Court to rule on future of Stonehenge

Stonehenge Alliance Press Release

Photo opportunity: 12:45, Tuesday, 12 December outside the Royal Courts of Justice, The Strand, London WC2A 2LL. Protestors with banners and placards

Next Tuesday (12 December) Save Stonehenge World Heritage Site (SSWHS) [1] will be at the High Court in London. It is seeking a judicial review of the Government's decision to approve a highly damaging, £2.5bn road scheme through Stonehenge World Heritage Site, for a second time [2]. Its legal action is the only thing stopping the bulldozers from entering this 5,000-year-old landscape.

The hearing is set to last for three days and will consider a number of grounds [3].

UNESCO [4], five planning inspectors [5] and over 230,000 people [6] are strongly opposed to National Highways' plans to damage Stonehenge World Heritage Site.

> ***John Adams,*** *chair of the Stonehenge Alliance [7] and one of the 3 directors of SSWHS, said: "In the face of Government indifference to the harm this road will cause the World Heritage Site, we had no choice but to bring this legal action. As before we hope we are successful in overturning this proposed vandalism. We hope justice will be served over the next three days."*

> ***Dan Snow,*** *British historian and television presenter, said: "It's astonishing that the Government is persisting with such a damaging scheme when there's so much opposition. Even*

> *UNESCO opposes it. They've got to come up with something better. Simply cutting right through one of the most important archaeological sites on planet earth shows little respect for humanity or our heritage. There are plenty of other solutions that could reduce traffic past Stonehenge."*

> ***Leigh Day solicitor Rowan Smith** said: "Despite this road development being so controversial, and despite important new matters which required proper scrutiny, the Secretary of State ignored calls for a fresh public examination.*
>
> *Our clients consider that was unfair and potentially a breach of human rights. Also, no regard whatsoever was given to the risk that Stonehenge would lose its world heritage status if plans were approved, which our clients say was plainly irrational. We look forward to presenting these arguments to the Court."*

SSWHS has successfully raised the £80,000 needed to bring this action in just over 4 months [8].

Notes to editors:

[1] Save Stonehenge World Heritage Site is a limited company set up by three individuals closely associated with the Stonehenge Alliance to specifically challenge the original Government decision on 12 November 2020 to approve National Highways' damaging scheme.

SSWHS applied for a judicial review of the Government's second approval of the scheme on 14 July, 2023 (six days before the Somerset and Frome by-election).

[2] The first judicial review was held 23-25 June 2021, with the judgement being handed down by Mr Justice Holgate on 30 July 2021, quashing the Development Consent Order.

[3] SSWHS is represented by Leigh Day and barristers David

Wolfe KC (Matrix), Victoria Hutton and Stephanie David (39 Essex). It is argued that the grant of development consent was unlawful on the following grounds:

- Given recent developments and key new evidence, it was procedurally unfair for the Secretary of State not to subject the re-determination to a full public re-examination
- It was irrational for the Secretary of State to give no weight to the risk that the scheme would result in Stonehenge having its World Heritage Status removed
- The Secretary of State failed to take certain obviously material considerations into account, including by failing to consider diverting the road around the Stonehenge site, despite such an alternative having a far lower impact in heritage terms
- The Secretary of State failed to properly assess the scheme's climate change impact, owing to:
    - applying roads policy which pre-dated the Net Zero target
    - treating the draft new roads policy as immaterial
    - ignoring the new national net zero strategy
    - assessing emissions from this scheme alone, without factoring in the emission from the whole A303/A358 corridor upgrade in the south west peninsular

[4] See UNESCO World Heritage Committee decision from its September 2023 committee meeting in Riyadh.

[5] The Examination Report, dated 2 January, 2020 recommended that the application be refused. It was published on 12 November, 2020, when the Secretary of State made his first decision to approve the scheme.

[6] The Stonehenge Alliance has two petitions, one for residents in the UK (38 Degrees) and one for people outside

the UK (Change.org). The combined total stands at over 230,000 with signatures from at least 147 countries worldwide.

[7] The Stonehenge Alliance supporter-organisations are: Ancient Sacred Landscape Network; Campaign to Protect Rural England; Friends of the Earth; Rescue, the British Archaeological Trust; and Transport Action Network.

[8] The CrowdJustice page was launched on Friday, 28 July, 2023

Tom Holland's heartfelt plea to supporters

We need to stop the most intrusive development in millennia and preserve this landscape.

