

Leigh Day

30 November, 2020

Legal bid to save Stonehenge landscape from A303 road tunnel bulldozers

A legal bid has been commenced to try to prevent a two-mile road tunnel being built for the A303 alongside Stonehenge.

Save Stonehenge World Heritage Site (SSWHS) has asked Leigh Day solicitors, working with Victoria Hutton (39 Essex chambers) and David Wolfe QC (Matrix chambers), to investigate the lawfulness of the decision to approve the A303 Stonehenge dual carriageway, which includes a cutting and tunnel entrance through the western part of the World Heritage Site.

SSWHS is a new organisation set up by individuals involved with The Stonehenge Alliance. It has launched a fundraising campaign to pay for the legal action.

Leigh Day has sent a letter to Transport Secretary Grant Shapps, who gave the go-ahead for the eight-mile road project that includes the tunnel, putting him on notice of potential legal action. The department will be asked to respond within 10 days, and any judicial review will need to be started by 24 December.

Mr Shapps authorised the Wiltshire road project despite the recommendation of five expert inspectors, the Examining Authority (ExA) who examined the application by Highways England for the Amesbury to Berwick Down Development Consent Order under section 37 of the Planning Act 2008.

Mr Shapps agreed with the ExA that the development will harm spatial, visual relations and settings on the 4,000-year-old World Heritage Site, but concluded that the level of harm would not be substantial and would be outweighed by the public benefit.

At the public inquiry, the Stonehenge Alliance and a number of other parties argued that the World Heritage Site ought to be treated as a single heritage asset and protected in its entirety. However, Mr Shapps is reportedly satisfied the Development has been designed to accord with the National Planning Policy Statement for National Networks (NPS) and that reasonable mitigation has been included to minimise harm to the landscape.

SSWHS argues in its letter that Mr Shapps adopted an unlawful approach to the consideration of harm to heritage, his reliance on the advice of Historic England was misplaced, the reasons for his conclusion on heritage harm were inadequate and unintelligible, and his actions are in breach of the World Heritage Convention (WHC).

The group says the NPS, the policy basis that the Secretary of State must use when making decisions for nationally significant infrastructure projects, is clearly directed at preservation of the heritage asset.

The group says the WHC does not allow for a cost-benefit approach to the assessment of harm and that it is irrational to conclude that the physical destruction of one part of the 4,000-year-old World Heritage Site can be offset by possible future benefits to other parts of the site.

Tom Holland, president of The Stonehenge Alliance, said:

“I fully back the move to test whether Grants Shapps acted legally in approving this highly wasteful and destructive road scheme. The Government has ignored advice from both UNESCO and the independent panel who presided over a six-month examination. To have won the arguments based on reason and evidence, and then to have them overruled on a ministerial whim, shows just how broken the roads approval process is.

“I urge everyone who cares about the Stonehenge World Heritage Site to support this legal action. There is still a chance to stop the bulldozers moving in and vandalising our most precious and iconic prehistoric landscape.”

Leigh Day solicitor, Rowan Smith, said:

“Our client believes that there is a legal case to be made that the Secretary of State unlawfully assessed the harm that is going to be inflicted on a 4,000-year-old and much cherished World Heritage Site, deciding instead that such destruction is a price worth paying for the economic benefits and faster road travel times that may accrue in the future.”

ENDS

For more information contact Leigh Day press office