

## CABINET MEMBER FOR HIGHWAYS AND TRANSPORT – MR R TONGE

### DEPARTMENT FOR NEIGHBOURHOOD AND PLANNING

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### STONEHENGE– PROPOSED TRAFFIC REGULATION ORDER

#### Purpose of Report

1. To:
  - (i) Consider representations made in response to the advertisement of the proposed Traffic Regulation Order (TRO) prohibiting motorised vehicles (except for permit holders) on part of the A344 and the byways within the Stonehenge World Heritage Site (WHS).
  - (ii) Consider whether or not to recommend that a Public Inquiry should be held to consider the representations received.

#### Background

2. Plans to upgrade the A303 to a dual carriageway in a tunnel past Stonehenge were abandoned by the Government in December 2007 on cost grounds. At the same time, the Government announced a review of the WHS Management Plan and its intention to promote environmental improvements at Stonehenge. These would comprise new visitor facilities and the closure of the A344 from its junction with the A303 at Stonehenge Bottom to Byway 12 near the existing visitor centre.
3. The revised Management Plan was endorsed by Wiltshire Council's Cabinet at its meeting on 15 July 2009 as supplementary guidance and a material consideration in determining planning applications that affect the Stonehenge WHS.
4. Planning permission for the new Visitor Centre at Airman's Corner was granted on 20 January 2010. As well as the new visitor facilities, the permission provides for the closure and return to grassland of the section of the A344 between Stonehenge Bottom and Byway 12. English Heritage will seek legal authorisation for the closure of this section of the A344 through an application to the Secretary of State under Section 247 of the Town and Country Planning Act.
5. The remaining length of the A344 from Byway 12 westwards to Airman's Corner and the Byways Open to All Traffic (BOATs) within the WHS are subject to the proposed TRO. A plan is included at **Appendix 1**.
6. Closure of the A344 will change the route to the Visitor Centre and affect traffic movements at the A360/A344 junction at Airman's Corner. The predominant movement at present is between the A360 west and the A344, but with the closure of the A344 the major flow will be between the A360 west and the A360 to the south. The planning permission includes a new roundabout to be constructed by English Heritage to accommodate the new traffic pattern.

7. The Highways Agency plans improvements at Longbarrow Roundabout on the A303. The aim is to increase its capacity, mitigate the impact of closing the A344 and reduce peak hour congestion. The setting of the Longbarrow itself will also be improved by moving the roundabout slightly to the south-west. Extra capacity will be provided by additional approach lanes on the A303 westbound entry to the roundabout and on the A360 southbound approach. The width of the circulatory carriageway around the roundabout will be increased slightly.
8. Preliminary consultation on the Order was carried out during October and November 2009. A report on the response was considered by the Cabinet Member for Highways and Transport on 8 January 2010 and the decision taken to advertise the Order without modification. Respondents to the preliminary consultation were advised that their comments would be carried forward to this current stage in the process.
9. The TRO was advertised in the Salisbury Journal on Thursday 14 January 2010 and on the Council's website. The Statement of Reasons is included at **Appendix 2**. The period for responses from the general public closed on Monday 15 February 2010. The Council provided a dedicated area on its website to receive comments. Comments were also sent by email and letter. All were acknowledged by the Council's Orders Team.

### **Response to Consultation**

10. There were 479 responses to the advertisement and 44 responses to the earlier consultation. Neutral responses, resolved queries and duplicated responses were eliminated from the earlier consultation to leave an overall number of 499 in all, broken down as follows:

- 161 Supporters (32%)
- 325 Objectors (65%)
- 13 Queries/other (3%)

Analysis of the sources of support shows the following breakdown of respondents:

- Archaeological organisations, academics and companies 26
- Local parishes 3
- Wiltshire Police 1
- Highways Agency 1
- Member of Parliament 1
- Natural England 1
- National Trust 1
- RSPB 1
- Action groups 2
- Tourism organisation 1
- Individuals 123

Analysis of the sources of objections shows the following breakdown of respondents:

