

**Highways England: A303 Amesbury to Berwick Down
Project, Development Consent Order Application**

Scheme Reference: TR010025

**Comments on Responses to Examining Authority's
Questions Submitted by Deadline 2**

Prepared for

The Stonehenge Alliance (Reference No. 2001870)

by Dr. Simon Temple and Dr Kate Fielden

Stonehenge Alliance Comments on Responses to the Examining Authority's Written Questions to Deadline 2

1. Introduction

1.1 This document contains comments on the responses submitted to questions issued by the Examining Authority for answer by Deadline 2, relating to:

- General and cross-topic questions
- Alternatives
- Cultural Heritage
- Traffic and Transport (general transport planning and economics)

The name of the person commenting on behalf of the Stonehenge Alliance (SA) is given in each instance.

1.2. In the interest of brevity, we have not sought to comment on the answers provided to every question and have focussed on those where new information is provided, or where the response is particularly misleading. The Stonehenge Alliance's Written Representations (Document Reference REP2-128–REP2-138) set out our views on many of the issues covered in the questions. For the avoidance of doubt, the lack of a specific comment on a particular answer to a question – or part of an answer – does not imply that the Stonehenge Alliance agrees with the response provided.

2. Highways England's Responses to General and cross-topic questions

(Doc. Ref. REP2-021, G.1)

2.1. Response to Question G.1.1 Case for the Scheme and NPS accordance

Comment by Kate Fielden for SA

2.1.1. *Stonehenge Alliance comment:* The Stonehenge Alliance submits that Highways England, in its response to this question (REP2-021: G.1.1.), has misunderstood the obligation to which the State Party is committed under Article 4 of the WH Convention. That obligation or duty is clearly stated and exists irrespective of any means by which it might be met. The obligation is to protect the WH property.

2.1.2. Article 5 of the Convention commits the State Party to *ensure active and effective measures* to meet that obligation.

- 2.1.3. Highways England cites an unsuccessful Australian Judicial Review Case (Australian Conservation Foundation Incorporated v Minister for the Environment (2016) FCA 1042; <https://jade.io/article/489468>) relating to a Ministerial decision to allow coal mining with potential impacts on the Great Barrier Reef WHS via greenhouse gas emissions through transport of mined coal by sea (i.e., indirect and unquantifiable damage). The final paragraphs of the Judgement include the following:

“198. The general rule of treaty interpretation is set out in Art 31 of the Vienna Convention on the Law of Treaties 1969. That requires a treaty to be interpreted in good faith and in accordance with the ordinary meaning of the words of the treaty in their context and in the light of the treaty’s object and purpose. It is appropriate to have regard for the whole of the relevant text of a treaty in construing a particular provision, which is simply an aspect of construing a provision in its context.

*199. Adopting that approach, in construing Art 4 [of the WH Convention] it is relevant to have regard to Art 5. The chapeau to Art 5 makes plain that the obligations of a State Party to take appropriate measures to protect its cultural and natural heritage is qualified by the following words: “... each State Party to this Convention **shall endeavour, in so far as possible, and as appropriate for each country...**” to do the matters specified. The non-absolute nature of the obligation is reinforced by the terms of Art 5(d) which refer to each State Party taking “appropriate” measures necessary for the protection of their natural heritage. I accept the Minister’s submission that, properly construed, Arts 4 and 5 give considerable latitude to State Parties as to the precise actions they may take to implement their “obligations” under the relevant provisions of WHC.*

200. I also accept the Minister’s submission concerning the proper construction of these provisions, which was in the following terms:

Unlike the applicant’s apparently literal interpretation of Article 4, this interpretation allows Articles 4 and 5 to operate harmoniously. It means that State Parties have a duty not to act in a manner manifestly contrary to the Convention but they must endeavour, in so far as possible, and as appropriate, to take particular kinds of measures in relation to natural heritage located in their territory so as to advance that duty. The preamble and operative provisions of the Convention, including in particular Articles 5 and 6 show that State Parties did not envisage absolute protection, but rather a level of protection that took account of economic, scientific and technical limitations, and the integration of heritage protection into broader economic and social decision making.”

