



**Report to the Secretary of State for  
Communities and Local Government  
and the Secretary of State for  
Transport**

**by**

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Communities and Local Government and the  
Secretary of State for Transport**

**Assisted by**

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**Date: 20 February 2008**

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77**

**THE WILTSHIRE COUNTY COUNCIL (A350 WESTBURY BYPASS CLASSIFIED  
ROAD) (SIDE ROADS AND OTHER WORKS) ORDER 2007**

**THE WILTSHIRE COUNTY COUNCIL (A350 WESTBURY BYPASS)  
COMPULSORY PURCHASE ORDER 2007**

**TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND)  
RULES 2000**

**APPLICATION BY WILTSHIRE COUNTY COUNCIL  
LAND EAST AND NORTH OF WESTBURY, WILTSHIRE**

Inquiry sat between 17 June to 8 October 2008

File Ref: APP/K3930/V/07/1201863

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AA	Appropriate Assessment
AADT	Annual Average Daily Traffic
AAS	Area of Archaeological Significance
ACA	A36/A350 Corridor Alliance
AHEV	Area of High Ecological Value
ALC	Agricultural Land Classification
AOD	Above Ordnance Datum
AONB	Area of Outstanding Natural Beauty
AQAP	Air Quality Action Plan
AQMA	Air Quality Management Area
AQS	Air Quality Standard
BANES	Bath & North East Somerset Council
BB2SC	Bristol Bath to South Coast
BCR	Benefit to Cost Ratio
CA	Countryside Agency
CEMP	Construction Environmental Management Plan
COBA	Cost Benefit Appraisal
CPO	Compulsory Purchase Order
CPRE	Campaign to Protect Rural England
CWS	County Wildlife Site
DCC	Dorset County Council
Defra	Department for Environment, Food & Rural Affairs
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges
EA	Environment Agency
ECJ	European Court of Justice
EH	English Heritage
EIA	Environmental Impact Assessment
EiP	Examination in Public
ES	Environmental Statement
FWR	Far Western Route
GOSW	Government Office for the South West
GPZ	Groundwater Protection Zone (aka SPZ)
HA	Highways Agency
HGV	Heavy Goods Vehicle
HMA	Housing Market Area
HPC	Heywood Parish Council
HRRG	Ham Road Residents Group
Insp Q	Inspectors' Question
LCA	Landscape Character Assessment
LDF	Local Development Framework
LTP	Local Transport Plan
MSBC	Major Scheme Business Case
NATA	New Approach To Appraisal
NE	Natural England
NPA	Nicholas Pearson Associates
NPV	Nett Present Value
PIM	Pre Inquiry Meeting
PPG	Planning Policy Guidance
PPS	Planning Policy Statement

PRN	Primary Route Network
PUA	Principal Urban Area
PVB	Present Value of Benefits
PVC	Present Value of Costs
RFA	Regional Funding Allowance
RIGS	Regionally Important Geological Site
RPG	Regional Planning Guidance
RSS	Regional Spatial Strategy
RTS	Regional Transport Strategy
SAC	Special Area of Conservation
SACTRA	Standing Advisory Committee on Trunk Road Assessment
SATURN	Simulation & Assignment of Traffic in Urban Road Networks
SCC	Somerset County Council
SLA	Special Landscape Area
SoS	Secretary of State
SPA	Special Protection Area
SPZ	Source Protection Zone (aka GPZ)
SRO	Side Roads Order
SSCT	Strategically Significant Cities and Towns
SSE	Secretary of State for the Environment
SSSI	Site of Special Scientific Interest
SW RSS	South West Regional Spatial Strategy
SWRA	South West Regional Assembly
TAG	Transport Appraisal Guidance
TPP	Transport Policies and Programme
TSTS	Towards a Sustainable Transport System
TUBA	Transport Users Benefits Appraisal
UPRAWW	United to Protect the Rural Area West of Westbury
VEM	Visual Envelope Map
WANHS	Wiltshire Archaeology and Natural History Society
WBA	Westbury Bypass Alliance
WBN	Westbury Bypass Now
WCC	Wiltshire County Council
WCCAS	Wiltshire County Council Archaeological Service
WebTAG	Web Based Transport Appraisal Guidance
WHA	White Horse Alliance
WHO	World Health Organisation
WTC	Westbury Town Council
WW	Wessex Water
WWDC	West Wiltshire District Council
WWEP&WACC	West Wiltshire Economic Partnership & Wessex Assoc Chambers of Commerce
WWSTS	West Wiltshire Sustainable Transport Strategy
WWT	Wiltshire Wildlife Trust
WWTE	West Wiltshire Trading Estate
XiC	Examination in Chief
XX	Cross Examination

**Footnotes** All footnotes are Inspector's comments



**File Ref: APP/K3930/V/07/1201863****Proposed Bypass at Westbury, Wiltshire**

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 11 July 2007.
- The application is made by Wiltshire County Council (as highway authority) to Wiltshire County Council (as determining authority).
- The application Ref W.07.09002 is dated 14 February 2007.
- The development proposed is the construction of a new single carriageway road with a climbing lane over part of the route, roundabout junctions, associated infrastructure and works.
- The reason given for making the direction was because the Secretary of State considered that the proposals may conflict with national policies on important matters.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of her consideration of the application:
  - (a) the extent to which the proposed development accords with the relevant policies and provisions of the current RSS (RPG10), the draft RSS, the Wiltshire and Swindon Structure Plan, the West Wiltshire District Plan and the Wiltshire and Swindon Waste and Minerals Local Plans.
  - (b) the extent to which the the proposed development is consistent with Government policies in PPS1: *Delivering Sustainable Development* with particular regard to:
    - the achievement of sustainable development and sustainable communities through an integrated approach to social cohesion, protection and enhancement of the environment, prudent use of natural resources and economic development;
    - whether the design principles in relation to the scheme and its wider context, including the visual appearance and landscaping, are appropriate in their context and take opportunities available for improving the character and quality of the area and the way it functions, having regard to the advice in paragraphs 33 to 39 of PPS1;
  - (c) The extent to which the proposed development is consistent with the Key Principles in paragraph 1 of PPS7 *Sustainable Development in Rural Areas*, and to which it complies with the policies in PPS7 to:
    - Promote thriving, inclusive and sustainable rural communities, focusing most new development in or near to local service centres that are accessible through a range of transport modes in accordance with paragraphs 2-4 of PPS7;
    - Support strong, diverse economic activity in rural areas, in accordance with paragraph 5;
    - Ensure the quality and character of the countryside is protected and, where possible, enhanced, whilst facilitating sustainable development that supports traditional land-based activities and makes the most of leisure and recreational opportunities that require a countryside location, in accordance with paragraphs 15 & 16; and
  - (d) The relationship of the proposed development to national guidance in PPS9 *Biodiversity and Geological Conservation*, in particular:
    - National and international responsibilities and obligations for nature conservation are fully met;
    - Adequate provision is made for development and economic growth whilst ensuring effective conservation and enhancement of the diversity of England's wildlife and geology; and
    - Planning permission is not refused if development can be subject to conditions that will prevent damaging impacts on wildlife habitats or other important physical features or if other material factors are sufficient to override nature conservation considerations.
  - (e) The extent to which the proposed development is consistent with the advice in PPG13: *Transport*, in particular on the need to locate development in such a way which helps promote:
    - More sustainable transport choices;
    - Accessibility to jobs, shopping and leisure facilities and services by public transport, walking and cycling; and
    - Reduce the need to travel, especially by car

- (f) Whether any planning permission granted for the proposed development should be subject to any conditions and, if so, the form that these should take, having regard to the advice in DOE Circular 11/95, and in particular the tests in paragraph 14 of the Annex
- (g) Any other matters that the Inspector considers relevant.

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**Summary of Recommendation: that planning permission should be refused.**

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**The Wiltshire County Council (A350 Westbury Bypass Classified Road) (Side Roads and Other Works) Order 2007**

- The Order, made by Wiltshire County Council, is dated 7 September 2007.
- The Order was submitted for confirmation to the Secretary of State for Transport on 11 October 2007.
- The Order, if confirmed, would authorise WCC to improve highways, stop up highways, construct new highways and provide new means of access to premises in the vicinity of the roads that would be authorised by the planning application. It would provide the interface between these new roads and the existing highway system.
- At the end of the objection period there were 3 statutory and 24 non-statutory objections.

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**Summary of Recommendation: that the Order be not confirmed.**

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**The Wiltshire County Council (A350 Westbury Bypass) Compulsory Order 2007**

- The Order, made by Wiltshire County Council, is dated 7 September 2007.
- The Order was submitted for confirmation to the Secretary of State for Transport on 11 October 2007.
- The Order, if confirmed, would authorise WCC to acquire compulsorily the land and interests in land listed in the schedule to the Order, to carry out the work that would be authorised by the planning application and the Side Roads Order, if confirmed, including mitigation works.
- At the end of the objection period there were 7 statutory and 74 non-statutory objections.

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**Summary of Recommendation: that the Order be not confirmed.**

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**PREAMBLE**

*Secretaries of State*

- 1.1 This report is addressed jointly to the Secretary of State for Communities and Local Government and the Secretary of State for Transport. Unless the context requires otherwise, where I refer to the "Secretary of State" I intend both collectively.