• Local parishes	3
• Off-road motoring clubs	5
• Titled members of druid/pagan organisations	9
• Tourist businesses	2
• Women's Institute	1
• Wiltshire Councillor	1
• Cycling organisation	1
• Individuals	302

11. The main issues arising can be summarised under the following headings:

- Support
- Objections to the Order as presented
- Attendance at events
- Disability issues
- Parking near the Stones
- Restriction of use of byways by vehicles
- Safety concerns
- Traffic congestion concerns
- Financial concerns
- Conflict with tourism
- BOATs to the south of the A303

#### Support

12. Three local parishes, Berwick St James, Winterbourne Stoke and Wilsford cum Lake wrote to express their support for the project. Similar support came from Wiltshire Police, Highways Agency, Natural England, National Trust, RSPB and the local Member of Parliament. The project was also supported by two action groups promoting preservation of byways and by Visit Wiltshire Tourism Partnership. There was particularly strong support from the archaeological community with 26 responses from the Council for British Archaeology, local archaeological societies, specialist archaeological businesses and seven professors or senior staff at British universities. 123 individuals expressed their support.

#### Broad objections to the Order

13. 97 persons wrote in to express their broad objection to the Order as advertised. This group covers those who expressed their opposition to the Order without declaring an affiliation to a particular group or interest.

#### Attendance at events

14. 60 persons, including 9 leaders or senior members, declared themselves to be practising druids or pagans wishing to attend ceremonies at Stonehenge during summer and winter solstices and spring and autumn equinoxes. A further 23 persons expressed their wish to attend events at Stonehenge without declaring an affiliation to a druid or pagan order.

Objections include the following:

- The need to park close to the Stones before and after events
- The need for facilities for disabled persons during events
- The need to rest (in vehicles) before and after ceremonies or gatherings
- The potential for accidents resulting from inappropriate parking if the Order is made

15. Objectors noted that Wiltshire Council has offered access to the Stones for events on a permission basis but considered that this offered insufficient protection to their established rights of worship.

#### Disability issues

16. 30 persons considered that the Order discriminated against disabled persons. 17 of these were from the previous 'event' group. Objectors noted that at present disabled persons can enjoy Stonehenge from their vehicle by stopping on the Byways for a short period of time. This facility would be lost if the Order were made.

#### Parking near the Stones

17. 74 persons wrote of the need to park near the Stones. All but 26 of these objectors also belong to the 'event' and 'disability' groups above. 22 individuals objected to the loss of parking and access to the Stones when the existing visitor centre is closed. Some people like to stop informally at the Stones on their way to or from the West Country and would like to be able to continue such informal visits.

#### Restriction of use of byways by vehicles

18. 102 persons, including five persons representing recreational motoring groups, expressed their objection to the restriction of traffic on the byways. Of this group 56 persons were identified as trail riders and 23 persons as 4x4 or multi purpose vehicle (MPV) users. All persons in this group are recreational users of the byways open to all traffic. Organisations include Trail Riders Federation, Green Lane Association (GLASS), All Wheel Drive Club and South London and Surrey Land Rover Club.
19. Trail riders object on the following grounds:
- Byways in the WHS are essential links in the network of available off-road routes for recreational users
  - Use by trail riders is infrequent and mainly at weekends
  - Their activities does not damage the surface of the byways
  - Disturbance from responsible use of the byways by trail riders is minimal
  - Alternative routes are not safe for small-engine trail bikes
  - Use of byways by trail riders is well established over many years

20. 4x4/MPV users object on the following grounds:

- Byways in the WHS are essential links in the network of available off-road routes for recreational users.
- Use by recreational vehicles is infrequent so environmental disturbance and damage to surfacing is minimal.
- There is no good case to restrict this amenity.

#### Safety concerns

21. 32 persons, including the Chairman of Orcheston Parish Council and representatives of the Trail Riders Federation and GLASS, objected to the proposed Order on the grounds of reduced safety. Almost all these objectors are from the trail riders and 4x4/MPV groups, described in the section above, who regard the main highway as a more dangerous environment than off-road byways. However, there are objectors from the Druid group who are concerned about the loss of safe parking on the byways during events. The Chairman of Orcheston Parish Council and the President of the Women's Institute in Shrewton have expressed concern about the closure of the A344 causing increased rat running in local villages, particularly to the west, with associated safety concerns.