- 2.1.4. The Judgement here makes clear that States Party

“... have a duty not to act in a manner manifestly contrary to the Convention but they must endeavour, in so far as possible, and as appropriate, to take particular kinds of measures in relation to natural [and, presumably, cultural] heritage located in their territory so as to advance that duty.”

- 2.1.5. The (stronger) High Court Judgement referred to by Highways England (re The Commonwealth of Australia v. Tasmania [1983] HCA 21; (1983) 158 CLR 1, a previous decision of the High Court considering Articles 4 and 5 of the WHC; <https://jade.io/article/67055>), found similarly, acknowledging that

"The obligations imposed by the Convention are political or moral, but not legally binding."
(Introduction, para. 72 at p.471)

But also concluded:

"The Convention should be interpreted giving primacy to the ordinary meaning of its terms in their context and in the light of its object and purpose (Art. 31(1) Vienna Convention on the Law of Treaties, A.T.S. (1974) No. 2 (reprinted: (1969), American Journal of International Law, 63, at p.875), which endorsed existing principles). So interpreted, it contains obligations which the Acts tend to carry out. The preamble speaks of the necessity for creating "an effective system of collective protection". Australia has accepted the "primary" duty for "protection, conservation, presentation and transmission to future generations" of the world cultural and natural heritage situated on its territory (Art. 4). It is obliged to "do all it can to this end, to the utmost of its own resources" (Art. 4). Article 5, states: "To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this convention shall endeavour, in so far as possible, and as appropriate for each country . . . to take the appropriate legal . . . measures necessary . . ." (para.120.61 at p.509)

"In considering treaty obligations for the purposes of the external affairs power, it is an error to assume that they must have the same characteristics and should be interpreted in the same way as contractual obligations in municipal law. However, even in our domestic law, obligations are often framed similarly. For example, in occupational safety laws a command to take a precaution is often qualified by the words "so far as is reasonably practicable". Nevertheless such provisions have repeatedly been held to impose a direct obligation, a duty to take the precaution if it is practicable, and if it is not, to do it as far as it is; see Butler (or Black) v. Fife Coal Co. Ltd., (1912) A.C. 149; Duff v. Lake George Mines Ltd. (1960), S.R.(N.S.W.) 83; Wellington v. Lake George Mines Ltd (1962), S.R.(N.S.W.) 326; Australian Oil Refining Pty. Ltd. v. Bourne (1980), 54 A.L.J.R. 192, 194-195. Taking into account the imprecise standards of obligation under international law, for the purposes of the external affairs power, the Convention, in particular Art. 5, imposes a real obligation." (Para.120.62 at p.509)

Furthermore, it was also judged that:

". . . we are not concerned with a jurisprudential analysis of the terms of the Convention; what is in form an obligation can be taken to be an obligation for the purposes of s.51(xxix) if a failure to act in conformity with those terms is likely to affect Australia's relations with other nations and communities. That can be easily tested. Would those

relations be affected if Australia failed to take any step in accordance with Arts. 4 and 5 towards the protection and conservation of a property situated in Australia of such outstanding universal value that it is part of the cultural heritage or natural heritage of the world (especially a property listed under Art. 11) when a step is needed to avert or minimize damage to the property? Unless Australia were to attribute hypocrisy and cynicism to the international community, only an affirmative answer is possible. There is a clear obligation upon Australia to act under Arts. 4 and 5, though the extent of that obligation may be affected by decisions taken by Australia in good faith.” (Para. 80.51.39. at p.530)

- 2.1.6. Highways England, in its comments on Articles 4 and 5 and in quoting the above Judgements, appears to suggest that the UK Government has either not seen fit to provide the active and effective measures to protect the WHS or is unwilling to accept the obligations under these Articles. The inference is that the A303 Scheme, which would result in substantial damage to and alteration of the WHS landscape, is considered acceptable because Highways England (a Government-owned company) interprets the WH Convention in a manner which allows such an outcome. We disagree: not only is there a political commitment and a moral duty of the UK Government to respect its obligations under the WH Convention, there are also clear commitments under widely and democratically agreed UK planning policy and guidance, as well as the WHS Management Plan, specifically to ensure that the obligations accepted by the UK Government under the Convention are carried out. Indeed, the Government’s obligations in respect of the Convention are helpfully set out by Historic England/HBMCE in its WR (REP2-100), notably at paras. 2.8–9, 2.18 and 3.8).
- 2.1.7. It should be emphasised that these commitments relate to the WH property and not simply to its OUV and that major changes to the form or configuration of the WHS would not allow the WHS or its OUV agreed at the time of designation to be transmitted to future generations.
- 2.1.8. Allowing the A303 Scheme to proceed would clearly be in breach of the Government’s obligations under the WH Convention whether or not Highways England agrees.

