

# A303 Amesbury to Berwick Down

TR010025

**Deadline 6**

**8.37.11 - Responses to the ExA's Written Questions  
- Health & Wellbeing (HW.2)**

APFP Regulation 5(2)(q)

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

July 2019



## Infrastructure Planning

### Planning Act 2008

## The Infrastructure Planning (Examination Procedure)

### Rules 2010

## A303 Amesbury to Berwick Down

### Development Consent Order 20[\*\*]

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### Responses to the ExA's Written Questions

#### - Health & Wellbeing (HW.2)

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## 11 Health and Wellbeing (HW.2)

### Question HW.2.1

**Loss of the casual encounter with the Stones as you pass on the A303 is referenced by numerous RRs as an important part of the cultural experience of the area. The WHS Management Plan recognises there has been routes through the landscape for significant periods of time and the location of the road has opened this up to artists, poets, musicians etc which has further developed the cultural significance of the site.**

- i. Whilst there will remain views from rights of way would you agree the casual encounter by the commuter will be lost?
- ii. What significance do you consider this has on the OUV for the WHS?

### Response

- i. **Whilst there will remain views from rights of way would you agree the casual encounter by the commuter will be lost?**
  - 1 We agree that the current casual views of the stones by drivers and passengers travelling along the existing A303 will be lost.
  - 2 As noted in the Applicant's response to Question SE.1.16 [REP2-035], "Whilst the Stonehenge monument will not be visible from the A303 once the tunnel is built, there will be a significant opportunity for the public to view the Stonehenge monument from the enhanced public rights of way network, (as shown on the Rights of Way and Access Plans [APP-009]) notably the restricted byway being created on the line of the existing road. Visitors will continue to have free access by using the public rights of way that cross the WHS landscape and via the National Trust's right to roam policy. ... The opportunity to explore the landscape and view the Stonehenge monument from the enhanced public rights of way network, is being delivered as a principle aim of the Scheme"
  - 3 The Heritage Impact Assessment (HIA) notes that "the Stonehenge monument (AG22) is visible from the A303, Byways AMES 11 and AMES 12 (RV 18, RV 19, RV 20) and permissive open access land. There are glimpses from the Packway. These views are always seen in the context of vehicles on the existing A303 and other roads. Views of vehicles are considered to substantially detract from the scenic quality of the view and the perception of the Stones within an open landscape." [APP-195, para. 6.14.2]. The HIA acknowledges that "'free' views of iconic sites can be important to local people and visitors alike" [APP-195, para. 6.14.11].
  - 4 Encounters with the Stones by commuters will remain possible via a stop either through the use of the Stonehenge Visitor Centre, or the use the new

non-motorised users (NMU) route arising from the downgrading of the A303 and existing NMU route network. The cultural experience of encounters with the Stones through these means will be enhanced through the removal of the sight and sound of traffic from the setting of Stonehenge that the Scheme enables. This enhanced appeal may result in a visit to the Stones being made more attractive to vehicular travellers through the area than it is at present. Also, the longer typical duration of encounters and visitor experience occurring by these means compared with the present casual drive-by encounters will likely result in considerably more benefit from the perspective of learning and interpretation, a theme which underpins Aim 5 of The WHS Management Plan: to “Improve the interpretation of the WHS to increase understanding and enjoyment of its special characteristics and maximise its educational potential. Engage the local community in the stewardship and management of the WHS.” (Simmonds & Thomas 2015) <http://www.stonehengeandaveburywhs.org/management-of-whs/stonehenge-and-avebury-whs-management-plan-2015/>.

**ii. What significance do you consider this has on the OUV for the WHS?**

- 5 The Heritage Impact Assessment (HIA) [APP-195] considers the impacts and effects of the Scheme on the Outstanding Universal Value (OUV) of the World Heritage Site (WHS) through the lens of impacts upon Attributes of OUV, Integrity and Authenticity. It also addresses impacts and effects on other aspects of the WHS, including the loss of the ‘free’ view of the Stones at Stonehenge and other monuments to motorists.
- 6 The HIA assesses the impact and effect of the Scheme on the public visibility of monuments, noting that “There would be no change to ‘free’ views from the National Trust inalienable land surrounding Stonehenge that is managed as permissive open access land. However, placing the A303 in tunnel past Stonehenge (AG22) means that the ‘free’ view of Stonehenge (AG22) for people in vehicles travelling along the existing A303 would be lost [APP-195, para. 9.3.25]. “The ‘free’ view of Stonehenge and other prominent monuments from the existing A303 would be lost to motorists. However, views would be more readily appreciated by NMUs using the restricted byway which would replace the A303. Although Stonehenge is a well-known landmark, it is currently blighted by the existing A303 itself. In future, the reconnection of the landscape opens up opportunities for NMUs which may be further developed.” [APP-195, para. 9.3.27].
- 7 The Applicant considers that the Scheme results in “the loss of the ‘free’ view of the Stones and other monuments, which brings about both Minor Negative and Minor Positive Changes, resulting in a Neutral effect overall.” [APP-195, para. 9.3.28].
- 8 It is important, however, that the loss and gains of views of the Stones are not considered in artificial isolation. Considering the other effects of the Scheme, the HIA assesses that the Scheme “would contribute to increasing

public understanding of OUV” providing “the opportunity to reunite the landscape, enabling the development and implementation of a seamless visitor offer. Reuniting the landscape provides prospects for increased interpretation (digital and physical), learning and community engagement. This would contribute to the preservation and transmission of OUV.” [APP-195, para. 9.3.82].

