

THE STONEHENGE ALLIANCE

From The Hon Secretary, Kate Fielden
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Sent via email on 20 January 2010

Mr Ian Wallis,
Planning Manager,
Planning and Housing Delivery Team,
Government Office for the South West,
2 Rivergate, Temple Quay,
Bristol, BS1 6EH.

Dear Mr Wallis,

Planning Application S/2009/1527/FULL: New visitor-centre for Stonehenge

The Stonehenge Alliance has studied the Officer's Report to Wiltshire Council's Strategic Planning Committee which is to determine the application on 20 January.

We would like to raise a number of points about the report which are matters of international concern and which, we believe, have not been properly addressed. Wiltshire Council Officers are recommending support for the scheme without, apparently, fully understanding the obligations of the World Heritage Convention and the advice in the new Government *Circular on the Protection of World Heritages Sites* (DCLG 07/2009). It is our view that decision-makers have received inadequate information about Outstanding Universal Value (OUV) and the planning framework that HMG expects will protect the Stonehenge WHS.

1. Earlier concerns

We wrote to you on 23 December 2009 raising our concerns about the response to the application from Wiltshire Council's Spatial Planning Department. Conclusions of that response have been carried forward into the Case Officer's Report to Committee (hereafter abbreviated OR) including the Spatial Planning Department's view that 'there is no planning policy objection to this proposal' (OR, para. 6.1) which, in our view, cannot be the case, for reasons we have outlined in earlier correspondence and also cover, below.

2. The World Heritage Convention

2.1. The Case Officer's Report repeats the Council's Spatial Planning Department's misunderstanding of the requirements of the WHConvention, saying, at OR, para. 8.2.3:

The Convention Concerning the Protection of the World and Natural Heritage contains the type of natural and cultural sites which are considered for conclusion within the world heritage list. In signing this convention in 1972 Britain pledged to conserve its national heritage and those world heritage sites situated within Britain.

The Convention deals with WHSites of Outstanding Universal Value (OUV) and the requirement of signatories is to conserve and protect their WHSs of international significance, not their ‘national heritage’.

2.1.1. The Officer’s Report goes on to say:

8.2.4 The response from the council’s spatial planning department considers that

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“While it may be the case that the proposed solution put forward to solve the problems within this planning application has not met with universal support (see Appendix x, page x, comments of neighbours), from the amount of time, resource and research that has been expended to bring this project to fruition, as well as the extensive documentary evidence supplied to support this application there is no doubt that this application has been formulated to make a significant contribution to the aims of the Management Plan. It has overriding aims of restoring Stonehenge to a more respectful setting, free of obtrusive 20th century developments, with improved access, improved interpretation and understanding and encompasses a long-term vision for securing the future existence, enhancement and enjoyment of this iconic site. As such the application unequivocally complies with the obligation the Convention places on the UK.”

8.2.5 In terms of complying with the convention therefore it is considered that this project does so . . . (Our emphases)

2.1.2. We would point out in relation to these statements, however, that

- (i) it is not the amount of time spent on a scheme for a WHS, nor the amount of documentation put forward in support of it that would ensure it contributes to the aims of the Management Plan, but whether or not it complies with the UK Government’s obligations under the WHConvention and with planning policy for the WHS and the aims and policies of the Management Plan;
- (ii) to improve the setting of the Henge at the expense of the setting of a part of the WHS that is currently undamaged by development does not fulfil the requirements of the Convention, planning policy for the WHS or the WHS Management Plan, as we have pointed out in earlier representations. This is also made clear by ICOMOS-UK, advisers to UNESCO on our WHSs, in its letter of

representation to the Council explaining that benefits of a project to one part of the WHS cannot be weighed against disbenefits it would bring to the Site elsewhere. (*Please see also* our comments under 7.3 in this letter, below);

(iii) in our opinion it is misleading to suggest that

a) the application complies with the Convention; and

b) that it complies unequivocally with the obligation the Convention places on the UK.

3. Circular on the Protection of World Heritage Sites (DCLG 07/2009)

3.1. The Officer's Report (OR, 8.2.6) quotes from para.8 of the Circular:

"The outstanding universal value of a World Heritage Site indicates its importance as a key material consideration to be taken into account by the relevant authorities in determining planning and related applications and by the Secretary of State in determining cases on appeal or following call in. It is therefore essential that policy frameworks at all levels recognise the need to protect the outstanding universal value of World Heritage Sites. The main objective should be the protection of each World Heritage Site through conservation and preservation of its outstanding universal value."