> ***"The only way to stop the diggers and tunnel boring machines from desecrating this most sacred, the most archaeologically significant landscape is the legal challenge."***

Watch Tom Holland, historian and President of the Stonehenge Alliance message to you, our petitioners and supporters to "Please, please, support the legal challenge in whatever way you can." Thank you!

https://www.crowdjustice.com/case/save-stonehenge-world-heritage-site-again/

National Highways granted powers over the unruly



Deep inside the cavernous,159 page document that enacts Transport Secretary Mark Harper's decision to give the go-ahead for a tunnel and dual carriageway through the Stonehenge World Heritage Site, sits an intriguing clause.

"Article 44 (Byelaws)" of the Development Consent Order (DCO) 2023, A303 (Amesbury to Berwick Down), grants National Highways (NH) the sort of licence that a Northern Baron in medieval England, or Marcher Lord controlling the rebellious Welsh border, would have welcomed from the king. Extensive powers to clamp down on the unruly.

Britons have had an honourable tradition of directly opposing damaging infrastructure schemes, most notably the Winchester bypass in the 1980s. And recently protestors lodged for weeks in tunnels under the park outside Euston Station ahead of HS2

works, and up trees due to be felled further along the route.

And although perish the thought of any such action at Stonehenge, is there a hint in some of the byelaws that NH and the government do see Stonehenge as their next big fight with protestors? To quote legendary Welsh rugby coach Carwyn James, do they want to "get their retaliation in first"?

Dos and don'ts

There is a long list of "dos and don'ts" in the DCO. We understand why cows must not be driven through a busy tunnel: "*a person must not take in…an animal unless enclosed in a motor vehicle or trailer*"; why "*sleeping in the tunnel*" is a no-go; and that you ought to find another route if you come by "*pedal cycle (whether electric or not), tricycle, barrow, cart, buggy, pedicab or rickshaw*".

But could the stated prohibitions, under "*the efficient management and operation of the tunnel area*", "*the maintenance of order*" and "*conduct of persons in the tunnel area*" anticipate trouble even while work proceeds to "improve" the A303?

Ominously, staff have sweeping powers to impose fixed penalties on, for example, people who "*act in any way as to cause a nuisance in the tunnel area",* but the DCO is silent on the extent of those fines.

The DCO is an impressive civil servants' achievement. Yet there is a classic schoolboy howler, suggesting that Mr Harper could not be bothered to read much beyond the first page when he signed it off last July. Throughout, the document refers to "Highways England", a body that ceased to exist in August 2021. It's been National Highways ever since, hereinafter referred to as the "*statutory undertaker*", the aptly named body charged with dispatching a four millennia-old landscape.

Ready? Steady? Dig!

So the stage is set. Once tiresome legal challenges are out of the way, as far as NH is concerned the DCO covers everything, including, it seems, civil discord. Though with a weird sense of priority, there is rightful concern, say, for the stone curlew's fate. Not a blade of grass can be harmed until a replacement breeding plot is found. The DCO does not question whether the birds will actually move on, but "stone curlews" have 17 mentions. The words "world heritage site" feature just six times.

FURTHER READING

Reference for this article can be found in Schedule 8, pp107 onwards: The A303 (Amesbury to Berwick Down) Development Consent Order 2023 as made by the Secretary of State

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Don't want to see a TUNNEL BORING MACHINE at Stonehenge?

Support the legal challenge by Save Stonehenge World Heritage Site HERE.

Video appeals launched

We are launching a series of videos to **support the legal challenge** against the shocking decision to approve the damaging road scheme once again.

In an interview in 2020, our leading light, the late Kate

Fielden, explained what is wrong with the project. We share her succinct arguments which are as valid today as they were two years ago.

First broadcast by DW news: 30 October 2020, edited 10 October 2023.

John Adams OBE speaks out!

Chairman of Stonehenge Alliance & Director of Save Stonehenge World Heritage Site Ltd says:

> *The Stonehenge Tunnel decision*
>
> - *is RECKLESS,*
> - *it will cause IRREVERSIBLE DAMAGE, and*
> - *it DOESN'T EVEN ADD UP.*

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Kate Fielden remembered

Dr Kate Fielden 1944 – 2023: It is with huge sorrow that the Stonehenge Alliance learnt that Dr Kate Fielden, our leading light, died after a short illness on 21st July. Kate spearheaded our many campaigns to safeguard Stonehenge World

Heritage Site from harm for over 30 years. Our deepest sympathies go to Kate's family and friends.