- 9 In relation to OUV, the Scheme would create opportunities for greater public access, appreciation and enjoyment of the WHS, through increased connectivity between key monuments and monument groups north and south of the existing A303 using the existing Public Rights of Way network. The Scheme would thus enable beneficial opportunities for the transmission of OUV and increasing the public’s awareness, understanding and perception of the OUV of the WHS in a local, regional, national and international context.

## Question HW.2.2

How have the competing desires of the Druids who wish to have any human remains found on the site reinterred and archaeologists desire to study, understand and display those remains been considered and addressed? [REP3-012, REP2-003 (Article 16), APP-296, REP2-032 (HW.1.17)]

## Response

- 1 Highways England has engaged in detailed consultation with the Druids (including representatives from both the Druid Order and the Amesbury Druids) and with archaeologists through individual responses, the Heritage Monitoring and Advisory Group (HMAG), the Scientific Committee and the Wiltshire Council Archaeology Service (WCAS). The treatment of human remains that are uncovered in the course of Scheme construction and operation has, consequently, been fully considered and addressed in the Scheme documentation by setting out a proposal that balances the needs and interests of these two groups, including in Article 16 of the draft Development Consent Order (dDCO) [Submitted at Deadline 6] and in paras 6.3.75 – 6.3.88 of the Detailed Archaeological Mitigation Strategy (DAMS) [Submitted at Deadline 6].
- 2 The mechanisms set out within the dDCO and the DAMS allow for the views of Druids and Archaeologists, as well as others, to be balanced by providing a clear strategy in the event that human remains are discovered, whilst also allowing for flexibility on a case by case basis in accordance with any direction that may be given by the Secretary of State (please see Article 16 (14) of the dDCO).
- 3 For convenience, we summarise the dDCO procedure here:  
 Under Article 16, if any human remains are discovered during the course of works, the Applicant must give notice before the remains are removed from the land. Thereafter, a personal representative or relative may give notice to the Applicant within 56 days of the first date of the notice being published of that person's intention to undertake the removal of the remains. Such remains can then be removed and re-interred in any burial ground or cemetery in which burials may legally take place or removed and cremated in any crematorium, as the relative or personal representative may choose.
- 4 It may be the case that no personal representative or relative responds to the notice, the authenticity of that person's claim to the remains cannot be confirmed, or the remains cannot be identified (noting that Article 16 provides for a procedure whereby an application may be made to the county court to determine who is to remove the remains). If it is determined or the Applicant agrees to undertake the removal of the remains then, similarly as the procedure outlined above, the Applicant must remove the remains and

cause them to be re-interred in such burial ground or cemetery in which burials may take place as the Applicant thinks suitable.

- 5 Article 16 also provides that (Article 16 (12)) no notice is required before the removal of any human remains where the Applicant is satisfied (a) that the remains were interred more than 100 years ago; and (b) that no relative or personal representative of the deceased is likely to object to the remains being removed.
- 6 Article 16 further explains that references to a relative of the deceased are to a person who— (i) is a husband, wife, civil partner, parent, grandparent, child or grandchild of the deceased; or (ii) is, or is a child of, a brother, sister, uncle or aunt of the deceased; (b) references to a personal representative of the deceased are to a person or persons who— (i) is the lawful executor of the estate of the deceased; or (ii) is the lawful administrator of the estate of the deceased.
- 7 It is therefore the case that, where a personal representative or relative is successful in claiming the remains, they may be re-interred in any lawful burial site or cremated. However, where the Applicant is responsible for removing the remains, they are to be re-interred in the lawful burial ground or cemetery that the Applicant considers to be suitable for the purpose. It should be further noted that Article 16 also provides that in so far as possible, remains from individual graves must be re-interred in individual containers identifiable by a record prepared with reference to the original position of burial of the remains that they contain.
- 8 In all cases where remains are re-interred or cremated under Article 16, a certificate must be sent by the Applicant to the Registrar General (i) giving the date of re-interment or cremation (ii) identifying the place from which the remains were removed and (iii) identifying the place in which they were re-interred or cremated. A copy of this certificate must also be sent by the Applicant to the planning authority.
- 9 Further balance is provided in that, as mentioned above, the Secretary of State retains a supervisory function over the operation of article 16 and can make directions in respect of the removal of human remains under paragraph 14 of article 16.
- 10 As noted above, the DAMS [ Submitted at Deadline 6] sets out a strategy for the recovery of human remains (paras 6.3.75 – 6.3.88 to be exercised in accordance with Article 16 of the dDCO. The DAMS also notes that “The dissemination strategy will include the transfer of the complete project archive (site archive and research archive) to Salisbury Museum for long-term storage and curation. This will preserve the archive for use in future research projects and allow continued presentation of material to the public by the Museum.” (para. 5.3.39).
- 11 Taken together, the Applicant considers that the dDCO and the DAMS provide a proportionate procedure that respects human rights and



archaeological interests by (i) providing a procedure whereby remains can be claimed and re-interred or cremated in accordance with the wishes of relative and personal representatives (ii) allows for disputes to be determined by the County Court (iii) retains the supervisory function and discretion of the Secretary of State.

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