

A303 Amesbury to Berwick Down

Secretary of State's Re-determination of the Application for Development Consent

Representation by ICOMOS-UK

1. Background

The High Court on 30 July 2021 quashed the Secretary of State's decision of 12 November 2020 to approve the application by Highways England for improvements to the A303 between Amesbury and Berwick Down. Following that judgment, the Secretary of State must now re-determine that application and has invited interested parties to comment on the following:

- (i) *Alternative approaches*
'Any updates Interested Parties consider to be material to the information relating to alternatives considered by the Examining Authority in section 5.4 of their report (including the relative merits of a longer tunnel option); and any further information that Interested Parties consider to be material for the Secretary of State to take into account in his re-determination of the application relating to the relative merits of alternatives to the Development;'
- (ii) *Consistency with local and national policies*
'any change in whether the Development would be consistent with the requirements and provisions of relevant local or national policies, given the time since the examination closed; '
- (iii) *Carbon Budget*
'Any update to the assessment of the impact of the scheme on the carbon budgets to take account of the sixth carbon budget;'
- (iv) *Impact on climate, greenhouse gases and climate adaptation*
'the direct, indirect and cumulative likely significant effects of the development with other existing and/or approved projects on climate, including greenhouse gas emissions and climate change adaptation, in light of the requirements set out in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations') and in light of paragraphs 5.17 and 5.18 of the National Policy Statement for National Networks; '
- (v) *Adequacy of environmental information*
'• other than where already covered by the matters set out above, the adequacy of the environmental information produced in support of the application for the Development and whether any further or updated environmental information is now necessary given the time since the examination closed; '
- (vi) *Any other matters arising since 12 November 2020*
'• any other matters arising since 12 November 2020 which Interested Parties consider are material for the Secretary of State to take into account in his re-determination of the application.'

ICOMOS-UK offers comments below on points (i) and (vi).

2. (i) Alternative approaches

Impact assessments for major projects that might impact on the Outstanding Universal Value (OUV) of inscribed properties should be carried out in line with ICOMOS Guidance on

Impact Assessment for Cultural Heritage Properties¹. This sets out clearly the necessity to consider alternative development proposals, as well as the one that triggered the assessment, in order to ascertain whether other approaches might be found that could avoid adverse impact on OUV. This approach has now been included formally in the Operational Guidelines². But it should also be noted that assessing alternatives is also an established part of EIAs, as acknowledged in the High Court ruling which referred to a breach both in relation to the World Heritage Convention and common law.

In the supplementary information now submitted by the Highways Agency, further details are provided on the alternative options they considered as well as the preferred route. There are difficulties in considering this information as the evidence upon which impacts on OUV and other assets are based has not been set out in detail as no detailed HIAs have been undertaken. The conclusions thus remain questionable. How for instance was the conclusion reached that the Northern Route Corridor A 'would reduce severance within the WHS, and could also result in some benefit to the WHS. However, the harm it would cause to the setting of the WHS and key assets within it (e.g. Durrington Walls) mean substantial harm to the OUV of the WHS is probable and, on balance potential harm to the OUV of the WHS would outweigh the benefits associated with the removal of the A303'. Does this mean that the Highways Agency is stating that the harm caused by the northern route would be higher than the harm caused by the cuttings at the western end of the preferred route as the harm to the setting is considered worse than the irreversible damage caused by the proposed cuttings at the west of the preferred route? As no HIA has been undertaken, no evidence is available to allow an understanding of how these conclusions might have been reached. But in terms of what has been presented, ICOMOS-UK cannot support the Highways Agency's conclusions.

And in terms of the Southern Route, it is stated that it would pass through a largely unspoilt, high quality, tranquil landscape with an additional crossing of the River Avon Special Area of Conservation (SAC). It would have a much larger footprint and a greater overall environmental impact, despite having greater benefits for the WHS. There would be disbenefits for road users having to travel on a longer F010 route, offsetting lower construction costs. This appears to imply that this route has no impact on OUV but some impact on the SAC. As no HIA has been undertaken, the precise impact on the SAC has not been identified. All that is said is that 'In terms of environmental considerations, this alternative remains a poor option for landscape and visual, biodiversity, noise, surface water and drainage, air quality and people and communities compared to the Scheme'. But what these impacts are, or their severity is not articulated. And in the absence of precise evidence for impact there has been no opportunity to consider mitigation measures such as a tunnel to avoid the SAC and minimal impact on local communities, or management measures to avoid rat running. On the basis of what has been set out, this Southern Route would appear to have the most preferential outcome: no adverse impact on OUV, much lower construction costs and apparently less than severe environmental impacts. ICOMOS-UK cannot support the Highways Agency's conclusions.