#### Traffic congestion concerns

22. The Chairmen of Tilshead Parish Council, Orcheston Parish Council and Amesbury Town Council, a Wiltshire Councillor, the President of the Shrewton Women's Institute and 7 other persons have objected on the grounds that closure of the A344 would cause an increase in congestion elsewhere. Objectors are concerned about the impact of increased traffic in local villages such as Bulford, Larkhill, Shrewton, and Tilshead. Access by emergency vehicles is also a concern. Two individuals are concerned about the impact of increased traffic at Longbarrow Crossroads, especially during the peak holiday season.

#### Financial concerns

23. 15 individuals and the person representing the All Wheel Drive Club objected to the proposed Order on the grounds that it would not be possible to visit Stonehenge without paying a significant fee, and that it is unreasonable to charge people who wish to visit the Stones for a brief period.

#### Conflict with tourism

24. One tourist organisation has objected and another has raised queries. Atlas Overland operate a 4x4 tour of the area including Stonehenge, and object on the grounds that the Order would affect their business and the enjoyment of their customers. EOS Cycling Holidays Ltd runs a cycling company and wishes to be reassured that there will be viable cycle route through the WHS if the Order is made.

#### BOATs to the south of the A303

25. The Chairman of Amesbury Town Council and 7 individuals have suggested that the Order should not apply to Byways to the south of the A303.

### Summary of objections

26. A study of the objections shows that they can be distilled into three principal issues, as follows:
- (i) The making of the Orders and the provision of new visitor centre facilities at Airman's Corner effectively excludes motorised vehicles from the Stonehenge WHS. The only viable option for parking would be the new visitor centre car park, approximately 2 km from the Stones. This results in a loss of amenity for those persons that currently visit the Stones informally, using the Byway 12 to park for short periods, and for those that gather for religious ceremonies four times a year.
  - (ii) The restriction of traffic on the specified BOATs results in a loss of amenity for persons that currently travel on them by trail bikes or multi purpose vehicles for recreational purposes. The BOATs within the WHS provide a north-south link to the network of byways in Wiltshire. Objectors consider that the alternative, to use nearby A-roads, is neither safe nor satisfactory.
  - (iii) The closure of the A344 would divert traffic onto the existing A360 and A303. Although junction improvements are planned at Airman's Corner and Longbarrow Crossroads, objectors consider that there would be an increase in rat-running in local villages such as Tilshead, Shrewton, Bulford and Larkhill, as well as more congestion and pressure on the A303.

### **Main Considerations for the Council**

27. The proposed TRO would prevent the use of motorised vehicles, with specified exceptions, on BOATs and a section of the A344 within the Stonehenge WHS. It would enable the development of a new Visitor Centre and meet with the requirements of the Stonehenge WHS Management Plan 2009. The relevant piece of legislation is the Road Traffic Regulation Act 1984. Sub-section 1(1)(f) of the Act permits TROs to be made for the following reason which is relevant in this case:
- (f) *for preserving or improving the amenities of the area through which the road runs.*
28. A TRO may provide for the prohibition, restriction or regulation of the use of a road, or any part of the width of a road, by vehicular traffic or by traffic of any class specified in the Order, either generally or subject to such exceptions as may be specified in the Order. This may be at all times, on certain days or during periods so specified.
29. The Council, as Highway Authority, has a duty to protect and assert the rights of all legitimate users. TROs to prevent use of a route by vehicular traffic are used as a last resort and in response to specific problems. A BOAT is legally defined as a carriageway, and thus a right of way for vehicles, but one which is used mainly for the purposes for which footpaths and bridleways are used, i.e. by walkers and horse riders. The Council may decide that a TRO should be made if it considers that in any particular case there are exceptional circumstances, provided that the statutory grounds are satisfied.