*Participants*

- 1.2 Throughout the inquiry process I was more than ably assisted by Inspector Mr John Yellowley and by Programme Officers, principally Mrs Helen Wilson with Mrs Yvonne Parker covering for one sitting week. Mr Yellowley chaired sessions of the inquiry, actively explored issues with the parties and contributed substantially to the drafting of this report. He agrees with the conclusions and recommendations. Responsibility for the report, however, remains with me.
- 1.3 Participants, despite deeply held opposing views, contributed in a helpful and mutually courteous manner, while personnel responsible for the venue were unfailingly helpful, not least when faced with unexpected changes to the sitting days. This all greatly assisted my task and I am grateful to everyone concerned.



- 1.4 The scheme is being promoted by Wiltshire County Council (WCC) as highway authority in an application initially made to WCC as county planning authority. Throughout this report WCC generally refers to the highway authority other than in a number of express references to the county planning authority or to the County Council corporately.
- 1.5 The following organisations gave evidence.
- White Horse Alliance (WHA) were the main focus of opposition. An umbrella group including Campaign to Protect Rural England (Wiltshire, Somerset & Dorset branches; West Wiltshire and North Dorset local groups); Campaign for Better Transport (national member and South West Network); Woodland Trust (national member); Friends of the Earth (national member and FOE South West); Parish Councils of Southwick, West Ashton and Steeple Ashton; Westbury Bypass Alliance; and A36/A350 Corridor Alliance.
  - Westbury Bypass Now! (WBN) supported the scheme.
  - West Wiltshire Economic Partnership & Wessex Association of Chambers of Commerce (WVEC/WACoC) supported the scheme.
  - United to Protect the Rural Area West of Westbury (UPRAWW) similarly supported the scheme, but in particular sought to counter comparisons that favoured a western route relative to the application scheme to the east.
  - Ham Road Residents Group (HRRG) supported the application as a whole but sought a variation to the alignment and junction in the vicinity of Hawkeridge Road.
  - Heywood Parish Council (HPC) supported the HRRG variations and also raised other detailed objections while not opposing the application scheme in principle.
  - Westbury Town Council (WTC) supported the scheme.
  - Wiltshire Wildlife Trust (WWT) did not oppose the scheme in principle but sought a complementary scheme of habitat enhancements.

#### *Other Participants*

- 1.6 Additionally 33 individuals spoke for and against the proposals, including three individual members of the WHA who opted to present technical evidence separately from the Alliance. Mr Francis Morland took an active part throughout much of the inquiry, as advocate for Heywood PC and also separately presenting evidence on his own behalf, carefully distinguishing between the two roles as his own issues are wider than those of the PC.
- 1.7 The scheme lies within West Wiltshire District, however the District Council were not represented at the pre-meetings or inquiry. From April 2009 Wiltshire becomes a unitary authority and its district councils will cease.

#### *Written Representations*

- 1.8 Some 1,048 letters of objection were submitted prior to the call-in and a further 253 or thereabouts subsequently. Dominant themes concerned route choice, access to the West Wiltshire Trading Estate, amenity, the environment, wildlife, and lack of relief to villages around Westbury. Less frequent, but still

substantial, were objections concerning water supply, pollution, traffic noise, lack of consultation, cost and tourism, while a minority raised conflict with Government policies, SSSIs, drainage, blight, funding and businesses. There were some 976 letters of support, overwhelmingly referring to traffic relief. Other than the issue of blight, all the issues raised in the written submissions were addressed and examined in evidence to the inquiry (WCC/126 & 126A; CD1.2)

### *Inquiry Dates and Venue*

- 1.9 Acting for the Secretary of State, and in consultation with WCC, the Planning Inspectorate initially announced (on 4 February 2008) a start date for the conjoined inquiries of 29 April 2008. There were numerous objections to this date, culminating in a pre-action notice of intended judicial review dated 15 February 2008 on behalf of WHA.
- 1.10 This was based on: lack of consultation, prematurity pending the Secretary of State's proposed modifications to the Draft SW RSS, and failure to give reasons for proceeding with the April date. Other objectors additionally sought deferral until after an impending repair closure of the A36 trunk road, which was foreseen as leading to non-typical traffic conditions through Westbury.
- 1.11 The Secretary of State acceded to the request to defer the start date by letter dated 22 February 2008.
- 1.12 I took soundings via the Programme Officer in advance of my first Pre-Inquiry Meeting (PIM), on 3 March at County Hall, Trowbridge, when a consensus was confirmed between the main participants for an opening on 17 June. I so recommended to the Secretary of State and the inquiry proceeded on this basis. I declined to recommend any deferral stemming from the A36 closure or to await RSS proposed modifications. I say more about both these topics below.
- 1.13 I held a second PIM on 19 May, at The Laverton, Westbury, immediately in advance of exchanges of proofs of evidence the following day. The inquiry itself was also at The Laverton. This Victorian building does not fully meet present day standards of inclusive accessibility, but WCC funded improved facilities and the inquiry room was accessible in a wheelchair. In all other regards the building was conveniently local to the proposals under consideration.
- 1.14 Following the second PIM, the inquiry was programmed to sit between 17 June and 25 July. In the event principally three matters led to an adjournment on 24 July until 4 September. As reported more fully below, outstanding topics concerned: WCC's revised traffic forecasting (in particular regarding HGVs), weight ban proposals and consequential issues; the need to call evidence on the Secretary of State's just announced proposed modifications to the Draft SW RSS; and to provide an opportunity to review inconsistencies in the Side Roads and Compulsory Purchase Orders. The resumed inquiry was intended to focus solely on these three matters, followed by closing speeches.
- 1.15 However, WCC and objectors produced new technical evidence during the summer, and neither WCC nor WHA was ready to proceed on 4 September. I directed that, in the main, exchanges regarding the new material were to be concluded by written submissions, and adjourned again until 10 and 11 September when the outstanding matters listed in the preceding paragraph were considered together with closing speeches for HPC and WWT. I closed the inquiry to any further evidence after that week to ensure that the remaining

closing speeches could proceed on 8 October, the earliest practicable date when everyone could be reassembled.

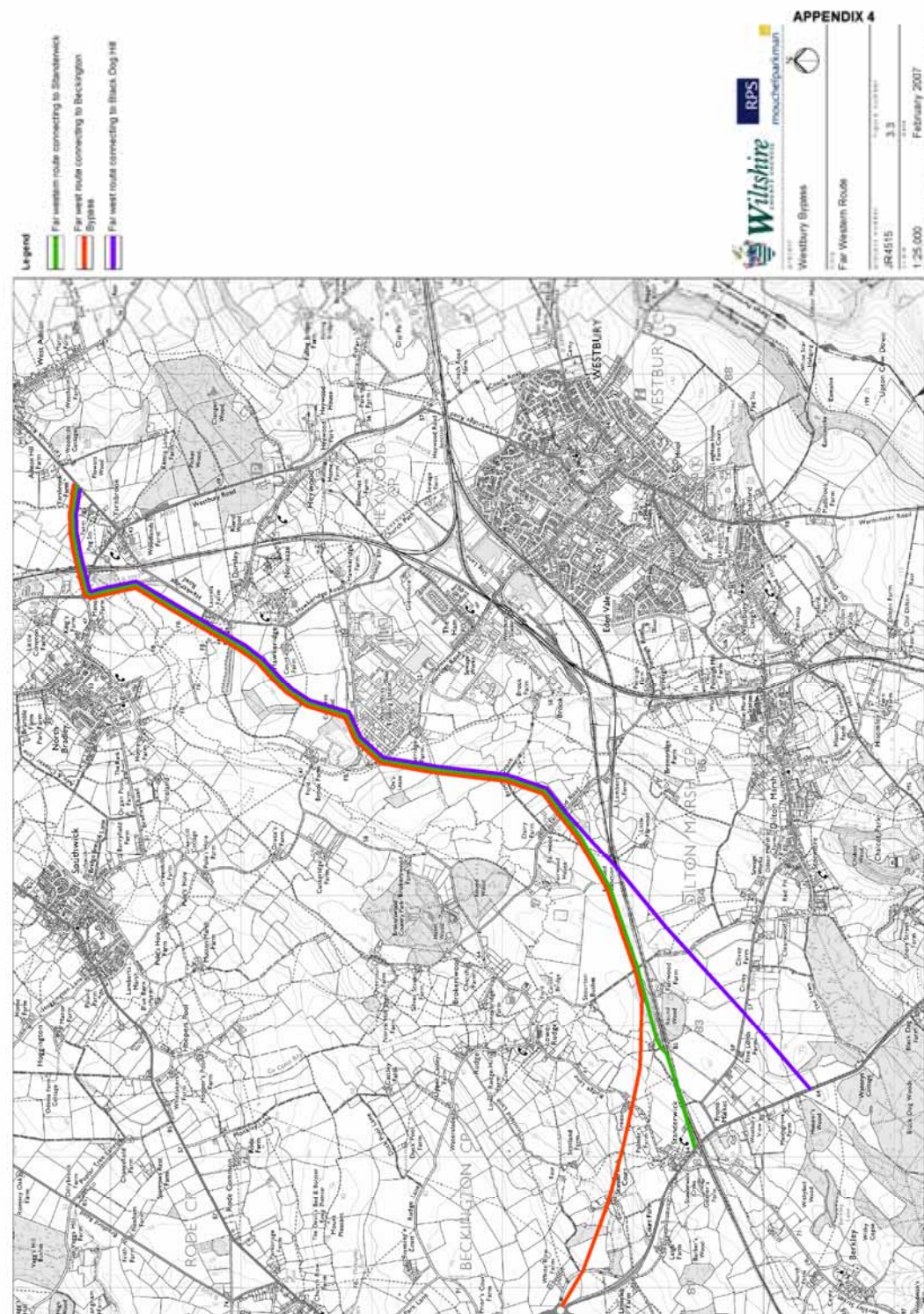
- 1.16 By request, an evening session was held on 10 July, which was well attended and gave an opportunity for individuals to express views for and against the proposals, without cross examination, and for WCC to clarify their position on some of the points raised.