3. Highways England Responses to Questions on Alternatives

(Document reference: REP2-024 [TR010025-000801-8.1.4] Alternatives (AL.1))

3.1 Highways England’s Response to Question AL.1.6 on rejection of 4.5 kilometre tunnel options

Comment by Simon Temple for SA

- 3.1.1 *Stonehenge Alliance comment:* Highways England do not appear to have properly answered the part of the question which requested information on the budget available at the time that the 4.5 kilometre tunnel was rejected. Instead they state that the “budget set for the Scheme at the time was for the estimated cost of the 2.9km long tunnel option, being the basis on which the Government had announced the inclusion of the Scheme in its Road Investment Strategy.” In

other words, the budget was whatever the project including a 2.9 kilometre tunnel would cost. At that time, this was estimated to be £1.385 million. Given that the project cost is now estimated to be £1.7 billion and the tunnel has been lengthened to 3.3 kilometres, the current proposal should logically be rejected on this basis.

3.1.2 Elsewhere in their response, they state that the 4.5 kilometre options were considered to be unaffordable. Given the high cost and extremely weak economic case (even if one accepts Highways England’s assessment of benefits, which Stonehenge Alliance does not) for the project, this should also apply to the current proposal.

3.2 Question AL.1.11 relating to the dropping of Option F010

Comment by Simon Temple for SA

3.2.1 *Stonehenge Alliance comment:* In paragraphs 20 to 22 of their response to this question, Highways England refer to modelling of the impact of the corridor D options and Option F010 on local roads, as reported in Chapter 10 of the Technical Appraisal Report. They assert that Option F010 “interacts less effectively with the local road network than D061 and D062 and is likely to increase traffic using the local road network, particularly the roads north of the A303”. The impacts of the project on these roads is shown diagrammatically in Figures 10-2 to 10-5 for the PM peak hour in 2041. The results are summarised below for key relevant route sections.

Route Section	Direction	Do Minimum (1)	Corridor D (2)	Option F010
B390 west of Shrewton	Westbound	249	100	121
	Eastbound	105	87	112
	<i>Two way</i>	<i>354</i>	<i>187</i>	<i>333</i>
B3086 east of Shrewton	Westbound	154	4	22
	Eastbound	26	8	34
	<i>Two way</i>	<i>180</i>	<i>12</i>	<i>56</i>
The Packway at Larkhill	Westbound	154	4	66
	Eastbound	26	8	87
	<i>Two way</i>	<i>180</i>	<i>12</i>	<i>153</i>
A3086 east of Durrington	Westbound	141	0	33
	Eastbound	0	0	9
	<i>Two way</i>	<i>141</i>	<i>0</i>	<i>42</i>

Notes:

1. Do Minimum flows deduced from Figures 10-2 and 10-3
2. A single representative option was used by Highways England to represent all Corridor D options

3.2.2 The table shows that:

- a) The modelling is not very robust – it is implausible that no traffic would use the A3086 eastbound in the Do Minimum, or in either direction with the Corridor D options;