At Kate's memorial on 5 October, her family invited contributions to the Save Stonehenge WHS CrowdJustice appeal "a campaign so close to Kate's heart." Winning the second legal case would be the most fitting legacy that Kate would wish, a case that she put in motion.

Kate was modestly titled 'Honorary Secretary'. In fact Kate co-founded the Stonehenge Alliance in 2001 and led the Alliance to a successful campaign against the Stonehenge road scheme proposed in 2004 as well as several other planning inquiries at Stonehenge. Kate directed the current campaign announced in December 2014.

We have no doubt that the court case in 2021 would not have succeeded without Kate's love of the Stonehenge landscape, her unparalleled knowledge and forensic eye for detail. It is heart-breaking to carry on the campaign without Kate's passion and gentle leadership.



Kate Fielden devoted decades of her life to opposing the government’s plans for a road tunnel near Stonehenge

Kate Fielden Obituary

by Tom Holland

Kate Fielden, who has died aged 79 after a short illness, was many things – an archaeologist, an editor, a curator – but to me she seemed almost a tutelary deity: the guardian spirit of Wiltshire’s ancient places, keeping watch over some of Britain’s most sacred landscapes.

I first met Kate in 2015, when she invited me to become president of the Stonehenge Alliance, a group opposed to destructive road developments in the Stonehenge landscape, and of which she was the leading light. She was the gentlest, politest, most self-effacing of women; but she was also the steeliest, the most formidable, the most forensic in defence of what she thought needed defending. As president I was only ever the merest figurehead; it was always Kate who was the doughtiest in fighting the good fight.

The oldest of the five children of Rosemary (nee Hinchcliffe) and John Fielden, Kate was born in Oldham, but during her childhood the family moved to the North Downs in Kent. Her father worked for a tea-importing business, her mother as a school secretary. Although a scholarship girl at Walthamstow Hall in Sevenoaks, on leaving school Kate did not initially go to university, but joined the Royal Navy, then worked as a teacher at Bayham Road primary school in Sevenoaks.

Only in 1965 did she go to Soas in London to study archaeology. Kate's initial focus was the ancient near east – she spent the late 1970s in Syria – but in due course, after obtaining her doctorate at Oxford, she came to devote herself instead to the archaeology and wildlife of Wiltshire. Settling in the Vale of Pewsey, surrounded by neolithic earthworks and long barrows, tending her garden, she had found her great mission in life: to help preserve the wonders and beauties of her adopted county.

For 28 years from 1985, Kate worked as the curator and archivist at Bowood House, the Georgian house in north Wiltshire famous for its gardens landscaped by Capability Brown. Simultaneously, she was becoming a seasoned activist. She campaigned successfully against obtrusive developments near Avebury; played a leading role in Rescue: The British Archaeological Trust; and was an award-winning activist for CPRE, the countryside charity.



FIELDEN.—Dr Kate, Archaeologist, died suddenly after a short illness on 21st July, aged 79. Dearly loved sister of Rowena, Rupert, Sandy and Jim, aunt of Astrid and Louisa, and a fun-loving and kind great aunt to Luke, Theo, Zara and Arthur. She will be sadly missed by her family, her friends, and her colleagues. A tireless campaigner for conserving Britain's heritage, she spearheaded the Stonehenge Alliance over 20 years ago, to prevent the planned Government Road Scheme to build a tunnel past the World Heritage Site, desecrating the archaeology. Kate worked as Curator at Bowood House for 28 years and dedicated time to CPRE Wiltshire and RESCUE - The British Archaeological Trust. A true Heritage Hero. Memorial details to be announced later.
Online Ref: WO013863

Her greatest cause, though, and one to which she devoted the final decades of her life, was the campaign – still not won – against the government's plans for a road tunnel that, if it goes ahead, will desecrate the Stonehenge landscape for ever. In the words of David Jacques, the distinguished archaeologist whose excavations are directly threatened by the development, Kate's sense of passion was "fierce but quiet, instilling confidence in others, always inspiring people to achieve their best." All who knew her will recognise the truth of this encomium.

She is survived by her siblings, Rowena, Rupert, Sandy and Jim.

First published in The Guardian, republished above with permission. Date corrected to read 2015 in second paragraph.