### *Site Inspections*

- 1.17 Mr Yellowley, Mrs Wilson and I made an inspection along the line of the proposed bypass on 4 March, accompanied by representatives for WCC and objectors. Mr Yellowley and I made similar accompanied inspections towards the close of the inquiry, on 2 September, along the line of the proposals (to the east and north of Westbury) and the following day focused on areas to the west and south of the town. During the course of the inquiry, by invitation Mr Yellowley and I visited several homes on the existing A350 through the town, a property, Beggars Knoll, overlooking the proposed route, and one to the west of Westbury at Southwick. We were accompanied by a representative for WCC and WHA at each visit other than Beggars Knoll, where only WCC attended as the occupants are themselves objectors to the bypass.
- 1.18 Mr Yellowley and I also made numerous other visits, together and individually, in and around Westbury, unaccompanied by the parties, using public roads and rights of way. We each looked at the A350 from its junction with the M4, close to Chippenham, southwards to the A36 south of Westbury, and all other significant roads in the locality. I also made one trip onwards to the south coast, through Wiltshire and Dorset, having regard to issues raised at the inquiry. The coverage and dates of our visits were confirmed at the inquiry.
- 1.19 The A36 closure, south of Bath, featured diversionary routes, including the A350 through Westbury for HGVs. Some participants feared that Mr Yellowley and I might gain an exaggerated impression of traffic conditions in the town as a result. However, diversions started on 31 March and were completed by mid June. We therefore took the ample opportunities to look at traffic in Westbury before, after and during, these diversions. Similarly we had no difficulty making allowances for other works that took place over the course of the inquiry, including closure of the A361 through Southwick for resurfacing.

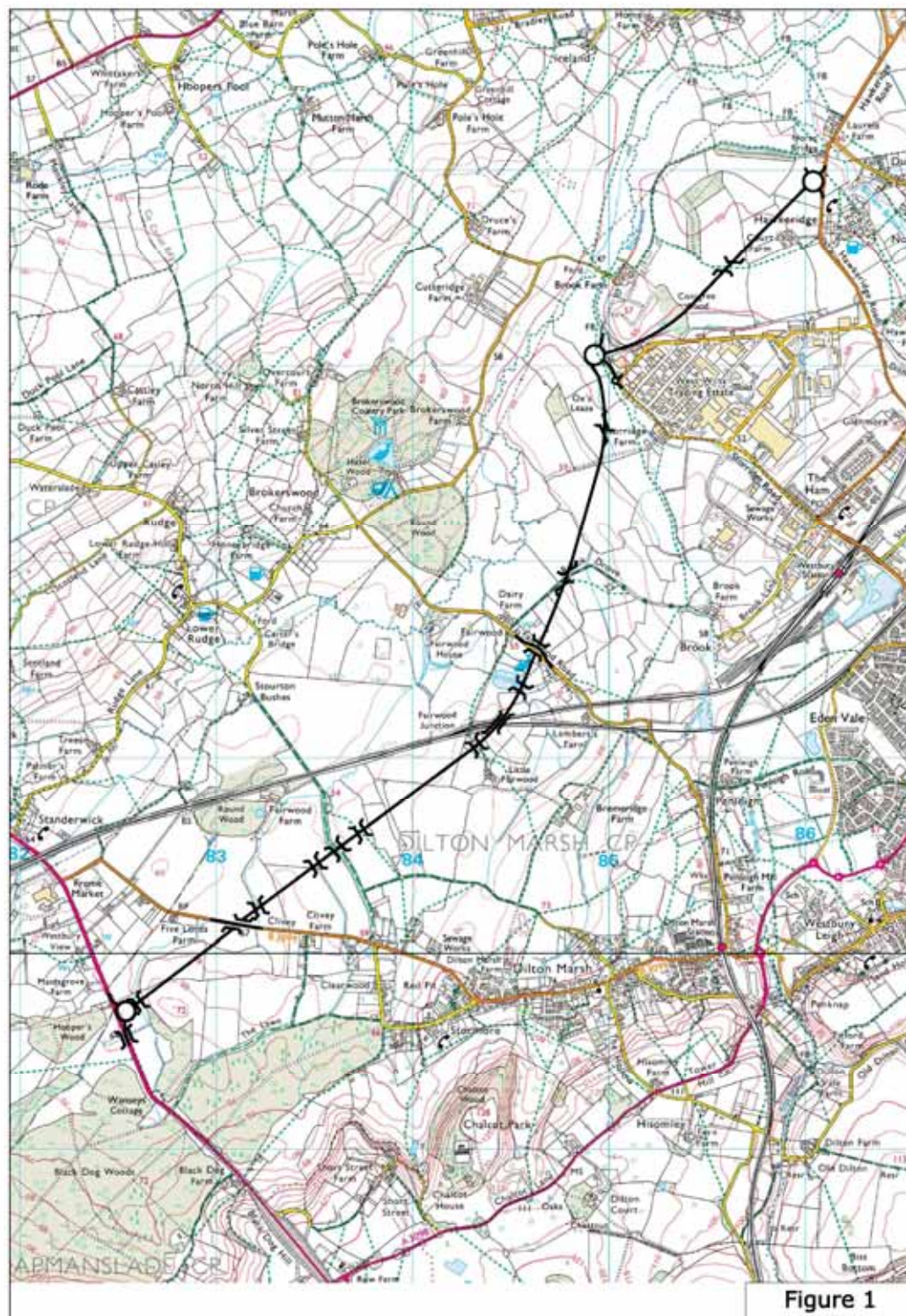
### *Alternative Proposals*

- 1.20 At the PIMs I confirmed that the inquiry was into a called-in planning application, with associated Orders, to consider that application on its own merits: at the end of the current inquiry process, only the application scheme could be refused permission or granted permission subject to conditions and at most minor revisions. No alternative scheme was before the Secretary of State for a decision. However, and hypothetically, were the Secretary of State to conclude that there is a need for a Westbury bypass but the application scheme would be unduly harmful in its impacts, then the potential existence of an alternative scheme meeting the need for a bypass at less harm could be a material consideration in the determination of the current application.
- 1.21 WHA confirmed that they would refer to a "Far Western Route" (FWR) but solely as a comparator with the application, not to promote it. Variations on an FWR have previously been considered but not progressed by WCC.



*Far Western Routes Previously Considered by WCC (Including Yarnbrook Bypass)*





*An Illustrative Far Western Route Omitting Yarnbrook Bypass*

- 1.22 HPC and HRRG confirmed that while broadly supporting the application, they would promote a variation at the scheme's Glenmore Link junction with Hawkeridge Road.
- 1.23 Subsequently, between the second PIM and the inquiry, Mr Nicholas Brakspear advised that he wished to promote an alternative, including a tunnel under the centre of the town. This too was considered as I report below.