Para 8.2.7 of the Officer's Report, quotes para.14 of the Circular:

"The Secretaries of State for Communities and Local Government and for Culture, Media and Sport expect planning authorities to treat relevant policies in management plans as key material considerations in making plans and planning decisions, to take them fully into account when devising core strategies and other development documents, and to give them due weight in their other actions relating to World Heritage Sites."

3.1.1. The Officer's Report, at para. 8.2.8, interprets these statements to say:

It is clear from this that the areas that make up the World Heritage Site and its features of Outstanding Universal Value are important to the consideration of this application and to any management plan devised. (see below). The circular emphasizes the need to protect the World Heritage site and for this to be a significant material consideration along with all the other documents and plans referred to above.

3.1.2. In commenting on the Officer's statements at the para quoted immediately above,

(i) it is our view that the Circular has not been properly understood. It says (Circular, para.13) that a ‘management plan needs to draw its policies from a proper understanding of the significance of the site and focus on protection of the OUV, authenticity and integrity of the site’; and, in para.14, that *relevant* policies in WHS *management plans* (our emphasis: i.e., relevant to the protection of OUV) should be treated as *key* material considerations (again, our emphasis);

(ii) Thus, not *all* of the policies in the Management Plan, and not ‘all the other documents and plans’ referred to in the Officer’s Report and used as support for the scheme, may be considered to be ‘significant material considerations’ in the case of this application for a WHS.

(iii) **In our view, the Circular actually points out that for a WHS,**

a. the *main objective* should be protection of a WHS through conservation and preservation of its OUV (para.8); and that

b. planning authorities are expected by the Secretary of State to treat *relevant management plan policies* [i.e. those that focus on the need for protection and conservation of OUV] as key material considerations in making plans and *planning decisions* (paras. 8 –14).

We think that the advice of the Circular in these respects has not been adequately followed in the Officer’s Report where the main objective in the case of this application appears to be support for the scheme on the grounds of need for a visitor centre (which is obviously a significant material consideration), with reference to numerous policies that are not key material considerations. We consider that the scheme ought rather to have been examined primarily in the light of policies identified as key material considerations that are particularly relevant in the case of a WHS.

3.1.3. The Officer’s Report fails to set out, as key material considerations, the policies in the Management Plan that relate to the protection of OUV; nor does it set out, together with those policies, the policies in development documents that, as advised in the Circular, take those management plan policies dealing with protection of OUV fully into account.

4. The Stonehenge Management Plan

4.1. The Management Plan (MP) sets out a number of Aims and Policies but

‘The primary purpose of the Management Plan is to sustain the OUV of the WHS to ensure the effective protection, conservation, presentation and transmission of the WHS to present and future generations’ (MP, para.1.3.1; our emphasis)

Many, but not all, of the MP's aims and policies are designed to this end. These are the policies that we assume may be considered to be 'key material considerations' in relation to OUV.

4.2. The MP also sets out a list of 'Regional, sub-regional and local planning policies of relevance to Stonehenge' (MP, Appendix O, pp.170–71). The policies quoted, almost without exception, deal with protection of the historic and natural environment and some deal specifically with protection of the archaeology and landscape of the WHS. Other policies are referred to but not individually: these relate to general criteria for development, landscape conservation, etc. It is noteworthy that:

The 'key development control policy for the WHS in the Local Plan' is identified in the above MP list as CN24:

'Development that would adversely affect the archaeological landscape of the Stonehenge WHS, or the fabric or setting of its monuments, will not be permitted.'

4.3. The Officer's Report states, at para 8.2.41, that the MP is the '*overarching guidance and policy context for the development of the Project*'.

4.3.1. This section of the Officer's Report goes on to point out that the Council's Spatial Planning Dept says that

' . . .the Management Plan includes the statutory planning policy framework, which exists to protect and manage the World Heritage Site as well as the roles of many organisations and individuals who are actively involved in managing the landscape. In this manner the Plan provides guidelines to direct management towards clear priorities and helps to encourage and enable others to take similar action.'

Assuming the first comma to be a typo, the MP is here said to include the statutory planning framework which exists to protect and manage the WHS. It is therefore especially noteworthy that **those statutory planning policies that are listed as being of relevance to Stonehenge in the MP are not highlighted as being of special significance by the Case Officer in his report.**

4.3.2. The Officer's Report, at 8.2.41, continues the above quotation by the Council's Spatial Planning Department:

"The Management Plan has been prepared following guidelines prepared by the International Committee on Monuments and Sites (ICOMOS): the expert body that advises UNESCO in providing objectives for the future management of the Site. In accordance with ICOMOS guidelines, the Management Plan has been drafted to establish a strategic framework for management based on analysis of the Sites significance."