More affectionate tributes to Kate:

- CPRE Wiltshire Kate-Fielden: Outstanding contribution to CPRE
- Heritage Journal: Remembering our friend Kate Fielden
- Marlborough News Onlline: Dr Kate Fielden – Obituary
- Rescue – British Archaeological Trust: Dr Kate Fielden 1944 ~ 2023
- Salisbury Journal: Campaigner Dr Kate Fielden dies after short illness
- Stonehenge and World Heritage Site Coordination Unit: Kate Fielden remembered
- Wiltshire Times: Tributes to campaigner

Kate Fielden in action



Leafleting solstice goers queuing for the shuttle bus, Salisbury Station. June 2015



Kate with past Chairman the late George McDonic following a meeting with the head of world heritage at DCMS, Whitehall. June 2016



At Stonehenge with Rollo Maughfling when filming at the Spring Equinox. 2017



Kate at World Heritage Committee meeting

Krakow having made a statement on our behalf. 2017



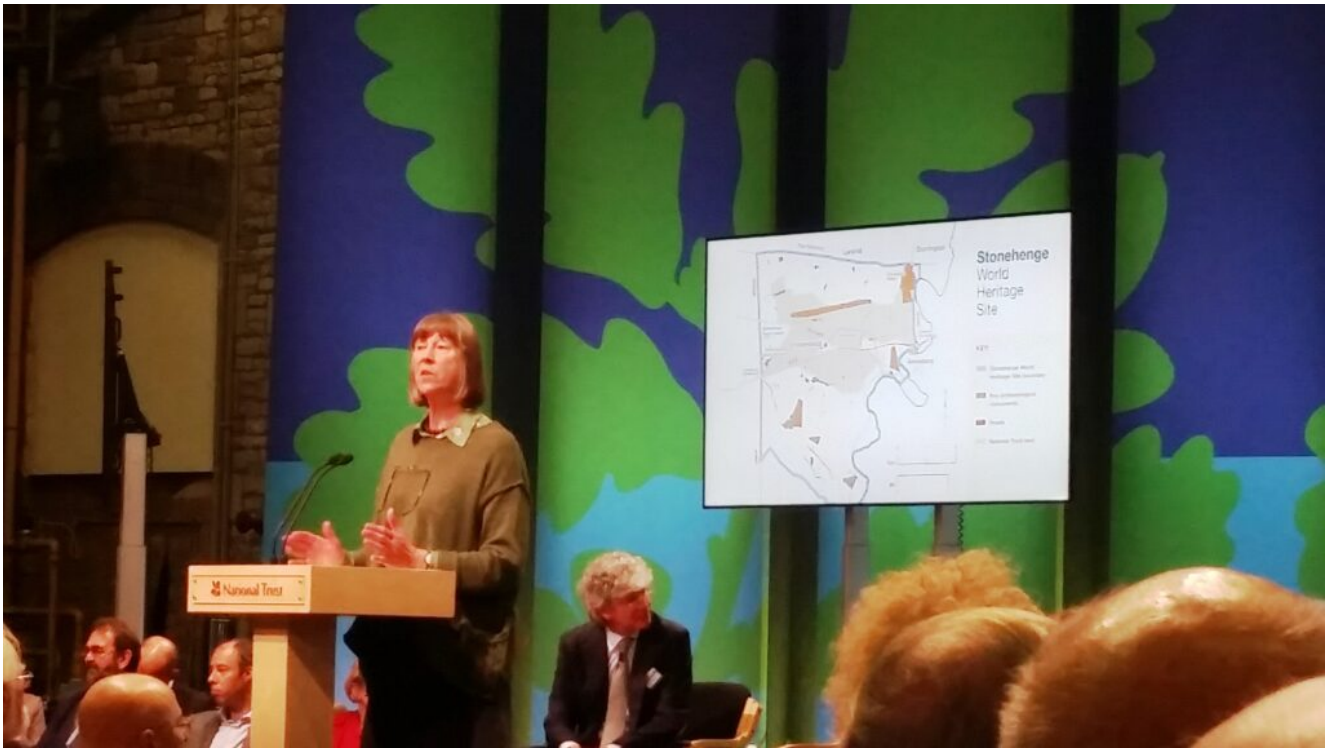
Kate hands over European Parliamentary Petition Committee petition to MEP Molly Scott Cato whilst UK was still a member. The petition was debated but further action subject to the scheme being approved. January 2019.



Presenting our petition to 10 Downing Street, Kate accompanied by her great niece and nephew. November 2020



Kate Fielden with Professor Mike Parker Pearson at the Planning Inspectorate’s Examination, Salisbury, 2019.



Speaking for the resolution Kate asks the National Trust AGM to stick to its founding principles and review its support for the Stonehenge road scheme, 2017. Repeated at the NT AGM in 2022.

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