*Traffic Forecasts and Derived Environmental Assessments*

- 1.24 As may be expected, WCC included evidence on traffic flows on the road network through and around Westbury, and computer modelling reassigning these flows under a variety of scenarios including construction of the application scheme. These assignments were for "all vehicles" and "HGVs".
- 1.25 Early in the inquiry Mr Yellowley drew attention to inconsistencies in the HGV figures, which WCC could not initially explain. At this stage it remained unclear which definition of an HGV was being used and whether it was being used consistently. In due course (day 8) and following detailed investigation, WCC acknowledged that there was a systematic error in their HGV figures. Put briefly, in extracting HGV components from data expressed in "passenger car units" the HGV figures had been divided by 2 twice rather than, correctly, only once<sup>1</sup>. The effect was to understate forecast HGV flows on the network by 50%, or to put it another way the forecast figures should have been twice the stated figures in each case. WCC's traffic witness, Mr Helps, was recalled on day 11 when he submitted revised HGV figures across the traffic model network.
- 1.26 It also remained unclear whether WCC proposed to introduce one or more weight limits on roads in the town, in association with the bypass, and if so where and what limit. Although Mr Stoke's evidence for WCC on engineering indicated that it was planned to lower the weight limit to 7.5 tonnes on Station Road bridge over the railway (WCC/P/3 para 2.131) and that there would be a 7.5 tonne limit on The Ham to supplement that on Station Road (para 4.96), Mr Help's evidence on traffic modelling and economic evaluation on day 2 referred only to an (unspecified) HGV ban being in place between The Ham and the bridge (WCC/P/2 para 4.2). Such a restriction is not included in the Do Minimum scenario (nor in the Do Something scenario for a FWR). An intention to impose a 3.0 tonne limit on this bridge for structural reasons prior to implementation of the scheme was advised only in the document "*Additional Information Requested by the Inspectors Following Remodelling of HGV Flows*" (WCC/112) after WCC witnesses had given their initial evidence.
- 1.27 The committee report (CD5.3) and WCC's statement of case for the inquiry make no reference that I can find to any weight ban. The Technical Statement (CD1.1b) which formed part of the application advises only that there is likely to be an HGV ban between The Ham and the railway bridge (para 5.22) although traffic figures presented in that document and in the Environmental Statement (ES) are based on an assumption that the ban would be implemented. The ES simply refers to the fact that the removal of through traffic, particularly HGVs, would enable traffic calming and safety measures to be introduced to the town although these are not part of the proposed scheme but are being considered by WCC in parallel (CD4.3/WHA111) The issue concerns the extent to which the bypass would, of itself, attract HGVs or whether, without a ban, HGVs would continue to pass through Westbury especially to and from trading estates north west of the town.
- 1.28 When Mr Helps was recalled on day 11, he confirmed that WCC were defining HGVs as over 3.5 tonnes gross vehicle weight in accordance with the DMRB, Volume 12, Section 1 Traffic Appraisal Manual, paragraph 6.3.5 as "Other Goods

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<sup>1</sup> Classified traffic counts differentiating between various classes of vehicle are frequently expressed as a single representative figure, in passenger car units, by applying weightings to the various classes of vehicle. The weighting for an HGV is two, so that each is treated as equivalent to two cars or light vans.

Vehicles". This includes all goods vehicles over 30 cwt unladen and any vehicle with twin rear tyres. Implicitly the limit on Station Road was intended to be at or below this weight as 96% to 98% of HGVs would be removed with the scheme and ban in place – but intentions remained less than clear.

- 1.29 WCC's initial assessments regarding noise, air quality and CO<sub>2</sub> emissions were founded on the original, faulty forecasts, while noise and air quality assessments in turn informed evidence regarding impacts on designated nature conservation sites. WCC's team strove to rectify their evidence but in the process elements of the ES were being superseded.
- 1.30 On day 12 Mr Hopkins for WHA made a formal application for the Secretary of State to issue a letter under Regulation 19 of The Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 to require "further information and evidence respecting environmental statements". The application was resisted by Mr Randle for the County. My note of the initial exchange is at Document INQ8.
- 1.31 For these purposes the Planning Inspectorate can act for the Secretary of State. After consideration, I advised against issuing such a letter, bearing in mind:
  - i) the 1999 Regulations and advice in Circular 02/99 *Environmental Impact Assessment*;
  - ii) that, contrary to the terms of the application for WHA, there is no express requirement under Regulation 19 to publicise further information, beyond that inherent in the inquiry process;
  - iii) Court judgements including *Berkeley v SSE* and others [2000] HoL JPEL 2001 58-70;
  - iv) powers open to me in any event as Inspector.
- 1.32 There had been an arithmetical error requiring correction in WCC's traffic forecasts and in tables derived from those forecasts, and their intentions regarding weight limits needed to be clarified. This could all be achieved through the presentation and examination of evidence at the inquiry. These revisions, although important, amended details of aspects of the ES without calling into question its scope or main substance.
- 1.33 Conversely, anyone not involved at the inquiry would likely be unaware of the revisions. There is no requirement in the Regulations or Circular to publicise further information provided under Regulation 19 in connection with a public inquiry. But this appears to be posited on an assumption in the Circular that Regulation 19 will be invoked shortly after receipt of an appeal or called-in application, to remedy an evident deficiency in an ES. The "further information" would then be in publicly available documents in advance of the inquiry.
- 1.34 I concluded that a formal letter under Regulation 19 would be disproportionate for the scale of revision required but that the revisions should be in a publicised, single accessible document (not requiring a "paper chase") with an opportunity for comment and for those comments to be taken into account. Accordingly, and having heard further submissions from the principal parties to this dispute, I issued Document INQ3 on day 14. I declined to dictate the terms of the publicity, which I saw as a matter for WCC, while making clear that the adequacy of the process would be a material consideration in my report.
- 1.35 With commendable speed WCC published a press notice (WCC/140 17 July 2008) and met the notice's undertaking by having copies of Document WCC/112

available to distribute on day 19 with a copy deposited for inspection at The Laverton from that same day. They also wrote directly to relevant statutory consultees with a closing date for all responses of 27 August.

- 1.36 WCC/112 clarified WCC's intention to impose a 3 tonne structural weight limit on Station Road bridge and anticipated that this would be required prior to construction of the bypass. This limit is considered to be approximate to the restriction and location assumed in the traffic modelling. WCC/112 does not refer to any weight restriction on The Ham and traffic modelling up to that point did not include such a ban at that location.
- 1.37 In the circumstances, I requested WCC to carry out additional traffic assignments for the Do Minimum with a 3 tonne weight restriction on Station Road and then that scenario together with a 7.5 tonne limit on The Ham. For the Do Something scenario, I requested an assignment for the application scheme without a weight ban on Station Road together with assignments which would permit the FWR to be compared with it on a like for like basis in each scenario. The initial results of this work were made available during the August adjournment (WCC/116 & WCC/125). Unfortunately they repeated the earlier error regarding HGVs and were subsequently replaced (WCC/131 & WCC/131A). Mr Helps responded to questions on these documents and other changes to scheme economics on day 23 when the inquiry resumed in September.
- 1.38 WCC produced, as I had directed, a position paper on the responses to WCC/112 shortly in advance of the resumed inquiry on 4 September (WCC/129). Two issues remained outstanding with Network Rail: an exemption for buses from the Station Road ban and also a Police preference for the ban to be 3.5 tonnes (rather than 3.0) to aid identification and enforcement. WCC expressed confidence that they could meet both aims although the issues were not concluded by the end of the inquiry.

#### *Evolving Regional Spatial Strategy*

- 1.39 As I report below, throughout the inquiry and preparation of this report the strategic, regional component of the development plan has remained the extant former Regional Planning Guidance (RPG) 10, now designated as Regional Spatial Strategy for the South West. Both its Draft Replacement and the Panel Report following its public examination were available in advance of the inquiry but not the Secretary of State's Proposed Modifications. In my experience there is rarely a situation when all components of a development plan have been sequentially revised, and as I mentioned above I declined to recommend any delay to the inquiry to await the Proposed Modifications.
- 1.40 In the event, these were issued on 22 July while the inquiry was sitting, when of course they became a significant material consideration (DC2.41, 2.42 & 2.43). I invited WCC and WHA to submit supplementary evidence with respect to the Proposed Modifications in advance of the resumed inquiry and these were presented and examined on 10 September. I take this further evidence into account in the cases for the parties and my conclusions. There was no other submission volunteered to the inquiry with respect to the Proposed Modifications.

#### *Corrections to the Orders*

- 1.41 As may be expected the Side Roads Order and Compulsory Purchase Order included schedules, plans and a statement of reasons. As well as examining



outstanding objections, there were also apparent inconsistencies between the documents. WCC's attention was drawn to aspects of these by Mr Yellowley and me, by the DfT and Mr Morland. Considerable inquiry time was spent on this and I report on the outcome below.

#### *Statement of Common Ground*

1.42 At the PIMs I promoted the preparation of a Statement of Common Ground between WCC and WHA, acknowledging that this would not be binding on other participants. I set a target date of 2 weeks in advance of the inquiry – in order to seek to narrow the ground between the applicant and main opposition group. With hindsight I was unduly optimistic about what might be achieved; unlike most inquiries this would not be a bilateral agreement between a planning authority and developer but between a County Council as promoter and a non hierarchical umbrella group encompassing shades of views. The Programme Officer kept me informed of several exchanges, but it was not until well into the inquiry that these parties were able to submit an agreed document, somewhat restricted in coverage, with little or no opportunity for other participants to express a view regarding it (WCC/101; WHA/114). The limited references I make to it in this report should be read accordingly.

#### *Major Scheme Business Case*

1.43 At the second Pre Inquiry Meeting, WCC advised that they expected their Major Scheme Business Case, to DfT, would be available at the end of May, allowing several weeks for WHA and others to study it before giving evidence. In the event it (CD9.8) was not available until day 9 when it was presented to the inquiry and its content subject to questioning on day 16. It had yet to be submitted to DfT but the required 4 weeks notice had been given. This period provided an opportunity to revise and update the document.

1.44 The MSBC overlaps with planning evidence to the inquiry and information in the ES, but each strand of information has been subject to revisions and updates. An addendum to the MSBC "Revision 1: July 2008" (CD/9.8c) was circulated by WCC on and around 15 August, while the inquiry stood adjourned. It included a revised Annex 7: "Variable Demand Modelling – a Preliminary Assessment" (2 May 2008), and Annex 8: revised "Traffic Data and Economic Assessment" (July 2008). These revised previous evidence on induced traffic and economics. The addendum also amended TAG worksheets to account for changes in traffic, air quality, greenhouse gases, noise and economics.