4.3.2.1. This paragraph does not, we believe, reflect the actual situation.

(i) UNESCO has produced *Guidelines for the Implementation of the WHC Convention* (January 2008): these include guidelines for the production of management plans; while

(ii) ICOMOS-UK is adviser to UNESCO on UK WH Sites.

4.3.2.2. The UNESCO *Guidelines* do not appear to have been examined in the Officer's Report, apart from mention of their existence. We believe they *should* have been given careful examination and been reported on in detail to the decision-making Committee.

4.3.2.3. We believe that ICOMOS-UK's views on the impacts of the scheme on OUV and its recommendations to the Council ought to have been given due weight in the Officer's Report. The Officer's recommendation for approval is contrary to the final recommendation of ICOMOS-UK in its response to the Council:

To achieve the suggested improvements outlined above, in order to ensure that the proposed scheme does not impact adversely on OUV, and also delivers substantial cultural benefits, ICOMOS-UK urges the Planning Committee NOT to approve the current application, and to request the applicants to make modifications to the scheme in order to mitigate its adverse impacts and deliver an exemplary approach.

5. Other material considerations?

5.1. At 8.2.16, the Officer's Report says:

The principal of development has to be considered against two major policies of the local plan these being saved policies C2 and T3

Policy C2 - "Development in the countryside will be strictly limited and will not be permitted unless it would benefit the local economy and enhance the environment."

Policy T3- "It is proposed that a new visitor centre will be provided for the Stonehenge World Heritage Site."

5.2. We would point out, concerning these policies, that:

(i) It may be assumed, given their prominence in the OR, that they are considered by the Case Officer to be key material considerations, although they are not specifically described as such;

- (ii) neither appears in the Management Plan's list of relevant planning policies for Stonehenge (MP, Appendix O);
- (iii) Policy C2 is clearly important although not of direct relevance to the WHS;
- (iv) Policy T3 is relevant but does not say any more than that a new visitor centre is proposed for Stonehenge;
- (v) Policy T3 is complemented by Policy 4j in the Management Plan that deals with the need for a visitor centre for Stonehenge:

'Policy4j – Construct improved interim facilities in keeping with the WHS by early 2012.'

This is qualified in Management Plan para 14.5.26 by the statement:

'The location and design of any proposed visitor facilities (including parking areas) should ensure that they avoid adverse impacts on the WHS, its setting, and the attributes of its OUV'.

Thus the proposal for a new visitor centre is not the *only* requirement: to meet the requirements of the Management Plan, the facilities have to be appropriate for the location and not impact on OUV. The Officer's Report points out, at 8.2.41, that the MP is the *'overarching guidance and policy context for the development of the Project'*.

6. Archaeology and the Historic Environment

6.1. In view of the facts that Stonehenge is a WHS designated for its prehistoric archaeology and is recognised as a 'landscape without parallel' (WHS Nomination Document, 1986), and a 'cultural landscape' (MP, Policy 1b, p.100), we are concerned that the OR, in Section 12, fails to:

- (i) quote the County Archaeological Officer's concerns in full about the adverse impact of the scheme on OUV and the need for screening of the facilities to reduce that impact (*see* letter of representation from the CAO);

(ii) quote the relevant Local Plan policies (CN24 and CN20), and Structure Plan Policy (HE1) relating to the protection of archaeological sites and their settings and the setting of the WHS itself;

(iii) acknowledge the fact that Policy CN24 is considered in the MP to be the ‘key development control policy for the WHS in the Local Plan’ ;

6.2. Local Plan Policy CN24

6.2.1. This ‘key development control Policy for the WHS’ is relegated to the Section on ‘Geology and Soils’ in the Officer’s Report to Committee (OR, Section 16), where it is argued, under para. 16.8 ff:

16.8 Whilst the management plan for Stonehenge does not contain a specific policy for the conservation of geology and ensuring there are no adverse effects to it from development none the less [MP] policy 1e does state that

16.9 “Development which would impact adversely on the WHS its outstanding universal value or its setting should not be permitted”

16.10 This is echoed in Policy CN 24 of the saved policies of the adopted local plan which states that -

16.11 CN24 Development that would adversely affect the archaeological landscape of the Stonehenge World Heritage Site, or the fabric or setting of its monuments, will not be permitted.