- b) Forecast traffic flows are relatively low in the Do Minimum, suggesting that congestion is not a major problem on these roads;
 - c) Far from increasing traffic, Option F010 reduces total traffic on each of these route sections, and it is hard to argue that it would result in unacceptable traffic volumes.
- 3.2.3 In paragraph 23, Highways England assert that there would be higher levels of rat running with Option F010. They do not define rat running in their response. In principle this could cover two impacts:
- drivers regularly selecting an alternative route to avoid predictable congestion, and
 - spontaneous re-routing to avoid unexpected delay due to incidents or day to day variation in traffic volumes.
- 3.2.4 The first impact should be included in the modelling, which shows that Option F010 would reduce flows. Highways England claim that improved journey time reliability is a key benefit of the project, thereby reducing any incentive to rat running due to unexpected delay. In any case, Option F010 takes the A303 further away from communities such as Larkhill and Shrewton, making it less likely that the route through them would be used for rat running.
- 3.2.5 In paragraphs 24 and 25 Highways England refer to the economic appraisal of options in the Technical Appraisal Report. The appraisals in Tables 11.9 and 11.10 show that the indicative BCRs of options D061, D062 and F010 are very similar, with Option F010 performing – if anything – slightly better than the others. The economic analysis does not support the decision to drop Option F010, since the reduction in benefits broadly matched the reduction in costs.
- 3.2.6 It is also worth noting that taking the £652 million cost of Option F010 and adjusting it pro rata to the shorter length of the preferred alignment gives a cost of around £390 million for a surface route. This is broadly consistent with other dual carriageway projects. This exceeds the current benefits, excluding cultural heritage, of £352 million. This shows that the project would not represent good value for money, even without the extra costs of tunnelling under part of the World Heritage Site.

3.3 Response to AL.1.12 on rejection of Option F010

Comment by Simon Temple for SA

- 3.3.1 *Stonehenge Alliance comment:* In paragraph 22 of their response, Highways England state “Although the F010 route is sited beyond the WHS boundary, the boundary was drawn at the time of inscription to follow existing roads, land boundaries and the River Avon and does not relate to the extent of significant archaeology that may contribute to the OUV of the WHS; the F010 route lies within the setting of the WHS and could directly impact as yet unidentified archaeological remains that relate to the OUV of the WHS.” We agree with this statement. However the same argument applies with even greater force to major road construction within

and immediately adjacent to the World Heritage Site, as proposed by Highways England. This is among the reasons why we oppose this project in its entirety.

4. Historic England/HBMCE responses to Questions on Alternatives (REP2-102, AL.1)

4.1. HE/HBMCE Response to Question AL.1.1 on Alternatives

Comment by Kate Fielden for SA

4.1.1. *Stonehenge Alliance comment:* Historic England/HMBCE, in answering this question (REP2-102), refers to the Decision of the World Heritage (WH) Committee in 2018 and the changes made to its draft Decision at the Committee meeting. References to the deliberations of the 2018 WH Committee were also made in the Written Representation (WR) on Alternative Routes by Mark Bush for the Blick Mead Archaeology Team (REP2-064). We would like to set the record straight in so far as we have knowledge of it.

4.1.2. Historic England/HBMCE say:

“The World Heritage Committee considered the issue of alternative routes at its session in 2018. The draft decision (included at Appendix 19 to HBMCE’s Written Representations [REP2-189]) prepared by the Secretariat urged “the State Party to continue to explore further options and design refinement, with a view to avoiding impact on the OUV of the property, including ... alternative surface bypass options”. Following discussion in the session the Committee decided to amend the draft decision and, amongst other changes, deleted the section about continuing to explore alternative by pass options (HBMCE Written Representations Appendix 20) In making this deletion it is clear that the Committee was content that, in its view, further exploration of alternatives was not necessary. In addition Appendix 11 to our Written Representations sets out the consideration and conclusions of the World Heritage Committee with respect to alternatives in particular at APP 11.38”.

4.1.3. Mark Bush, in Section 5 of his WR on behalf of the Blick Mead Archaeology Team (REP2-064), says:

“(NB. It is understood that in advance of the 42nd session of the WH Committee, a representative or representatives from Historic England made a last-minute dash to Bahrain in an attempt to influence the Committee’s decision in favour of the current scheme; somewhat bizarrely, the representative for Spain spoke in favour of the scheme at the session, seeking a motion that it should be approved. That motion was defeated. It is further noted that at the Preliminary Meeting of the Examination on 2.4.19, representatives of Historic England were at pains to stress that the panel need not be concerned with recommendations of the UNESCO/ICOMOS advisory missions, but only with the WH Committee decisions, as it was only these that carried any weight in determining the UK’s obligations. The next Decision of the WH Committee is due in July 2019, in the middle of the

Examination process. We feel that the Panel should make enquiries of Historic England as to its actions in this regard. What is clear is that the WH Committee, composed as it is of delegates from all State Parties, is susceptible to political pressure and horse-trading, such that perhaps the unfettered recommendations of its expert advisors in preparing mission reports ought to carry more weight, not less, than a Decision reached in the WH Committee. If Historic England is intent on influencing the next Decision of the 43rd session, it has certainly had a longer time to prepare the ground than on the last occasion. In any event, these remarks are simply intended to draw attention to the possibility that there will be another attempt to influence another State Party to propose that the Scheme be approved. We all await developments at the 43rd Session with interest)."