1.45 WCC confirmed on day 23 that the revised MSBC had been submitted to DfT who had requested further letters from the Regional Assembly and Regional Development Agency to confirm their positions. Once those had been received the submission would be dealt with formally. The outcome is awaited.

#### *Town Centre Measures*

1.46 Separate from the called-in application scheme, WCC propose to carry out town centre measures in Westbury, on completion of the bypass and seen as complementary to it (CD4.3 & WHA/111). These measures do not require planning permission and do not form part of the called-in application. There is ongoing local consultation regarding final details, but the aim would be to increase road space available to pedestrians and cyclists, whilst retaining vehicular traffic accessibility. These measures would be subject to a fixed

budget provision of £1.3m, which has been included in the application scheme funding bid.

### *Requested Information*

1.47 In advance of the inquiry, WHA and individual members of WHA made a number of requests for information from WCC. The requests and responses are collated in a voluminous ring folder. In opening the inquiry I confirmed that this folder would not be an inquiry document. Only to the extent that any party drew on and referred to a specific item from the folder would that individual item then be made an inquiry document, separately referenced, as was done in several cases. Otherwise the components of the folder are simply a bundle of bilateral exchanges between the parties in their preparation for the inquiry.

### *The Development Plan*

1.48 The development plan comprises:

- Regional Spatial Strategy (formerly Regional Planning Guidance) RPG10 for the South West (September 2001) (CD2.1)
- The Wiltshire and Swindon Structure Plan 2016 (April 2006) (CD2.6)
- The West Wiltshire District Plan First Alteration (Saved Policies) (September 2007) (CD2.12 relevant saved policies listed in the WCC/101 & WHA/114)
- The Wiltshire and Swindon Minerals Local Plan (November 2001) (CD2.7)
- The Wiltshire and Swindon Waste Local Plan 2011 (March 2005) (CD2.8)

1.49 At the PIMs and during the inquiry, I indicated that I would not hear evidence concerning the Structure Plan Examination in Public, and what might or might not have been put before or understood by that Panel. In this regard, during the inquiry I discounted and returned one letter (not circulated to the parties) as including material that as well as being immaterial was potentially defamatory. (It was resubmitted with the unacceptable section removed and taken into account in that form)

### *Other policy related documents*

1.50 I refer above to the evolving replacement RSS. West Wiltshire DC have consulted on core strategy for a Local Development Framework intended to supersede policies currently saved in the District Plan (WCC/P/6/Appendix B). The process is at an early stage. National documents include Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) and the White Paper *A New Deal for Transport: Better for Everyone* (July 1998). Attention was also focused on DfT's *Towards a Sustainable Transport System: Supporting Economic Growth in a Low Carbon World* (October 2007), though its intended status is disputed by the parties (CD13.1).

### *The Route and Its Surroundings*

1.51 Westbury is an historic market town, with a population of about 17,960 (2006). It sits between the scarp slope of Salisbury Plain to its south east and a broad shallow valley of Biss Brook to the west. The scarp and the mainly agricultural land between the scarp and and fringe of the town form an outer edge to the extensive Salisbury Plain Special Landscape Area (SLA), which extends predominantly east and south. The scarp in this area includes Upton Cow Down

Site of Special Scientific Interest (SSSI), Bratton Downs SSSI and White Scar Hanging County Wildlife Site (CWS). Further to the south, Salisbury Plain is a Special Area for Conservation (SAC) and an SSSI.

- 1.52 Westbury White Horse is a well known landmark prominent on the scarp. The White Horse and Bratton Camp (Iron Age earthworks), at the top of the scarp, are Scheduled Ancient Monuments. The current White Horse was cut in 1778, replacing a much older one. In 1873 it was restored and reshaped with edging stones to contain the chalk soil. In the late 1950s it was surfaced in white painted concrete; this was renewed in 1995 and repainted in 2006.
- 1.53 The northern edge of the town is constrained by a main railway (London to West Country) and Bitham Brook floodplain, a tributary to the River Biss. Further north is low lying countryside containing small communities at Hawkeridge, Dursley and Heywood. The Lafarge cement works, with its 122 m chimney, is a prominent feature north east of the town.
- 1.54 To the north-west another main railway (Bristol/Bath/Portsmouth) marks the main edge of residential development. Beyond the main line a series of other railway lines, separated in part by small lakes, cross each other at Westbury Station, a strategic east-west and north-south junction. Beyond is a small residential community at The Ham and a large employment area comprising the West Wilts Trading Estate (WWTE) and its extension at Brook Lane/Northacre Park, together about 118.3ha. The WWTE is one of the largest areas of manufacturing, warehousing and service industry businesses in Wiltshire with origins as a World War 2 depot.
- 1.55 To the west of Westbury are recent residential and community developments at Leigh Park, while to the south-west is Westbury Leigh, a linear community extending from Westbury south-westward as far as the Westbury to Warminster railway line, beyond which Dilton Marsh is another linear community.
- 1.56 The A350 is a National Primary Route between the M4 (Junction 17) and the south coast at Poole. It links the 5 towns in West Wiltshire (Chippenham, Melksham, Trowbridge, Westbury and Warminster). A series of schemes along it within Wiltshire have included in recent years Chippenham Western Bypass , Semington to Melksham Diversion, Biss Bottom Improvement at Upton Scudamore and the East Knoyle Improvement together with local junction improvements along the route. Within West Wiltshire, the A350 passes through the centre of Westbury, part of Melksham and a number of other smaller communities including Yarnbrook and West Ashton about 3 – 4 km north of Westbury.
- 1.57 Other designated routes in the vicinity include the A36 trunk road linking Bath, Salisbury and Southampton. The A350 connects with the A36 about 3.5km south of Westbury jointly forming a bypass for Warminster before splitting and continuing south to the coast. The A361 links Trowbridge to the A350 to the north east and A36 to the south west, in Somerset. Other routes to Westbury include the A3098 and B3099 which serve the west side of town, B3098 to the east and B3097 to the north.
- 1.58 HGVs are subject to a number of routeing restrictions through the area, including height limits at railway bridges and weight limits. The WWTE and Brook Lane/Northacre Park industrial areas are served northwards via Hawkeridge Road B3097, linking to the A350 at Yarnbrook roundabout (but subject to height restrictions), or via a short length of the B3097, Phillips Way

(also known as the Hawkeridge Link), opened in 2000 between the A363 and Hawkeridge Road. There is also an unclassified route to the A361 through North Bradley and Southwick. HGVs southwards of the industrial areas generally pass through Westbury using Station Road B3097 and the A350 (Warminster Road and Haynes Road) passing a significant number of houses.

- 1.59 The A350 generally has a single carriageway; within Westbury its width varies and is bounded mainly by narrow footways closely hemmed in by residential and commercial buildings, many with access direct from the back of the footway or in some cases edge of the carriageway. The road passes through the northern part of the Westbury Conservation Area (Haynes Road) which covers much of the town centre and includes several Listed Buildings.
- 1.60 Junctions with Market Place, the B3097 at Station Road and the B3098 at Bratton Road involve sharp changes of direction where road space is limited. Within the area subject to 30mph restriction there is one conventional roundabout and 5 mini-roundabouts together with a number of pedestrian and signal controlled crossings, frequent side road junctions and other private accesses.
- 1.61 Traffic flows on the A350 Haynes Road in Westbury are currently about 15,000 vehicles per day (Annual Average Daily Total AADT, 2007). Weekday flows are approximately 6.7% higher, with average flows of about 16,000 vehicles per day (AADT, 2007). Either side of Westbury current flows on the A350 are in the region of 14,200 vehicles per day (AADT, 2007) at Heywood, to the north of the town and 16,200 at Chalford to the south of the town. The proportion of HGVs is about 6.7% at Heywood and 8% at Chalford.
- 1.62 An Air Quality Management Area (AQMA) in Westbury related to traffic was declared in November 2001 with respect to the Government's annual mean objective for nitrogen dioxide (NO<sub>2</sub>). The AQMA is defined by the width of the highway along the length of A350 Warminster Road and Haynes Road from the junction with A3098 Leigh Road in the south to just south of the junction with High Street in the north, a total distance of around 400m.

#### *Evolution of the Bypass Scheme*

- 1.63 The 1987 Structure Plan set out a strategy for Western Wiltshire and saw a need for improvements to the A350. In 1990, consultants were appointed to study the A350/A429 route from Warminster to the M4 (the A350 north of Chippenham being designated A429 at that time). The objectives were to identify the traffic, economic and environmental case for improvements on that route, to develop and assess route corridors for them and to recommend relative priorities for each. With regard to Westbury the report (CD4.2) considered an eastern, inner western and outer western bypass, concluding that an eastern route provided the most economically viable option. However, the report recommended deferring action on a Westbury bypass until a decision was reached on a then proposed A361 West Wilts Bypass running from the south of Trowbridge to Beckington in Somerset.
- 1.64 In 1995, WCC's Transport Policies and Programme (TPP) reported that the strategy for highway improvements in western Wiltshire had been halted due to proposed improvements on the A36 promoted by the Department for Transport (DfT). Following a 1996 review by DfT, the A36 East of Bath to Beckington Improvement was withdrawn from the Trunk Road Programme. Subsequently,

WCC halted further work on the A361 West Wilts Bypass, as without the A36 scheme the viability of such a scheme was seen as substantially reduced.

