.

5.5. Implications for changes to the land train road specification

The impacts of land train roads of greater dimensions than those shown in the proposal on the buried archaeology and the settings of monuments and the WHS landscape would need to be assessed in the light of any new plans.

Mr Milton, for Salisbury District Council, expressed the opinion that any changes to the dimensions of the land train roads would require a fresh application and we are of the same view.

We hope that the Secretary of State would wish to ask for detailed plan and section drawings of the land train route and the specification for the land train that will be run upon it before determination of the application, should she be minded to allow the Appeal.

6. Noise from the land train

Dr Moon drew attention to the unsubstantiated statement in the ES that ‘The land train is a very quiet vehicle that would result in no noise impacts’. He also pointed out that although para. 8.2.1 of the ES acknowledges that the potential impacts of the new visitor centre and its operation include ‘Impacts of changes in noise levels for visitors to the WHS and local rights of way users’, no assessment of this had been made.

Dr Moon expressed the opinion that the Highways Agency’s estimates of the post-A303 improvement noise levels formed the best available estimate of the likely ambient noise and these gave around 40dB as the ambient noise levels in the vicinity of the land train route near the northern end of King Barrow Ridge and the Cursus. These estimates were not challenged.

Attention was drawn to the fact that the ES’s estimate of 70dB at 3m for the noise emitted by the land train had been revised considerably upwards by the Temple Group report, produced by SDC at the Inquiry, which considered 72dB at 10m to be more realistic, indicating that the ‘very quiet vehicle’ would evidently not be so quiet. Based on this assumption, Appendix 2 of the Temple Group report gave predictions of the land train noise in a series of drive-past scenarios and it was asserted by Dr Moon that these showed that within 400m of the land train the noise from it would equal or exceed an ambient noise of 40dB. This assertion was not challenged.

It was concluded by Dr Moon that the land train would be audible, and therefore intrusive, to visitors to this part of the WHS. This is in contradiction to the assertion in the ES that the land train would have no aural impact. Finally, it was established that all of the conditions proposed by the Council to control land train noise had been devised for the benefit of residents and none had been devised to benefit visitors to the wider WHS. The noise of the land trains, especially close to, would significantly adversely affect the enjoyment of walkers on the rights of way and in the open countryside: notably on Bridleways 39, 37 and 9A, and on King Barrow Ridge and alongside the Cursus.

7. Archaeology

7.1. Land train: damage to archaeological remains and 'reversibility'

Mr Moore, in cross-examination, confirmed the statement in the ES that there could be some damage to archaeological remains in the topsoil as a result of rolling prior to laying the land train roads. He did not deny the suggestion that there could be damage to 'in situ' archaeological remains as a result of compression over time (he considered the roads would be in operation for 30 years or more). Mr Moore did not deny the possibility of damage to archaeological remains in the underlying ground in the process of ploughing, following removal of the roads.

No full and satisfactory explanation has been given by the applicant of the method of removal of the land train structures without damaging archaeological remains and 'without leaving any trace, either visibly or in the archaeological record' (C.Moore, PoE, para 4.4.6). An unsigned 'Statement on the reversibility of the land train track' was produced by the applicant on 13 December. It states that

'The proposed methodology is a standard technique which has been used on a number of occasions to construct tracks over archaeological sites and monuments . . .' without explaining what that technique is.

Reference is made to research into 'this methodology' on Salisbury Plain but the information supplied again gives no information about the technique employed, the underlying top and sub soils and geology, how high any embankments were, or the length of time the roads were in operation before removal. Nor does it indicate whether the technique used for track removal left the ground unscarred either visibly or in the archaeological record (for example, as a 'crop mark' or visible trace from the air). No results of the research were produced in evidence to the Inquiry. It has therefore not been satisfactorily shown that the land train works would be fully 'reversible' in the manner suggested by the applicant.

We hope that the Secretary of State will wish to be fully assured of a well-tryed method for complete reversal without trace of the land train roads and structures and the certainty that the process of construction, use over many years and then removal may be undertaken without damage to archaeological remains, before the application is determined, should she be minded to allow the Appeal.

7.2. PPG 16

It is admitted by the applicant that the normal procedure for determining applications where there is potential for important archaeological remains to be found was not followed (PPG16 paras 21 and 22). This advice is translated into Local Plan policy

(Policies CN21 and CN22 and accompanying text, para.6.34). Trial trenching to investigate the archaeological potential of extensive areas north of and close to the Scheduled Cursus monument has not been done. It is admitted that this could alter proposals for tree screening in these locations. But we do not consider the alternative use of close-boarded fencing on an embankment a suitable method of screening the land train: this would introduce another alien feature into the landscape alongside the land train embankment and the Cursus monument, bringing greater adverse effects to the setting of the Scheduled Cursus and upstanding barrows close by.