6.2.2. Para 16.12 of the Officer’s Report concludes:

It is considered that this development would not adversely impact on the WHS for the reasons outlined above (because the impact of the scheme in geology and soils terms will be so minimal) and as such in geology and soils terms the impact of this development is considered as acceptable.

This, in our view,

- (i) is not the context in which these key material considerations relating to the protection of the archaeology and OUV of the WHS should be examined; and**
- (ii) does not provide adequate evidence for saying that the development does not adversely impact on the WHS or its setting.**

6.2.3. We note that reference to Policy CN24 also appears in the proposed S.106 Conditions (no.3) supporting a scheme for boundary treatment.

7. Landscape Character and visual Amenity

7.1. The Officer's Report deals with these issues under Section 13, where they are considered as distinct from Archaeology and the Historic Environment.

7.2. Under the Officer's Report, para. 13.8, it is stated that

'Landscape policies (which are covered in detail in the initial policy section) require any proposal in general not to have an adverse impact on the landscape of the world heritage site.'

7.3. Under the Officer's Report, para. 13.9, Management Plan Policy 1e is quoted:

"Development which would impact adversely on the WHS its OUV or its setting should not be permitted."

7.3.1. But the implication of this is not explored and the next para (OR, 13.10) goes on to quote Policy 1a of the MP which states

'Government departments, agencies and other statutory bodies responsible for making and implementing national policies and for undertaking activities that may impact on the WHS and its environs should recognise the importance of the WHS as a whole and its need for special treatment and a unified approach.'

7.3.2. However, MP Policy 1a is then misinterpreted in the present case to mean that one needs to consider the overall benefits of the proposed development in the WHS rather than consider its adverse impacts in isolation.

7.3.3. The Officer's Report, at 13.11, says:

Given that there will clearly be short term adverse effects to the World Heritage site and its landscape before trees and other newly established landscaping has had the opportunity to grow and ameliorate effects from the new visitor centre and parking it is important to note that policy 1a of the World Heritage Site Management plan (which has been endorsed by Wiltshire Council) states that statutory bodies responsible for implementing national policies within the WHS "should recognise the importance of the World Heritage site as a whole" [Case Officer's emphasis] That is to say that it is not appropriate to consider just the area around the stones by itself or the area around Airman's Cross on its own It is important to consider the effects of any new development in the WHS as a

whole. When looked at from this perspective the significant positive gains from the beneficial removal of part of the A344 and the existing visitor centre and car parking must weigh heavily against any adverse effects from the proposed new visitor centre.

7.3.4. It is, however, not acceptable to weigh the benefits of a proposal against its disbenefits in a WHS, since:

(i) It is the WHS itself that is of OUV and must be protected. The WHS's 'attributes of OUV' are not in themselves of OUV but *together* express the OUV of the Site (see Management Plan, para. 3.3.7);

(ii) Thus damage to the OUV in one part of a WHS cannot be offset by improvements to it in another: the conclusion has to be that damage to a part of the WHS is damage to its OUV, wherever it is done. Damaging a WHS is contrary to the obligations of the WHConvention and the protective planning framework that flows from it. The obligation under the Convention is to *protect, conserve, present and rehabilitate* WHSs (WHConvention, Articles 4 and 5).

8. Further issues in the Officer's Report about impact on OUV

8.1. We are particularly concerned to read, under OR, 8.2.42,

*It is as a result of the Stonehenge management plan that the current planning application is being submitted. The current management plan seeks the solution to the current outdated visitor facilities whilst still respecting the features that make the World heritage site what it is, as will be shown below it is considered that this has been achieved and that having regard to the policies and aims contained within the world heritage site management plan the proposal complies with these. **It is considered that the proposal has avoided impact on the features of outstanding universal value.** (Our emphasis)*

We consider that these statements are misleading, since:

(i) it is not correct to state that 'features of the WHS' are of OUV, it is the WHS itself that is of OUV;

(ii) it is absolutely clear from the Environmental Statement (para. 5.7.27) that the scheme would bring adverse impacts upon attributes of OUV, and thus on the OUV of the WHS, both during construction and when in operation; and this view is endorsed by ICOMOS-UK, Wiltshire

Archaeological & Natural History Society, and the County Archaeological Officer, among others, in their letters of representation to the Council;

(iii) the scheme does not comply with policies and aims of the MP that can be identified as key material considerations relating to the protection of the OUV of the WHS.

(iv) As the impact on OUV appears not to have been taken fully into account, requests from bodies such as CABE and ICOMOS-UK for pre-determination amendments to the application in the form of changes to the building and screening of it and the car park, to reduce their impact on the WHS landscape, have not even been made subject of S.106 Conditions.