- 1.65 The 1996 TPP set a policy to divert traffic from the north and east away from routes through Devizes and Marlborough onto the A350/M4 route, which it considered added to the need to improve this corridor. WCC commissioned a Working Group to set out the strategic context for improvements to the A350 corridor aimed at helping economic regeneration in the western Wiltshire towns. The Western Wiltshire Regeneration Report (CD4.4) 1996 included a conclusion that a bypass for Westbury was the long-term resolution to its traffic problems. Promotion of improvements to the A350 was considered a key element of the approved Structure Plan policy to assist with the regeneration of the West Wiltshire towns. Subsequently, Westbury Bypass was included as an additional improvement in the Deposit Draft Structure Plan in 1996.
- 1.66 In 1997-8 WCC held a Planning Conference to consider traffic problems in Westbury to identify the means of achieving the following objectives:
- To improve the transport links into West Wiltshire and between the West Wiltshire towns in order to facilitate economic regeneration,
  - To ease the transport of goods to and from commercial and employment areas so as to encourage new businesses to locate and existing firms to invest, and
  - To provide traffic relief for residents and visitors to Westbury
- 1.67 The Conference considered an eastern bypass on a broadly similar alignment to that now proposed together with options for bypasses to the west of the town. The results of the Conference (CD9.5) were reported to WCC's Economic Development and Environment Committee in May 1998. The Conference recommended abandoning further investigation of inner and outer western bypasses; further investigation of the eastern bypass; further work on a Far Western bypass; and consideration to a southern bypass of Yarnbrook through the edge of Picket Wood.
- 1.68 In parallel with the Conference, 90% of respondents to a postal public consultation viewed the A350 through Westbury as unsuitable for the volume of traffic; 87% considered a bypass necessary and existing routes to the WWTE inadequate. Identifying a preferred route was less clear cut. Further investigations were reported to the Environment and Transport Committee in September 1998 where it was resolved that the eastern route be adopted as the Preferred Route (WCC/A/1 Appendix B).
- 1.69 In September 1999 the Committee resolved to appoint consultants to review the route options (WCC/A/1 Appendix B). This was to take account of: the then proposed detrunking of the A36; the Government Office for the South West (GOSW) study regarding the A36/A46 route (later known as the Bristol/Bath to South Coast Study (BB2SC)); WCC's decision to proceed with the HawkeridgeLink; the Government's current transport policies and investment criteria; and the results of a recent town poll in Westbury. The outcome (CD1.1 Part A Technical Statement Appendix C) were reported to the Committee in November 1999, including a recommendation for further work to bring development of the options, including an optimum Far Western route (FWR), to a common standard (WCC/A/1 Appendix B). Further work was agreed and

reported to the Committee in March 2000 but no change was made to the Preferred Route (WCC/A/1 Appendix B).

- 1.70 The West Wiltshire Sustainable Transport Strategy (WWSTS, CD2.11) was developed and included as part of the Local Transport Plan 2001/02-2005/06 (LTP1, CD2.9). WWSTS is an area based programme aimed at transport problems in Western Wiltshire; it includes a bypass for Westbury.
- 1.71 Further investigations by the consultants (CD9.8 Annex 3) were reported to the Committee in July 2001, who resolved to: confirm the eastern bypass route; adopt the Yarnbrook northern bypass with West Ashton extension as the Preferred Route there; submit a major scheme bid for these proposals with measures for pedestrian, cyclist and public transport in the town, and; request West Wiltshire District Council to include the Preferred Route for the Westbury bypass in the Local Plan (WCC/1/A Appendix B).
- 1.72 The funding bid was submitted, but DfT deferred a decision pending an outcome of the BB2SC study. In July 2003, when the BB2SC outcome was anticipated, WCC resolved to include the Westbury Bypass as one of 3 major scheme bids in the 2003 LTP Annual Progress Report (CD4.3). Yarnbrook and West Ashton proposals were not included.
- 1.73 The BB2SC study (CD4.1) was published in 2004. Its recommendations included (p38) that "A bypass for Westbury should be progressed further through the statutory processes as a local improvement measure, with traffic calming measures an integral part of the improvement package for the town centre to encourage use of the bypass, thereby promoting walking and cycling on the relieved route as well as improving safety for the residual users. Further work on the environmental impacts of the scheme will be required as part of the scheme development." The study also looked at an option to dual the A350 between the A36 and M4, but saw little benefit to the study objectives. (p40)
- 1.74 A planning application for the scheme in 2005 led to a Regulation 19<sup>2</sup> request for further information. To this end, further ecological investigations were carried out in 2006 and additional mitigation measures developed which altered the scheme sufficiently to cause that application to be withdrawn.
- 1.75 In 2005, the South West Regional Assembly (SWRA), responding to consultation by DfT, developed criteria linked to strategic objectives in the Draft Regional Spatial Strategy (CD2.2) to enable major transport projects in the region to be prioritised. High priority schemes were then included in the 10 year Regional Funding Allocation (RFA) submitted to DfT with the bypass included in Table 2A as a potential addition to the RFA, subject to environmental impact, affordability, deliverability and statutory procedures. In July<sup>3</sup> 2006 the Secretary of State for Transport wrote to the Leader of the SWRA (CD6.1) to announce the RFA and included at *Annex A: Schemes for funding within the next three years (2006/07 to 2008/09)*, the A350 Westbury Bypass in a list of schemes which do not yet have approval (i.e. not accepted into the Programme). The funding implication of this letter is disputed by the parties.
- 1.76 The current called in application for the amended scheme was submitted in February 2007.

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<sup>2</sup> The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

<sup>3</sup> The Committee Report 16 May 2007 para 15 L9 and the MSBC page 32 L1 say this was December 2006, but the letter itself is clearly dated 6 July 2006.

*The Proposals***1.77 The Scheme comprises:**

**A350 Westbury Bypass:** some 4.2km of single carriageway around the eastern side of Westbury, about 200m to 600m from the edge of town, through predominantly open countryside. Its southern limit would be at a new roundabout (Madbrook Roundabout) immediately south of Madbrook Farm. From there, it would lead north eastward, ascending gradually on shallow embankment before running into cutting to pass under a bridgeway (Chalford Accommodation Bridge). It would then continue to ascend, passing over a bridgeway (Wellhead Underpass) before curving northwards into cutting, rising steadily before descending steeply beneath an unclassified road at Newtown (Newtown Bridge). From there, it would continue to descend northwards, passing over the B3098 Bratton Road (Bratton Road Bridge) and a bridgeway (Bratton Road Underpass). To take account of the 4.75% gradient on this section, the carriageway would be widened over a distance of about 1,720m to provide a climbing lane for southbound traffic from north of Bratton Road to south of Newtown. North of Bratton Road the topography becomes flatter lowland. Here the road would remain on embankment, rising to pass over the main railway about 600m west of the Cement Works. From here the route would descend to rejoin the existing A350 at a new roundabout (Cement Works Roundabout).

**Glenmore Link** – some 1.2km of single carriageway connecting the northern end of the bypass to the B3097 Hawkeridge Road, providing access to and from the West Wilts Trading Estate (WWTE). The route would join the B3097 via a new roundabout (Glenmore Roundabout). Between the Cement Works Roundabout and the Glenmore Roundabout, the Glenmore Link would cross lowland flood meadows of the Bitham Brook corridor on embankment and structures (Bitham Bridge East, Bitham Bridge Centre and Bitham Bridge West) before rising to cross the Westbury to Trowbridge and Bristol railway (Glenmore Railway Bridge).

**Hawkeridge Road Upgrade** – some 0.4km of the B3097 Hawkeridge Road would be realigned to complete the connection of the Glenmore Link to the WWTE and to the northern area of Westbury. Access to the WWTE would be via a new roundabout (Hawkeridge Roundabout) on the B3097 at the existing access point to the estate. The realignment would ease a tight bend north of The Ham, improve visibility to and from the access to Glenmore Farm and provide a cycleway along the redundant length of carriageway from The Ham to Hawkeridge Roundabout.

**Bratton Road Diversion** – some 0.55km realignment of the B3098 Bratton Road to the south of its existing alignment, in a cutting to about 8.7m depth, passing under the bypass with no connection to it. The existing section of Bratton Road would be retained to provide access to properties.