We request that the Secretary of State, if minded to allow the Appeal, should ask for the necessary trial trenching work to be done in advance of determination of the application, in the interest of ensuring that best practice and procedure in line with Government advice are followed and the impacts of proposed screening of the land train route may be fully assessed beforehand.

7.3. Archaeological advice to the LPA

PPG16 advises that the County Archaeological Officer's advice should be sought on applications of the kind before us. It was agreed by Mr Milton in cross-examination that he had been advised by telephone by WCC's CEO, to ignore the County Archaeologist's advice and that, in his view, this was a 'political' decision. Although he was asked not to take it, Mr Milton continued to seek the County Archaeologist's advice, apparently on an informal basis. We know, however, that he did not mention the County Archaeologist's written advice to refuse the application (K. Fielden, Appendix, SA/2/2/14) to the Council's Planning and Regulatory Panel; and that he did not take his advice in asking for more information on test pitting data that had not been produced at the 'Supplementary Information' stage in May 2005 (letter from Roy Canham to Mr Milton, 27.6.05, para 2; produced by Dr Fielden at the Inquiry). We do not know what other advice was offered to Mr Milton by the County Archaeologist nor what action was taken upon it.

PPG16 advises that the advice of the County Archaeologist or English Heritage should be sought as a part of the research into the archaeological potential of a development site (PPG16, para 19); and this is translated into local plan policy (Salisbury District Local Plan, para 6.33) where it is specified that the advice of the County Archaeologist will be sought.

We consider it acceptable in principle for WCC to hold a corporate view that the application should be granted but that it was wrong of WCC to ask the LPA to ignore

the advice of the County Archaeologist when Government advises that it *should* be sought and especially when a significant part of an application affects an archaeological WHS of the utmost international archaeological sensitivity. We also believe that it was wrong that the only other professional archaeological advice given to the Council on a regular basis appears to have been that of the applicant. We believe that a precedent may have been set here that has implications for planning case law.

The letter from English Heritage's Curatorial Unit produced by Mr Milton at the Inquiry (A. Chadburn to Mr Milton, 5.7.05), differs in advice given in the letter of the County Archaeologist of similar date (26.6.05).

Ms Chadburn's letter indicates that the EH Stonehenge Curatorial Unit was 'content the curatorial comments on this application have continued to be taken on board and reflected in the final scheme'. The letter does not mention the necessity for trial trenching north of the Cursus at all; nor does it refer to the settings of any monuments in the WHS landscape or the impact of the development on the WHS landscape itself. No witness from its Curatorial Unit was put forward by English Heritage.

When questioned about the Scheduled Monument Consent (SMC) for works in relation to the Cursus, referred to in Ms Chadburn's letter, Mr Milton did not know what these were: we were surprised by this statement.

Furthermore, Mr Milton stated in cross-examination that he understood that the archaeological potential of the area yet to be fully evaluated was 'low' although it is stated in the ES as being 'high'. Mr Milton several times said in cross-examination that as a non-specialist, he relied on the advice of specialists in archaeology.

We believe that matters revealed at the Inquiry in relation to the proper implementation of Government advice and planning policy on archaeological evaluation are highly unsatisfactory. From the advice we have seen from English Heritage to Mr Milton – which omits to mention significant aspects of the necessary evaluation procedure, as well as the adverse impacts of the scheme on the settings of a number of Scheduled monuments and the WHS itself, and indicates English Heritage's satisfaction with the scheme – we find it difficult to accept that this advice was wholly impartial. We consider that this application is one where best practice in archaeology and planning should be seen to have been adopted and that, for whatever reason, that has quite clearly not happened.

8. Impacts on the settings of monuments and the landscape of the WHS

We note that Mr Moore, although admitting in his evidence that there would be adverse impacts on the settings of a number of Scheduled monuments and parts of the WHS, said in cross-examination that he was unable to judge whether these impacts would conflict with Local and Structure Plan policies concerning the protection of the settings of the WHS and its monuments: he considered this to be the duty of the LPA. In our view this is an extraordinary statement from an archaeological consultant. We also consider the absence of recognition of the importance of the archaeological monuments in the WHS landscape by Mr Blandford, the applicant's landscape witness, in his proof of evidence also to be quite extraordinary. In cross-examination Mr Blandford said that the archaeological aspects of the application were not being dealt with by him.