30. Section 122 of the Road Traffic Regulation Act 1984 states:

- (1) *It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.*
- (2) *The matters referred to in subsection (1) above as being specified in this subsection are:-*
  - (a) *the desirability of securing and maintaining reasonable access to premises;*
  - (b) *the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;*
  - (bb) *the strategy prepared under Section 80 of the Environment Act 1985 (national air quality strategy);*
  - (c) *the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and*
  - (d) *any other matters appearing to the local authority to be relevant.*
- (3) *The duty imposed by subsection (1) is subject to the provisions of Part II of the Road Traffic Act 1991 (Traffic Regulation in special cases).*

The local authority must balance the conflicting demands of highway users, adjoining landowners who require access and the amenities of the area through which the highways run. In the case of the Stonehenge WHS, the number of motorised users currently using the byways is relatively low and there are reasonably safe and convenient alternative routes. Removal of motorised vehicles from the WHS as far as possible, the relocation of parking and other facilities to Airman's Corner and the control of visitors to Stonehenge itself are objectives of the Stonehenge WHS Management Plan and clearly of benefit to the amenity of Stonehenge and to the WHS as a whole.

31. Paragraph 21.12 of the planning officer's report on the planning application concludes the section addressing recreation as follows:

*"In conclusion it is considered that the scheme would have a major beneficial effect on the amenity of most users of the recreational routes (cyclists, pedestrians and equestrians) and on visual amenity by removing the lines of cars parked on the byway during the summer months. It would have a major adverse impact on a relatively small group of motorised vehicle users of byways within the WHS. It is considered by officers that the displacement of this group of recreational users of the byways would be far outweighed by the improvement to the environment for other users of the route including ramblers/pedestrians and horse riders by the reduction in noise and disturbance and the reduced impact on the barrows lying close to the byway. It is therefore considered that the proposals for recreational users of the area are acceptable and would have beneficial impacts".*

### **Environmental Impact of the Proposal**

32. The overarching aim of the proposals is to improve the environment of Stonehenge and the WHS through the implementation of the Stonehenge Environmental Improvements Project (SEIP) in accordance with the aims of the WHS Management Plan. Natural England has stated that the TRO is fundamental to the success of the SEIP. The National Trust considers the TRO presents an opportunity dramatically to improve the environment around Stonehenge. The RSPB considers that the TRO will enhance the value for quiet and peaceful enjoyment of the WHS and bring ecological benefits by way of reducing disturbance to susceptible species such as stone curlews.

### **Equalities Impact of the Proposal**

33. Disabled access is an integral part of the design for the new visitor facilities. The visitor transit system provides for disabled access to Stonehenge itself. The prohibition of motorised vehicles on the A344 and the byways will affect all users but disabled users might not have the option of alternative access on foot.

### **Risk Assessment**

34. There is a risk of sustained objections once the Order is advertised if it is not amended to accommodate the objectors' concerns. The Council would then have to decide whether to hold a local Public Inquiry. There is a risk that an individual or one of the user groups may challenge a decision not to hold a Public Inquiry.

### **Financial Implications**

35. As a contribution to the costs of the Project, it has been agreed that Wiltshire Council will pay the costs of the TRO which are likely to be in the region of £12,000 - £15,000. Sharing the additional costs of a Public Inquiry will be considered should the need arise.

### **Legal Implications**

36. An individual, or one of the user groups, may challenge the Order under the Road Traffic Regulation Act 1984, Schedule 9, which gives a six week time period, after the Order is made, within which a legal challenge to the Order may be made.

### **Conclusions**

37. Representations have been made in considerable numbers. In order to achieve a balanced decision it is concluded that supporters of the proposed order and objectors to it should be given the opportunity to make representations to an independent Inspector at a Public Inquiry. The likelihood of a legal challenge would be reduced if a Public Inquiry is held.

### **Options Considered**

38. To:
- (i) Make the Order without modification.
  - (ii) Hold a non-statutory Public Inquiry into the proposal.



### **Reason for Proposal**

39. To ensure that the Council is provided with independent advice on the balance between the benefits to the amenity of Stonehenge and the WHS and the interests of those objecting to the proposals when considering whether the proposed TRO should be made.

### **Proposal**

40. That a non-statutory Public Inquiry into the proposed TRO should be held.

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**The following unpublished documents have been relied on in the preparation of this Report:**

None