**Cement Works Access** – a driveway some 0.5 km leading off Cement Works Roundabout to serve the Lafarge Works.

1.78 As well as the structures referred to above, Beres Mere<sup>4</sup> Underpass would be constructed north of Wellhead Underpass for use by wildlife. There would also be wildlife tunnels and other mitigation features along the route including bat gantries across the road. The scheme would be landscaped along its length by ground remodelling and planting, and existing rights of way adjusted and supplemented. The main route of the bypass would be unlit. Lighting would be installed at the Hawkeridge, Glenmore and Cement Works Roundabouts and on the Hawkeridge Road Upgrade. As a further bat mitigation measure, Madbrook Roundabout would have low level lighting in place of conventional lighting columns. Flood attenuation ponds would be provided near Madbrook, Cement Works and Hawkeridge Roundabouts, forming part of the scheme's drainage system, and an area would be set aside near the Glenmore Link for flood compensation.

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<sup>4</sup> There is no longer a farmstead at 'Beres Mere Farm', just a wooded copse of particular relevance in relation to dormice habitat



## THE CASE FOR WILTSHIRE COUNTY COUNCIL

**Overview and Economic Regeneration** (Parvis Khansari: WCC/P/1; WCC/SP/1; WCC/R/1; Nick Helps: WCC/P/2 Section 9)

### *Preamble*

- 2.1 The scheme is essential infrastructure towards supporting the economy of West Wiltshire by improved access to important employment sites and significant traffic relief to an historic market town. The A350 is a key corridor in West Wiltshire and beyond. The scheme builds on previous investment on the route. It is Structure Plan policy to aid the growth of West Wiltshire towns. Consultations have been undertaken; views considered. Following a Planning Conference in the late 1990s and subsequent consultations, there was a clear consensus of a problem but no clear public support for any particular route (CD5.1). Economic comparisons have been made by independent consultants; key decisions made democratically. An eastern bypass is the most effective solution balancing national, regional and local policies and priorities.
- 2.2 Structure Plan (CD2.6) Policy T11 defines Wiltshire's strategic transport network, including the A350, primarily intended to serve the needs of through and inter-urban movements. Policy T10 encourages HGVs to use the national Primary Route Network (PRN) to minimise environmental damage. The Highways Agency (HA) is the authority for the motorway and trunk roads; WCC for the remainder, subject to statutorily defined duties and responsibilities. Maintaining and improving the strategic network is important for regional and national economic reasons. The Western Wiltshire Sustainable Transport Strategy (WWSTS) (CD2.11), introduced in the Local Transport Plan (LTP) 2001/02-2005/06 (CD2.9), aims to regenerate West Wiltshire towns' economies: the main National Primary Routes are the A36 and A350. Access shortcomings, particularly on the A350, have contributed to slow economic development and a build up of employment problems.
- 2.3 RPG10 supports selective improvements to the road network, and the A350 carries the highest volume of traffic, and HGVs, on Wiltshire's non-trunk road primary network. It provides a north south route and links the M4, A36 and A303, and acts as a route of regional and national importance for longer distance traffic between Bournemouth/Poole and Wales and the North. Its regional importance, with significant traffic growth, requires improvements to maintain and enhance journey time reliability.
- 2.4 The A350 has long been part of the PRN. The WWSTS includes: "There is a need for a strategic north-south corridor on the west side of Wiltshire to cater for both South-Coast port traffic en-route to South Wales and the Midlands, and for strategic traffic serving the West Wiltshire area<sup>5</sup>." The A350 links the five major towns in West Wiltshire (Chippenham, Melksham, Trowbridge, Westbury and Warminster) that have a combined population of about 122,000 with the total corridor population being in the region of 140,000. Trowbridge is a "Strategically Important Town/City" designated by the Draft RSS (CD2.2) which emphasises the towns' functional links and importance of transport connections to achieve potential growth. It states (para 4.2.65) that "certain targeted

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<sup>5</sup> This quote is from a County Freight Study embedded into the LTP (CD2.9 p9)

improvements to the wider transport network may be required to enable the area to achieve its growth potential to improve access to established employment centres and to build on previous infrastructure investment."

- 2.5 Westbury is an important local shopping and service centre. Its town centre includes three shopping areas: Market Place/Maristow Street and High Street/Edward Street are both within the Westbury Conservation Area and lie off the A350; the third, Warminster Road, is part of the route.
- 2.6 The A350 weaves through the town, severing communities and causing problems of congestion, pollution, safety and accessibility. Facilities including the only secondary school, doctors' surgery, police station and leisure centre are served by the A350; the main shopping area is east of the road but most homes, including recent developments at Leigh Park, are to its west. Much of the A350 footways are narrow; the road alignment, width and visibility are restricted, with numerous residential side turnings. Limited opportunities exist to improve conditions for pedestrians and cyclists. The town has the potential to be a popular tourist destination in its own right and as a base for wider exploration; however the paucity of accommodation suggests that this too is currently limited.

#### *Scheme Evolution*

- 2.7 Until 2001, the proposals included improvements at Yarnbrook/West Ashton, but there are constraints: flood plain to the west; residential and businesses on the route and Picket Wood (SSSI) to the south. There were no confirmed measures and, following discussion with GOSW, WCC deleted the locality from the scheme in order to make it deliverable (WCC/A/1/Appendix B/11/07/03). The amended scheme, comprising the bypass and Glenmore Link to the trading estate, could be more securely developed independently. However it remains WCC's intention, confirmed in Structure Plan Policy T12(3) (CD2.6) to address problems at Yarnbrook/West Ashton, as a high priority. Funds are allocated to review previous work and undertake discussion with stakeholders, which is not inhibited by the current called-in scheme.
- 2.8 In 1990 WCC appointed consultants to study what is now the A350 between Warminster and the M4 (CD4.2) in order to: identify the traffic, economic and environmental case for improvements; develop and assess route corridors; and recommend priorities. At Westbury the consultants considered an eastern, inner western and outer western bypass, concluding that the eastern was the most economically viable. A priority list of 9 schemes for the corridor ranked a Westbury eastern bypass as 5<sup>th</sup>. Those ranked higher have since been implemented other than a Melksham Bypass and a short length of dualling north of Chippenham. Melksham Bypass remains a Structure Plan aim but for now problems have been alleviated by localised improvements and construction of the Semington to Melksham Diversion, raising Westbury to a higher priority.
- 2.9 Completed schemes include: Biss Bottom Improvement (Upton Scudamore) 1993; East Knoyle Improvement 1996; Chippenham Western Bypass phased 1997–1999; Semington to Melksham Diversion 2002. Additionally, a number of junctions have been improved for safety and journey time reliability.
- 2.10 The 1990 Report recommended that action on Westbury Bypass be deferred pending consideration of an A361 West Wilts Bypass. And WCC's TPP 1995 put the whole West Wiltshire strategy on hold pending decisions by DfT for the A36. In the event, the DfT proposals for the A36 East of Bath to Beckington were

withdrawn in 1996 following consultation. Without that scheme, a West Wilts Bypass became substantially less viable and WCC have not progressed it since.

- 2.11 WCC's TPP 1996 (CD3.2) included a policy to divert traffic from the north and east (Devizes and Marlborough) on to the A350/M4 route, adding to the need for improvements which were also "a key element of the approved Structure Plan policy to assist with the regeneration of the West Wiltshire towns". A subsequent report "The Western Wiltshire Regeneration – The A350 Corridor" (CD4.4) set out the strategic case for a wider public debate. It highlighted the: need to upgrade the transport infrastructure; need to look long term at an integrated public/private network; need to consider innovative funding; opportunities for private investment in social and economic infrastructure to increase the corridor's viability; dependence of prosperity and employment prospects on achieving major improvements, and; the key role of the western corridor in maintaining the County's prosperity.
- 2.12 The paper concluded that Westbury's traffic problems required a bypass, but some improvement in HGV access to the trading estate should be addressed immediately. In 2001 the new Hawkeridge Link<sup>6</sup> overcame low and weak bridges restricting northerly access, making a small scale and short term improvement to the Westbury economy, but the long term solution still requires a greater investment in the form of a bypass.
- 2.13 A350 improvements were a key element of a concurrent Structure Plan review in the 1990s, with a draft in 1996 followed by an EiP. In furtherance of a key objective "to regenerate the economies of the towns in the western part of Wiltshire" (para 3.31) the Plan identified a Strategic Transport Network (Policy T10) together with improvements (T14) through a Westbury Bypass. That Structure Plan has since been superseded by the current Wiltshire and Swindon Structure Plan (2016) adopted in 2006 (CD2.6), which maintains the strategic network (T11) and Westbury Bypass (T12).
- 2.14 Between October 1997 and February 1998, WCC facilitated an innovative and widely publicised Planning Conference at Westbury with an independent Chair, Mr M N T Cottell OBE, FEng, FICE, FIHT, MIMgt, MASCE. The objectives of the conference were to: improve transport links into West Wiltshire and between the West Wiltshire towns in order to facilitate economic regeneration; ease the transport of goods to and from commercial and employment areas so as to encourage new business to locate and existing firms to invest; provide traffic relief for residents and visitors to Westbury. (CD9.5)
- 2.15 There was public support for a bypass but a route was less straightforward. Whilst there was some debate on the role of public transport, cycling and walking, the discussion also promoted alternative bypass routes. The Conference rejected WCC's Inner and Outer Western routes because of impacts on Dilton Vale, Biss Valley and the visual impact of bridges over the railways. Both a Far Western and Eastern route were strongly opposed by respective action groups but were each supported by the Conference. Participants indicated the following preferences.