There is a clear attempt by the applicants to 'play down' the importance of the archaeological landscape of the WHS beyond the 'central area' identified as benefiting from the scheme but admitted by witnesses as being only a part of the Management Plan's 'Core' management zone.

It was suggested by Mr Blandford that, if important archaeological remains were discovered north of the Cursus and it was necessary to leave them in situ, close-boarded fencing and climbing shrubs on a bund might be used where tree screening could not be planted. Mr Blandford was only able to suggest honeysuckle as a climbing shrub – a woodland plant that needs support. In our view, it would not be possible to achieve successful low-maintenance planting to screen such fencing with climbers without the very extensive use of ivy or non-native species. Presumably the same kind of treatment is envisaged in relation to fencing proposed to screen the land train from the houses at Strangways. This kind of planting would create a suburban buffer-effect, such as might be seen in a railway cutting; it would not be appropriate to the countryside of the WHS. Furthermore, were this kind of screening to be the only viable option for providing a buffer for the Steel Houses, it would depart substantially from the 20m tree belt that is proposed on the plans.

We are further concerned about the proposed new surfacing of Byway 12 which would be an incongruous feature in the open countryside of the 'Core' area of the

WHS. It is also unclear precisely where the surfacing would be laid within the byway, raising concerns about its use and degradation by vehicles other than bicycles and wheelchairs.

Mr Norfolk's evidence that the landscape section of the ES was defective in not following industry standards was not effectively challenged. There was no incorporation into the landscape characterisation or the assessment of landscape and visual impacts of

- The interrelationship between important factors
- The views of important groups of stakeholders
- The intention to make more of the WHS open access grassland
- Intangible but important aspects of landscape character
- A historical perspective of the 'time-depth' of the WHS
- Sensitivity of different user groups.

Because the relevant guidelines were not followed, the landscape characterisation, the assessment of sensitivity of landscape character areas, the sensitivity of 'visual receptors', and the assessment of impacts are unreliable and understated, which means that Part 6 of the Environmental Statement is seriously flawed.

9. Transport and traffic

9.1. Adequacy of information

Transport information emerged at the Appeal which differed significantly from that which was available when we submitted our proofs of evidence. We learned from the SOCG and the Highways Agency's accompanying report (Appendix 4, para 5.2) that the slip roads to the new Visitor Centre were at risk of congestion at peak times and that an operational strategy and pre-emptive action would be needed as part of Condition 48. This is in contrast with the assumption in paragraph 2.7.12 in the Transport Assessment which states that 'traffic generated by the new Visitor Centre could be more than adequately accommodated with the highway network, both now and in the future.'

In managing the numbers of car borne visitors the Travel Plan would therefore have to play a central role. However, information accompanying the Travel Plan was limited, and para 8.5 of The Plan gives it the status of a 'framework' and says that it would be permitted to evolve. Weakness of the Travel Plan was conceded by Mr Milton in

cross examination but in addressing the issue of ‘pre-emptive action’ Mr Carson revealed a traffic management plan in addition.

Mr Carson explained that part of EH’s strategy would involve warning potential visitors to book in advance for a 2-hour ticket at peak times and that casual visitors could be mopped up within the slack created in the booking system. Notices to motorists would be displayed along approach roads to the Visitor Centre to announce when Stonehenge was full. Although Mr Carson ‘hoped that timed ticketing would work’, paragraph 10.1.7 of the Transport Assessment undermined that aspiration and warned of long delays in processing visitors at peak times. The absence of critical detail of such significance in the Environmental Statement at the time of the application is a remarkable omission which has not been adequately addressed by the SOCG nor the S.106 Agreement, considered below.

In cross examination both Mr Milton and Mr Carson deferred to their professional and statutory advisers, WCC and the Highways Agency, on transport matters. However neither party were invited as transport witnesses. We were therefore unable to ascertain, inter alia, the likelihood of congestion along Countess Road at egress between the new Visitor Centre and Countess Roundabout, nor the efficacy of managing fly parking from this site.

9.2. Non-compliance with guidance on transport

Linked to non compliance with guidance is demand management described in PPG13 para 49, supported by the Good Practice Guide on Tourism (para 3.2). These emphasise the role of parking to control car use, strengthened by PPG 13 para 58 which states that lack of compliance should ‘generally’ be grounds for refusing planning permission.