4.1.4. Members of the Stonehenge Alliance followed the progress of this agenda item on Stonehenge, Avebury and Associated Sites (SAAS) WHS at the 2018 WH Committee meeting via colleagues in World Heritage Watch who attended the Session in Bahrain. We also watched the actual proceedings and discussion of the Committee's draft Decision online in the UK.

4.1.5. The WH Centre's reports to the WH Committee, accompanied by draft Decisions for the Committee's consideration, are prepared with the input of the WH Centre's international specialist advisers. The reports and draft decision are presented in three parts:

i) "Conservation Issues presented to the WH Committee" (a summary of the DDCMS' State of Conservation Report (SOCR));

ii) "Analysis and conclusion by the World Heritage Centre and Advisory Bodies". This does not necessarily entirely agree with the State Party's SOCR; and

iii) the draft Decision for consideration by the WH Committee.

In the case of the 2017 and 2018 reports and draft decisions on the SAAS WHS (<https://whc.unesco.org/en/soc/3652> and <https://whc.unesco.org/en/soc/3744>), the recommendations of the Advisory Missions to Stonehenge were taken into account in the "Analysis and Conclusions of the WH Centre and Advisory Bodies" and in the draft Decisions.

4.1.6. The day before the SAAS WHS agenda item was due for discussion by the 2018 WH Committee, an amended draft Decision on Stonehenge was tabled by Spain (<http://whc.unesco.org/en/documents/168297>). Why Spain should have taken this action and how Spain knew precisely what amendments would suit the DDCMS/UK Government is not known to us. A subsequent exploratory FoI request was refused in the public interest of not damaging the UK's international relations. The Spanish amendments were, however, strongly supported in their entirety by the DDCMS representative at the WH Committee meeting.

4.1.7. The amendments proposed by Spain (in red) to the wording of the Draft Decision were as follows:

“Draft Decision: 42 COM 7B.32

The World Heritage Committee,

1. Having examined Document WHC/18/42.COM/7B.Add,
2. Recalling Decision 41 COM.7B.56, adopted at its 41st session (Krakow, 2017),
3. Commends the State Party for inviting three Advisory missions to advise on the proposed upgrading of the main A303 road, (which currently bisects the property), as part of a wide major infrastructure project;
4. Notes the additional investigations undertaken by the State Party to consider the southern surface (F10) by-pass route and alternative alignment and longer tunnel options to remove dual carriageway cuttings from the property, and further detailed investigations regarding tunnel alignment and both east and west portal locations;
5. Also notes the findings and recommendations of the 2018 Advisory mission, particularly that, although the current ‘Proposed Scheme’ shows improvement compared with previous plans and would also improve the situation in the centre of the property, the rigorous investigation, evaluation, iterative design and assessment process has revealed that, if the current length of tunnel solution is pursued, the damage inflicted ~~by the western by the~~ dual carriageway cuttings would impact adversely on integrity and the Outstanding Universal Value (OUV) of the property, and therefore the proposed A303 upgrade project should not proceed with the current ~~design length~~ of the tunnel;
6. Urges the State Party to continue to explore further ~~options and~~ design refinement, with a view to avoiding impact on the OUV of the property, including,
 - a) ~~alternative surface bypass options~~
 - b) longer tunnel options that ~~allow for the re-location of the western portal outside the property and which~~ do not require an open dual carriageway cuttings within the property;
7. Requests the State Party to address the findings and implement the recommendations of the March 2018 Advisory mission and encourages the State Party to continue to facilitate progress towards an optimal solution for the widening of the A303 ~~with a view to avoiding to ensure there is no~~ adverse impact on the OUV of the property;
8. Further notes that the State Party has advised that it will manage the timing of the consent and other statutory processes for the A303 trunk road project to take into account Committee Decisions and to ensure that the World Heritage Centre, ICOMOS and the Committee can continue to contribute to the evaluation and decision-making processes at appropriate stages;
9. Also requests the State Party to submit to the World Heritage Centre, by 1 February 2019, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 43rd session in 2019.”