We believe that the inadequate landscape scheme has not been justified in the Officer's Report. The planting proposed will not adequately ameliorate the visual effects of the visitor centre and parking. We agree with the CABE assessment that there is as yet no evidence of a clear landscape approach to integrate buildings, parking and visitor access at either strategic or detailed levels, which is summarized in their response to the Council (21.12.09):

We welcome the renewed efforts to improve visitor facilities for Stonehenge. While we recognize the challenge faced by the design team in responding to the sensitivities and constraints of this World Heritage Site, we have concerns about both the strategic and detailed approach to both landscape and architecture which we feel need to be addressed before planning permission is granted.

9. Concerns about the haste in which the application is being considered

We know that completion of the scheme is aimed to be in time for the Olympics in 2012: this necessarily demands a very tight time schedule. For this reason, we suspect that Council Officers are under pressure and corners are being cut:

- (i) Little time was allowed for consultation on the application
- (ii) The interpretation of the demands of the World Heritage Convention and Government Circular DCLG 07/2009 appear to have been misunderstood, as has the concept of OUV
- (iii) A full explanation of OUV and the obligation to protect the whole WHS because of it has not been adequately presented to members
- (iv) Members have been told that OUV will not be damaged when it is clear from the ES that it will be

(v) The Management Plan, ‘ the overarching guidance and policy context for the development of the Project’ and the ‘primary aim’ of which is ‘to preserve and sustain the OUV of the WHS’ (MP. 14.4.1), has not been examined in terms of those policies within it that ought to have been considered to be key material considerations in determining the planning application; and the scheme itself has not been judged by those policies in a logical manner

(vi) The UNESCO *Guidelines on the Implementation of the WHConvention* have not been addressed

(vii) Policies that are not related to the protection of OUV have been given priority in arriving at a recommendation for approval

(viii) We have asked for more consultation on details such as lighting of roundabouts, critical matters for the WHS and its OUV but these have simply been made subject of S.106 Conditions

(ix) We had hoped to see an ‘exemplary’ Green Travel Plan, as required by the MP (Policy 5d), as a part of the application documentation; this would be in line with current Government advice in *Good Practice Guidelines: Delivering Travel Plans through the Planning Process* (DfT April 2009) and would reflect the international status of the WHS

(x) Proposed S.106 Conditions require surveys and strategies to be undertaken which may be of public consultation interest; some are linked to the outcome of an Appropriate Assessment for European Special Areas of Conservation which are subject of our Solicitor’s letter to the Council, of 19.1.10, that has been copied to you

10. In conclusion

10.1. We apologise for the length of this letter, which is owing to insufficient time to make it more concise. The Officer’s Report was made available to us only a week ago.

10.2. It is aimed to have new facilities for Stonehenge in place for the Olympics but we believe that proper protection of the WHS and its OUV should be the priority consideration.

10.3. The Officer’s Report has shown that a careful re-examination is needed of what is meant by OUV, and of the implications of the World Heritage Convention and the Govt Circular on the protection of WHSs. This is, as far as we know, the first time that Circular CLG 07/2009 has required rigorous testing in the context of a major application for a WHS. We do not believe that the Council’s determining Councillors have been adequately advised on these critical matters – or on the most relevant policies – in order to make a fully informed decision on 20 January.

10.3. We believe that time is needed for and ought to be given to a more measured approach to this application. This could be achieved through deferral of a decision until amendments to the scheme have been made and consulted upon. But at this late stage, and in view of the Officers' recommendation to Committee, we feel the best approach would be for the application to be subject of an Inquiry where all the facts might be put before an Inspector for independent examination and decision.

10.4. We suspect that the rapidity with which this major application has been brought to Committee, and the full list of S.106 Conditions supplied in the Officer's recommendation for approval, indicates that the application is to be determined with all speed. We ask you to consider placing an Article 14 Direction on any decision on the application by the Council as soon as possible.

10.5. We have already alerted GOSW (3 November 2009) to our concerns that English Heritage, a Government quango, will not support a call-in for this application (*ref.* DCLG Circular and Direction 02/2009, para.7). The application has been submitted by EH and, not surprisingly, EH has no objection to it. We ask you to consider recommending a call-in.

Yours sincerely,

Kate Fielden
Hon Secretary, The Stonehenge Alliance

THE STONEHENGE ALLIANCE IS SUPPORTED BY:

Ancient Sacred Landscape Network; Campaign for Better Transport; Friends of the Earth;
Campaign to Protect Rural England; and RESCUE: The British Archaeological Trust