Contrary to PPG13 para 52 which prohibits minimum levels of parking, other than for disabled people; PPG13, paras 53 to 56, which requires a maximum level informed by Schedule D; and Wiltshire Structure Plan policy T6; it was concluded in cross examination with Mr Carson and Mr Milton that a maximum level did not apply and that the *minimum* parking level was 581: three times the current land take for parking. Further calculations in cross examination suggested that between 810 and well in excess of 900 spaces might be required at peak times under the scenario of a straight transfer of current visitor numbers due to the three-fold increase in dwell time. The early aspiration for 1.8 million visitors cited by SDC’s Cllr Spencer in the Planning Committee report of 26 January 2000 would suggest that if achieved the scale of

parking provision for a successful business case has been greatly underestimated. Mr Milton pointed out that additional land could become available for parking, subject to a further planning application.

Although in Mr Milton's professional judgment the balance of benefits outweighed Government guidance, this is contrary to policies designed to strengthen sustainable transport and wider environmental interests sought by the application and Stonehenge Management Plan Objective 25, especially at a time when the state of the transport debate is moving rapidly towards economic instruments to influence climate change.

9.3. Weak Travel Plan

The site works against enforceable and effective parking measures, a key tool in any good Travel Plan. This is particularly due to the requirement for free access and people's frustrated desire in simply coming to see the Henge but being forced to dwell longer.

The Travel Plan does not quantify reduction targets for car borne visitors, nor reduction targets for carbon dioxide emissions, nor is there an aim for more efficient land use. In questioning Mr Carson, targets in the S.106 Agreement were promised but none have been produced. Travel Plan obligations in the S.106 Agreement should contain targets that are stretching and SMART (i.e. Specific Measurable Achievable Realistic Time-related). It is insufficient to apply best practice at a secondary stage without the benefit of proper scrutiny of such aims and targets prior to planning permission. This in itself is contrary to best practice, and leaves too much to chance to fulfil Management Plan Objectives 24 and 25.

Modal shift requires 'carrots' and cannot be achieved unless the alternatives compete on cost, comfort and convenience of the motor car. This requires investment which the application could provide for new or improved non-car access, and new bus routes serving other nearby sites, and modernizing the bus infrastructure used by the less able bodied or those without access to a car. Despite this requirement in Wiltshire's Structure Plan Policy T3, the LPA have no plans for such investment. Under cross examination Mr Milton considered that market forces would be sufficient to tempt visitors, even though it was explained that some of the county's subsidised services might be under threat.

9.4. Site selection

The two major attractions, visitor centre and henge 3km apart would generate a great deal of traffic next to a busy main road, risking traffic chaos at peak times, at least for 20 days of the year given a no-growth scenario. In other words, the site risks a major access problem that would be extremely difficult to manage.

When considering the impact of traffic we looked at the new visitor centre as a package of three functions:

- an educational and recreational centre about 3km from the Henge;
- a terminus to facilitate access to the WHS and monuments; and
- an extremely large park and ride

We do support a better quality visitor centre, but in traffic terms we advocate separating the park and ride function from the educational and recreational function and replacing the transit with a short shuttle bus on existing roadways. We need to go back to the drawing board, consider updating the current facilities and, perhaps as a second step combined with closure of the A303/A344 junction, re-siting the car park a short shuttle bus ride away which could deliver visitors to an entrance to the west of the henge. We need to address the causes of traffic growth and site this scheme more favourably.

10. The A303

10.1. The position of the National Trust

The position of the National Trust is important in relation to the outcome of this appeal. Its position is set out in a letter written to The Planning Inspectorate of 2 October 2006. It says that the Trust supports the visitor centre and access scheme. It then goes on to add qualifications to this statement in relation to the A303 Improvement Scheme by saying the support hinges substantially on the application of a tunnel of acceptable length, i.e of more than 2.9km, or of an alternative which removes traffic while protecting the World Heritage Site. Finally it says that if supporting the 2.1km tunnel published scheme is a necessary condition of supporting the application for the visitor facilities and access scheme then the Trust does not support the application.

If the proposals before this Inquiry were to be approved then they would only go ahead in relation to the provisions of the A303 Improvement Scheme that was considered at the 2004 Public Inquiry being implemented. This A303 scheme proposed a 2.1km bored tunnel. In these circumstances there is no support for the appeal proposals by the National Trust.