- 4.1.8. Having been alerted to the Spanish amendments by colleagues in Bahrain, we were able to send a statement on this agenda item to be placed before Committee members and read out to the

Committee by the Chairman of World Heritage Watch (Appendix 1). Lengthy discussion of the draft Decision and the proposed amendments resulted in the final Decision of the Committee (Appendix 2).

- 4.1.9. It will be seen that the WH Committee in its final Decision not only noted the findings of the 2018 advisory mission but also urged the State Party to address those findings and implement the recommendations of the mission (which includes exploring bypass options (see Mission Report, Recommendation 2 on p.8)). Thus **it is incorrect for Historic England/HBMCE to say that “it is clear that the Committee was content that, in its view, further exploration of alternatives was not necessary”** (HBMCE/Historic England response to Q. AL.1) and **“the Committee is no longer asking for alternative surface routes by-passing the Stonehenge component of the WHS to be explored”** (REP2-189: Appendix 11 to Historic England/HBMCE WR, para.11.38). We point out the obvious fact that “including longer tunnel options” does not preclude a bypass option.
- 4.1.10. Furthermore, as noted in our WR on Heritage and the Historic Environment (REP2-136, paras. 2.12 to 2.18), Highways England has not followed the Committee’s urgent recommendation to *“minimize the length of the culvert part of the tunnel”*. This misunderstanding also appears, e.g., in Highways England’s response to Question AL.1.29 (REP2-024) in which it is implied, incorrectly, that the advice of ICOMOS (presumably of the advisory missions and the WH Committee) has been followed.
- 4.1.11. In view of the attempt to change the draft Decision of the WH Committee on Stonehenge in 2018, we fear, as does Mark Bush of the Blick Mead Archaeology Team, there might be a similar attempt to make the 2019 WH Committee’s Decision palatable to the relevant UK authorities and more closely meet Highways England’s proposals concerning the A303 Scheme. Political interference or “politicization of the World Heritage Committee” has been of concern since the early days of the Convention (see, e.g., Cameron, C. & Rossler, M. (2013). *Many Voices, One Vision: The Early Years of the World Heritage Convention (Heritage, Culture and Identity)*. Farnham: Ashgate. pp. 165–6). Such political interference inevitably continues to the present day and was a matter of some concern to the Committee chairman in 2018. For this reason, we strongly endorse Mark Bush’s view that the international specialists’ reports to the WH Committee and the reports of the advisory missions to the UK Government should be considered of primary importance.

APPENDIX 1

Statement read out to the 2018 WH Committee by Stephan Dómpke, Chairman of WH Watch, 27.6.18

WHC/18/42.COM/7B.Add. **Item 32: Stonehenge, Avebury and Associated Sites** (United Kingdom of Great Britain and Northern Ireland) (C 373bis) <https://whc.unesco.org/archive/2018/whc18-42com-7BAdd-en.pdf>, pp.35–38.

Statement from the Stonehenge Alliance to the WH Committee

“The Stonehenge Alliance is a group of five independent national non-governmental organisations. We are working together on behalf of civil society in the UK and worldwide, to raise awareness of the threat posed by the A303 road widening scheme to the remarkable Stonehenge landscape of prehistoric sites and monuments. Our supporter organisations number many thousands of members and our petition to safeguard the World Heritage Site has over 38,000 signatures from around 100 countries. Leading archaeologists are expressing deep concern about the proposals and the archaeology that could be lost.

Although unable to attend as observers at the World Heritage Committee’s meeting, we are grateful for the opportunity to address you via Stephan Dómpke of World Heritage Watch.

We thank the Committee for its interest in the views of civil society concerning World heritage. Our representatives were pleased to meet members of the Advisory Mission to Stonehenge this year and raise our concerns with them.

We strongly support the World Heritage Centre’s Report to you on Stonehenge and hope that you will be minded to accept it and to agree the Draft Decision.”