The other option that has been acknowledged as having less impact on OUV than the preferred option is the extended bored tunnel. However it is stated that 'There is no evidence that the additional investment required to extend the tunnel length would deliver meaningful additional benefits to the WHS that would justify the additional cost'. The meaningful additional benefits would appear to be very clear, though, in that there would be no irreversible damage to the landscape of the World Heritage site in the absence of a long cutting. What has not been mentioned in this additional information is the issue of integrity. This is crucial problem for the preferred option as the proposed cutting impacts highly adversely on the integrity of the property as well as removing attributes of OUV in a large segment of the landscape that could have the potential to offer many more insights into the

¹ ICOMOS Guidance on Heritage Impact Assessment for Cultural World Heritage Properties, 2011

² Para 118bis of the Operational Guidelines for the Implementation of the World Heritage Convention, 2020, adopted in decision 43 COM 11, (Fuzhou, China 2021)

communities associated with Stonehenge. On what precise basis the benefits and disbenefits of the longer tunnel have been assessed is not clearly set out, but ICOMOS-UK considers that the conclusions reached by the Highways Agency cannot be supported.

In ICOMOS-UK's view, these supplementary materials fail to offer the clarity that is needed as it cannot be said that the alternative options have been assessed in a similar way to the preferred option in line with the impact assessment process. This process should be the tool used in the early stages of a project to set out in an open and transparent manner how the necessary options have been assessed on an equitable basis. Unfortunately this has not happened, and the limited amount of extra material now provided does not adequately support the conclusions made by the Highway Agency. Indeed, in ICOMOS-UK's view the evidence for some options could equally be seen to reach opposite conclusions,

In summary, ICOMOS-UK considers that the conclusion of the Highways Agency that their overall position remains unchanged, cannot be said to be based on sufficiently rigorous or scientific investigation to the standard expected for such a major project with the potential for adverse impact on a World Heritage site. There is no clear evidence to support the contention that there are no other options which would avoid a highly adverse and irreversible impact on the OUV of the World Heritage site. Indeed, ICOMOS-UK considers that at least two options could and should be further explored.

3. *Any other matters arising since 12 November 2020*

In our view, a key consideration is the decision by the UNESCO World Heritage Committee at its last session in 2021³ to de-list Liverpool– Maritime Mercantile City from the World Heritage list, which ICOMOS-UK considers to be deeply regrettable.

Liverpool was put on the World Heritage List in Danger in 2012 following the approval by Liverpool City Council's Planning Department of outline proposals for the Liverpool Waters Scheme, which the Committee considered had a highly adverse impact on OUV. The State Party was requested at that time to define a Desired State of Conservation (DSOC), that is the state of consideration that the property needed to attain in order to allow it to be removed from the List in World Heritage in Danger.

Over the following nine years various attempts were made to draft a DSOC but none were approved by the Committee as it was simply not possible to reverse the planning decision, parts of which had already started to be implemented. The Committee decided to de-list Liverpool, only the second cultural property to be removed from the World Heritage list.

The approval of the Liverpool Waters scheme, which the Secretary of State decided not to call-in, can now be seen to have sealed the fate of the Liverpool World Heritage property.

ICOMOS-UK considers that there are worrying similarities between Liverpool and Stonehenge. The UNESCO World Heritage Committee has already agreed that if the current A303 proposals are approved Stonehenge will be put on the World Heritage list in Danger and that means a DSOC would be requested. It is difficult to see how Stonehenge might then be removed from the List of World Heritage in Danger unless the A303 proposals that triggered the Danger listing were cancelled. And if that could not be done, then the UNESCO World Heritage Committee could be faced with the same conditions that led to Liverpool's removal from the World Heritage List.

In ICOMOS-UK's view, the possibility of Stonehenge's removal from the World Heritage list must be avoided.

³ Decision 44 COM 7A.34 (Fuzhou, China 2021)

4th April 2022