10.2. The position of the Stonehenge Alliance and the Avebury Society

We have stated in our evidence to the Inquiry that we do not support the A303 Published Scheme or any of the options proposed in the A303 Options Review. In order to clear up any misunderstanding of our position with regard to suggested condition 44 of the Statement of Common Ground our position is that we understand why it has been agreed by Salisbury District Council and English Heritage in relation to the Appeal proposals. As we opposed the A303 Improvement Scheme at the 2004 Public Inquiry we consider it would be inconsistent for us to endorse it at this time. We consider that the application for the new visitor centre is premature in the absence of a decision on the A303.

11. Legal Considerations

11.1. Scheduled Monument Consent

Scheduled Monument Consent (SMC) is required for works associated with the Cursus monument. An application for SMC has not been supplied with the application presumably because, in this case, English Heritage is able to grant itself SMC. We note that SMC is required for works to move a trackway from the Cursus Long Barrow, and to metal part of Byway 12 that is currently an unmetalled track which lies across the Cursus. We believe that in the interest of natural justice and in a case such as this, full details of SMC works should have been made a part of the application. However, it is now for the Secretary of State to make a decision with regard to SMC and we hope that she will wish to have the details of the works to be undertaken, possibly in the form of an application, placed before her before making a decision on the application as a whole.

11.2. The Appropriate Assessment

The Alliance's view concerning the incompleteness of the Appropriate Assessment which is a legal requirement under the Habitats Directive was not challenged by the applicant or the District Council. We presented evidence to the Inquiry indicating that English Nature was unaware of any new findings on hydrogeology in relation to the A303 proposed tunnel.

In cross-examination on this matter by the Council, our witness Dr Fielden pointed out that the wording of conditions in relation to the protection of the River Avon SAC was a procedure that should be applied following satisfactory completion of the Appropriate Assessment and ought strictly not to be done or judged in advance of that exercise. The Appropriate Assessment should now be undertaken by the Secretary of State who will determine the application. Following full appropriate assessment, to include any implications arising from the new findings on hydrogeology in relation to the A303 scheme in the 'in combination' assessment of impacts on the SAC, it might be necessary to modify or propose new construction measures to protect the SAC. The Construction Environmental Management and Ecological Management and Monitoring Plans to which the currently proposed conditions refer might also need to be modified accordingly.

An unsigned note from the Highways Agency was produced at the Inquiry on 13 December. It implied that an Appropriate Assessment had been undertaken for the A303 Published Scheme: if one has been undertaken by the Secretary of State for Transport as decision-maker, we are surprised that it was not made available to SDC in the preparation of their Appropriate Assessment for the Appeal application. We are not convinced that the factors which gave rise to the increased cost of the tunnelling proposals for the A303 would not require alterations to the Environmental Statement or the Appropriate Assessment for the A303 scheme. The hydrogeological problems that are said to have arisen were matters that we pointed to in our evidence to the A303 Inquiry and were dismissed at the time by the Highways Agency. Despite these findings having, as a result of their leading to increased costs in tunnelling, persuaded the Secretary of State for Transport to undertake an options review on the A303, Mr Jones of the Highways Agency informed Dr Fielden before the Inquiry that no report on the new findings had been produced which is a matter of some considerable surprise to us. There is now public concern about these findings that needs to be satisfied in relation to Appropriate Assessments for both the road and visitor centre proposals.

We would not have expected any of the A303 Review Steering Group bodies to have been asked to consider the Appropriate Assessment for the A303 as a part of that Review.

As in the case of the A303 Inquiry, where no Appropriate Assessment has yet been made available for consultation to third parties by the determining authority, we also believe that the Secretary of State's Appropriate Assessment should, in this high-profile case and in the interest of natural justice, be made available for comment by third parties before determination of this application.

12. Case Law

12.1. Coal Contractors Ltd v Secretary of State for the Environment and Northumberland County Council 1993

We wish to draw your attention to the decision taken in the Queen's Bench Division in the case of *Coal Contractors Ltd v Secretary of State for the Environment and Northumberland County Council 1993* (E. Holmes, Appendix to PoE, AVS/15).

The Court case arose from an appeal against the decision of the Secretary of State to refuse an application for opencast mining and the reclamation of disused colliery works to take place for two years. The site of the proposed development was within the setting of the Hadrian's Wall World Heritage Site. The site lies within land designated as an Area of Great Landscape Value. Hadrian's Wall is a Scheduled Ancient Monument and the area has exceptional qualities in historical and archaeological terms. The development plan contained policies which dealt with conservation of the landscape and protection of the vicinity of Hadrian's wall having regard to the special archaeological and environmental qualities of the Wall and its setting. There were policies supporting tourism. As part of the planning application there would have been a planning gain in respect of land restoration of an old colliery. The circumstances of the application have similarities to this appeal application.