APPENDIX 2

Decision 42 COM 7B.32

The World Heritage Committee,

1. Having examined Document WHC/18/42.COM/7B.Add,
2. Recalling Decision **41 COM.7B.56**, adopted at its 41st session (Krakow, 2017),
3. Commends the State Party for inviting three Advisory missions to advise on the proposed upgrading of the main A303 road, (which currently bisects the property), as part of a major infrastructure project;
4. Notes the additional investigations undertaken by the State Party to consider the southern surface (F10) by-pass route and alternative alignment and longer tunnel options to remove dual carriageway cuttings from the property, and further detailed investigations regarding tunnel alignment and both east and west portal locations;
5. Also notes the findings and recommendations of the 2018 Advisory mission, particularly that, although the current ‘Proposed Scheme’ shows improvement compared with previous plans and would also improve the situation in the centre of the property, the rigorous investigation, evaluation, iterative design and assessment process has revealed that, if the current length of

tunnel solution is pursued, the damage inflicted by the dual carriageway cuttings would impact adversely on integrity and the Outstanding Universal Value (OUV) of the property, and therefore the proposed A303 upgrade project should not proceed with the current length of the tunnel;

6. Notes with concern the impacts of the current design of the dual carriageway on the property, especially at the western end;
7. Urges the State Party to continue to explore further design refinement, with a view to avoiding impact on the OUV of the property, including longer tunnel options that do not require an open dual carriageway cutting within the property and to avoid impact due to noise, lighting and visibility; and urges furthermore, the State Party to minimize the length of the culvert part of the tunnel in order to reduce the impact on the cultural landscape and the archaeology;
8. Requests the State Party to address the findings and implement the recommendations of the March 2018 Advisory mission and encourages the State Party to continue to facilitate progress towards an optimal solution for the widening of the A303 with a view to avoiding adverse impact on the OUV of the property;
9. Further notes that the State Party has advised that it will manage the timing of the consent and other statutory processes for the A303 trunk road project to take into account Committee Decisions and to ensure that the World Heritage Centre, ICOMOS and the Committee can continue to contribute to the evaluation and decision-making processes at appropriate stages of the project;
10. Also requests the State Party to submit to the World Heritage Centre, by **1 February 2019**, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 43rd session in 2019.

5. Highways England's response to Questions on Cultural Heritage

(Doc. Ref. REP2-025, CH.1)

5.1. Response to Question CH.1.61 on 2018 response to ICOMOS 41COM7B.56

Comment by Kate Fielden for SA

- 5.1.1. We see no clear evidence given in Highways England's response to this question to support the opinion of Sir Barry Cunliffe concerning the potentially higher archaeological sensitivity of route F10 than that of the proposed scheme.

6. Highways England's Responses to the Examining Authority on Traffic and Transportation

(Document Reference: REP2-036 [TR010025-000797-8.10.16] Traffic and Transport (Tr.1))

6.1 Response to Question Tr.1.5 on Methodology/ Modelling

Comment by Simon Temple for SA

- 6.1.1 *Stonehenge Alliance comment:* In Paragraph 7 (k) of their response Highways England refer to "Development and realism testing of the Variable Demand Model (VDM) in Chapter 12" [of the

Transport Model Package Appendix]. This is highly misleading. As Chapter 12 makes clear “Calibration of the VDM was undertaken across all five of the RTMs and the resultant calibration parameter values justified at the total RTM level. The VDM has not therefore been re-calibrated as part of the ‘A303 Stonehenge SWRTM (DCO)’ model refinement”¹. Accordingly no “development” of the model occurred. Instead Highways England have only undertaken “realism tests” through which they claim to demonstrate that the responses are plausible. No details of the parameters and their values within the Variable Demand Model have been provided. It is in effect a “black box” and the Planning Inspectorate is asked to accept it on the basis of limited sensitivity tests. Without this information, we cannot be confident of its reliability for assessing this project.

6.2 Response to Question Tr.1.7 on Methodology Modelling

Comment by Simon Temple for SA

6.2.1 *Stonehenge Alliance comment:* In their response to this question, Highways England explain how traffic flows throughout the South West Region Traffic Model area were simulated. However, the project is close to the eastern boundary of this area. Beyond this boundary, fixed travel speeds were assumed in the modelling, as noted in the Combined Modelling and Appraisal Report². Accordingly changes in congestion east of the A34, including on the M3, M4 and M25 motorways would not have any impact on usage of the A303 in the model. Given that the majority of trips start or finish in this area³, and the high level of future congestion predicted (see paragraph 5.6.2 of our Written Representation on Transport Planning and Economics), this is a significant concern.

