

Stonehenge Alliance Press Release

Judgement threatens Stonehenge World Heritage Site

For Immediate Release: Monday 19 February, 2024

Today Save Stonehenge World Heritage Site (SSWHS) [1] learnt that its 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], had been unsuccessful. Mr Justice Holgate in handing down his judgement today dismissed the application [3]. SSWHS have said that they intend to appeal the decision.

The judgement comes after a 3 day hearing in the High Court in December [4]. UNESCO [5], five planning inspectors [6] and over 236,000 people [7] were all opposed to National Highways' highly damaging plans. Save Stonehenge WHS's legal action had been the only thing stopping the giant earthmovers from entering this 5,000-year-old landscape.

John Adams, chair of the Stonehenge Alliance [8] 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. While this judgement is a huge blow and exposes the site to National Highway's state sponsored vandalism, we will continue the fight. We cannot let the Government destroy our world heritage."

Tom Holland, historian and president of the Stonehenge Alliance, said:

"This is a devastating loss, not just for everyone who has campaigned against the Government's pig-headed plans for the Stonehenge landscape, but for Britain, for the world, and for subsequent generations."

SSWHS successfully raised over £80,000 to bring this action. SSWHS will now have to raise a further £15,000 in order to apply for permission to appeal at the Court of Appeal. If a hearing is granted, a further £40,000 could be required [9].

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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] Mr Justice Holgate's [judgement](#) While he dismissed SSWHS's application, one of the grounds (The Secretary of State's approach in relation to the cumulative effect of greenhouse gas emissions) is stayed subject to the outcome of Andrew Boswell's hearing in the Appeal Court (Norfolk A47). However, SSWHS still need to apply for permission to appeal now and cannot wait for the judgement on Andrew Boswell's case.

[4] The three day hearing was held on 12-14 December at the Royal Courts of Justice in London. SSWHS was 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

[5] See UNESCO [World Heritage Committee decision](#) from its September 2023 committee meeting in Riyadh.

[6] 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.

[7] 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 236,000 with signatures from at least 147 countries worldwide.

[8] 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.

[9] The [CrowdJustice page](#) has a new interim target of £100,000. This is to raise the additional funds needed to make an application for permission to appeal (at the Court of Appeal). If a hearing is granted, the CrowdJustice target is likely to need to rise to around £140,000.