The Secretary of State in dismissing the appeal decided the proposals notwithstanding the relatively short duration of the development would be an alien and visually intrusive feature damaging the setting of Hadrian's Wall and the World Heritage Site and would not be in accordance with the development plan and there were no other material considerations sufficient to override the presumption that the appeal should be determined in accordance with the provisions of the development plan. The

subsequent attempt by the developer to have the Secretary of State's decision overturned failed in the High Court which ruled that the Secretary of State had 'elevated the world heritage site factor to the main consideration in the planning decision did not have the effect of rendering his reasoning obscure'.

It is requested that this decision of the Court is brought to the attention of the Secretary of State.

12.2. Hereford Waste Watchers Ltd v Hereford District Council 2005

In the case of *Hereford Waste Watchers Ltd v Hereford DC 2005* it was claimed that the applicant of the planning application had failed to provide relevant information to support the application and as a consequence the Council had been unable to assess the effects of the proposal. It was decided that the Council should have insisted upon the provision of the additional information before granting planning permission. The planning permission was quashed. The decision of this case indicates the importance of the Council having full information on all aspects of a planning application before determining it.

The proposed land train forms an important part of the planning application subject of the present Appeal as it could have significant environmental effects within the WHS. The Case Officer in his report to the Council said that the actual land train will not be commissioned until planning permission is granted. Indicative illustrations of potential land trains have been submitted with the application although it is important to note that the specific land train to be used will be bespoke and not commissioned until the Stonehenge Project gets the go ahead.

The Case Officer recommended that a condition should be attached to the permission requiring the development hereby permitted should not commence until full details of the design and specification (including actual noise emissions) of the land train to be used to take visitors between the new visitor centre and the WHS have been submitted to and approved by the LPA. The minimum criteria it should meet are those set out by English Heritage in their document entitled 'Outline Design Principles For Land Train System' dated 2 June 2006.

The requirement of this condition indicates there are no details about the land train available at the present time sufficient to make a judgement on their suitability to operate within the WHS. It is considered the Council should have refused to deal with

the application without the full details of the land train because of its importance in the planning application.

13. Conclusions

We believe that we have shown that the application, in so far as important parts of it, notably the land train works, may be judged, would cause demonstrable harm to the WHS and the settings of a number of its principal monuments. There could be damage to archaeological remains in the topsoil as a result of rolling the surface prior to construction of the land train embankments; and archaeological remains north of the Cursus might be disturbed and some even destroyed in excavation prior to tree planting in this area.

There would be considerable damage to the present visual experience of and quiet enjoyment by visitors and local users of the bridleways and footpaths of parts of the WHS that are at present open countryside; the tranquillity of these areas would be improved if the A303 were removed into a tunnel and cuttings, but the presence of the land train nearby would make them less tranquil than they are at present.

We believe that the experience of those who would use the land train from the new visitor centre would not be exceptional since, for much of the journey in the train they would see and comprehend little of the WHS; those on the north side of the train to and from Durrington Farm would see only hedges, trees and close boarded fences for most of the journey.

The walk to the henge from the drop-offs would be too far for many visitors there and back; and it is unrealistic to imagine that more than a few would be able or keen to walk to other parts of the WHS having visited the henge. The land train would not disperse visitors around the whole WHS. It would raise expectations that we suspect, in many cases, would not be met.

It is considered the planning application is deficient in respect of two fundamental components of the application. First, the information about the land train scheme is lacking sufficient detail to enable a proper judgement of it. Second, there is no adequate information about the archaeology in the area north of the Cursus monument. Complete information on these two matters is essential before the appeal application can be determined.

The planning conditions proposed should the appeal be successful would leave a very considerable amount of detail to be decided by the local planning authority and, in our view, the amount of detail to be decided is excessive.

We hope that the Secretary of State, should she be minded to allow the appeal, will make it a condition of planning permission that before determination of the application,

- (i) the necessary trial trenching north of the Cursus is undertaken and its results are assessed by a specialist archaeologist who is independent of the applicant;
- (ii) full plan and section drawings at a scale of 1:50 for the land train scheme are presented for public scrutiny; and
- (iii) a full Travel Plan is produced

We also request that the Appropriate Assessment in respect of the River Avon SAC is made available to public view in advance of determination of the application.

We support the Council's reasons for refusal of the application and hope that the Secretary of State will be minded not to allow the Appeal.