6.3 Response to Question Tr.1.11 on Methodology/ Modelling

Comment by Simon Temple for SA

6.3.1 *Stonehenge Alliance comment:* In their response to this question, Highways England produce a table which uses Trafficmaster data to show average journey times on selected days, relative to the day on which journey times were fastest. They allege that this shows that significant delay occurs throughout the year. We do not know on which day journey times were fastest but the average speed on this day was approximately 95 km/h, based on the quoted journey time of 14 minutes, 43 seconds and a route length of 23.3 kilometres⁴. Given that this route section involves negotiating 2 roundabouts and passing through Winterbourne Stoke, this suggests a low proportion of goods vehicles and close to free flow conditions. It is unrealistic to expect any

¹ Highways England “A303 Amesbury to Berwick Down, TR010025, Transport Model Package Appendix B to the Combined Modelling and Appraisal Report (Application Document 7.5)”, October 2018, paragraph 12.1.2

² Highways England “A303 Amesbury to Berwick Down, TR010025, Combined Modelling and Appraisal Report”, October 2018, paragraph 3.2.12

³ Highways England “A303 Amesbury to Berwick Down: Scheme Assessment Report”, September 2017, Figures 2-3, page 27

⁴ CH2M Hill “A303/A30/A358 Corridor Feasibility Study: Stage 1 Report”, February 2015, Table 3-1, p.18

road that carries significant volumes of traffic to experience free flow conditions throughout the year. In fact, the table shows that the level of delay (relative to the fastest day) was less than 5 minutes on at least 265 days of the year. In reality it shows that substantial delay only occurs on relatively few days.

6.3.2 Highways England also refer to Table 5-3 of the Combined Modelling and Appraisal Report (ComMA), which states that 55% of the time saving benefits relate to business trips. Unfortunately Highways England does not quote the distribution of journey time savings for business travellers, so we cannot be confident that a high proportion of them are not generated by imperceptibly small journey time reductions for a large number of trips. We also note that only 6% of the benefits (£25 million) relate to Heavy Goods Vehicles, so the project is forecast to have only limited freight benefits. Finally, the overall benefits of the project to business – including Wider Economic Benefits - only amount to 19% of its costs, demonstrating that it is an extraordinarily bad investment from a business perspective. This is illustrated in the table below.

Benefit/Cost	Source	Present Value (£m)
Time savings	ComMA Table 5-3	205
Vehicle operating costs	ComMA Table 5-4	-6
Reliability	ComMA Table 5-8	15
Delays during construction	ComMA Table 5-5, assuming 55% of value of delays relate to business travel	-17
Wider economic benefits	ComMA Table 5-9	35
Total Business Benefits		232
Project cost	ComMA Table 5-11	-1,206m
Benefit: cost ratio		0.19

7. Heart of the South West Local Economic Partnership Response to Examining Authority Questions G.1.3/ G.1.4 (Need for the Scheme and conformity with NPSNN);

SE.1.11 (Socio-economic effects); and

Tr.1.11/ Tr.1.17 (Transport Assessment: Standard and capacity of the proposals)

(Document Reference: REP2-099 [TR010025-000863])

Comment by Simon Temple for SA

7.1 *Stonehenge Alliance comment:* This submission by Heart of SW LEP argues that the scheme is needed on the basis of the promoter’s case and the Economic Impact Study commissioned by Somerset County Council from Parsons Brinckerhoff. As we set out in our Written Representation on Transport Planning and Economic Issues, this evidence is not robust.

7.2 The Local Economic Partnership then goes on to state their view that the whole A303/A358 corridor from the M3 to M5, together with the A303/A30 between Ilminster and Honiton needs

to be upgraded; and highlights government commitment to this. In their response to question Tr.1.17 they note that the forecast flows for 2041 only reflect a situation where three sections of the corridor have been dualled and state that “it is likely that the 2041 forecasts are an underestimate of the flows which would be anticipated at this location after the complete corridor upgrade.” We agree with this statement and consider that it demonstrates the vital importance of a full assessment of the economic and environmental performance of the whole corridor programme, including its climate change impacts, prior to a decision on the Development Consent Order Application.