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<sup>6</sup> Now named Phillips Way

Route	Yes	No
Eastern	441	623
Inner Western	198	758
Outer Western	515	611
Far Western	753	484

- 2.16 The Conference recommended: investigating an eastern route; giving consideration to a southern bypass for Yarnbrook through the edge of Picket Wood; and carrying out further work on a far western route. WCC Members authorised further work on the two routes, and in September 1998 were presented with findings. (WCC/A/1/Appendix B) That report confirmed public recognition of the need for a bypass but no clear support for a route: any choice would be contentious. Members resolved that the preferred route would be eastern. They also accepted recommendations for further studies to minimise impacts, and public consultation based on an eastern route being preferred and others not viable, and deferred a decision at Yarnbrook/West Ashton.
- 2.17 In Autumn 1999 further reports updated Members, and led to Consultants undertaking further work on the eastern route, a detailed examination of an alternative alignment for the FWR and reconsideration of the options at Yarnbrook/West Ashton. "Development of Detailed Route Options Report for the A350 Westbury Bypass" (March 2000) was presented to Members who approved continued investigations and Officers were asked to consider the effect of previous proposals for a West Wilts Bypass on the strategy for the West Wiltshire Regeneration Corridor. In February 2001 it was reported back that: "The West Wilts Bypass route option would not be an effective option for a Westbury Bypass, but should be considered as a potential major highway scheme when the Wiltshire Structure Plan is next reviewed." The Consultants' review, June 2001, reconfirming the Eastern route as the most viable; Members concurred and approved preparation of a major scheme bid. (These reports are generally collated in WCC/A/1/Appendix B, with one at CD1.1b Appendix C)
- 2.18 LTP1 (CD2.9) defined WCC investment priorities by reference to action areas. Area based programmes identified priorities for geographical investment in transport and the WWSTS was developed. The strategy addressed transport problems, including a substantial increase in out-commuting stemming from restructuring within the local economy, by providing an integrated package of multi-modal measures. These are intended to reverse current trends and deliver improvements to the environment and economy by offering safe and sustainable travel choices. The Strategy identified considerable environmental problems in Westbury where A350 traffic is a considerable deterrent to walking and cycling. A bypass was identified as essential in improving the strategic north-south corridor to improve HGV access to the southern part of the corridor, increasing the area's attractiveness for new investment and job creation.
- 2.19 LTP1 noted that in recognition of its importance the A350 corridor had been brought into what became known as the Bristol/Bath to South Coast Study (BB2SC) commissioned by GOSW.
- 2.20 WCC bid for eastern route funding in 2001, but a decision was deferred pending the BB2SC outcome. In February 2004 that completed study included

recommendations recognising a "strategic need" for the A350 Westbury Bypass. It concluded that the A36/A46/A350 routes fulfil an important intra-regional function and that the Westbury Bypass should be pursued as a local scheme providing complementary benefits from reduced through traffic (CD4.1).

- 2.21 WCC bid for funding in 2003 (CD4.3) and made a planning application in March 2005. The funding bid was referred to the "Region" as part of a changed approach to approval, and during 2005 the Region developed ranking criteria aligned to objectives in the Draft RSS. The Westbury Bypass was included in the Regional Funding Allocation (RFA) to 2016. DfT confirmed in July 2006 that funding was anticipated in the next three years (WCC/A/1/Appendices C & D).
- 2.22 The 2005 planning application led to a request under Regulation 19 of the EIA Regulations for further information, requiring detailed ecological investigation leading to additional mitigation measures in consultation with Natural England. These altered the scheme sufficiently for a replacement application, with a fresh ES, in February 2007. WCC's Regulatory Committee were minded to grant permission but the application was called in by the Secretary of State.
- 2.23 A public exhibition of the scheme was held in Westbury in June 2007. Side Roads and Compulsory Purchase Orders were published in September 2007 (WCC/A/1 Appendix J).
- 2.24 The priority WCC places on the scheme has merited its inclusion as a named goal in the County's Wiltshire 2009 Corporate Plan. (WCC/A/1/Appendix E)

#### *Need for the Scheme*

- 2.25 The current 10 year RFA was determined in a regional context; the Draft RSS<sup>7</sup> includes evaluation criteria. The Westbury Bypass is recognised as meeting an important regional need, and the A350 between the M4 and Warminster is identified as regionally strategic; the Bypass offers journey time reliability and enhanced connectivity to strategic infrastructure. Trowbridge is strategically important, and given the West Wiltshire towns interlock economically.
- 2.26 The BB2SC study identified a "strategic need" for the Bypass, concluding that the A36/A46/A350 fulfill an important intra-regional function, and the Bypass should be pursued as a local scheme with complemented measures in the town.
- 2.27 Support for the scheme in RPG10 and the Structure Plan has been outlined above, as has a description of poor conditions that would be relieved.
- 2.28 Economic Benefits

The scheme objectives remain those put to the Planning Conference in 1997:

To improve the transport links into West Wiltshire and between the West Wiltshire towns in order to facilitate economic regeneration,

To ease the transport of goods to and from commercial and employment areas so as to encourage new businesses to locate and existing firms to invest, and

To provide traffic relief for residents and visitors to Westbury.

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<sup>7</sup> This evidence presented prior to the Secretary of State's Proposed Modifications  
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- 2.29 Two of these objectives concern the local economy. The WWSTS (CD2.9) noted structural pressures undermining the area's economic stability. Congestion and unreliable journey times threaten further job losses or increased costs. It is difficult to attract new jobs in line with housing growth. The WWSTS records a survey of local employers: 90% of those who identified a major constraint on their business cited transport problems with 73% relating to poor access and traffic congestion. Journey time reliability on the A350 was described as poor. As well as relieving environmental problems in the town, the Bypass features in the WWSTS to help attract investment and reduce unsustainable out-commuting. The Bypass, including its link to the Trading Estate, accords with the WWSTS as it "will improve the movement of goods by road, maintain and enhance the local economy, create a more equitable environment for walking, cycling and public transport in the towns and improve safety for all road users".
- 2.30 "Western Wiltshire Regeneration – The A350 Transport Corridor" (1996) (CD4.4) details economic challenges and sets out benefits from improving the transport corridor, seeing the A350 not simply as a route but as linking small and medium sized economically interlinked settlements. Economic problems include over reliance on one or two employers and a concentration of jobs within larger firms. Freight transport is important and should not be viewed just as an environmental problem, and a Westbury Bypass was seen as a solution to both aspects. The Freight Quality Partnership for Wiltshire identified the A350 as a strategic lorry route: crucial for businesses in south Wiltshire to reach the M4 and beyond, and for those north of Westbury to reach the A303, M3, Southampton and south coasts ports, and beyond.
- 2.31 Westbury has a long industrial history. The WWTE is one of the largest areas of manufacturing, warehousing and service industries in Wiltshire, comprising the WWTE itself (64.4 ha) and Brook Lane/Northacre Park (53.9 ha). West Wiltshire DC as local planning authority is supportive. That Council's promotional material states: "the site is well located ... There are a large number of established employers ..., there may be opportunities to re-use or redevelop existing sites. A few vacant plots are available. Accessibility onto the site will be improved by the proposed improvements to the A350 at Westbury." (WHA/101-103) Poor access is a limitation, particularly southerly through the town or on other inadequate roads, as recognised in the WWSTS. This important employment area needs a proper access. North east of the town, the cement works and quarry employs 130 people and is estimated to contribute £10m a year to the local economy. Manufacturing remains significant in Wiltshire, not least close to Westbury.
- 2.32 Employment in West Wiltshire includes manufacturing (15.2% of all employment – about 7,700 jobs); wholesale and retail trade (18.6% - 9,500); and transport, storage and communications (5.7% - 2,900). Each of these sectors is more predominant in West Wiltshire than in the County overall: 34% (around £330m) of Wiltshire manufacturing is in West Wiltshire; 30.8% (£260m) of wholesale and 40.2% (£133m) of transport, storage and communications. The Bypass will safeguard jobs and encourage investment locally and throughout the West Wiltshire economic corridor (WCC/A/1/Appendix L).
- 2.33 A South West Regional Assembly commissioned study by Cambridge Econometrics found West Wiltshire's economic potential to be fairly favourable and the area relatively well located nationally, connectivity to key elements of the national road network does not feature well. Journey times and connectivity

are key factors guiding investment and could be a significant factor in any failure to realise Wiltshire's potential economic development. The five towns score favourably in relation to the "core" motorway network, major ports, Heathrow, London and Birmingham. Major conurbations aside, they are more "locationally favoured" than other SSCTs except Bath and Salisbury. However, they rank less favourably in direct access to a motorway, or dual-carriageway giving access to a motorway. Even many SSCTs ranked "less accessible" have more ready access to good roads and major routes.

- 2.34 DEFRA's "Rural Development Programme for England 2007-2013" shows high numbers on low incomes in West Wiltshire: over 13,754 workplace based employees earn less than 2/3 the English median wage, the highest category quantified. It is comparable with rural districts that tend to show up on Indices of Multiple Deprivation, and which show between 40% and 62% of workplace employees below 2/3 median wage. The figures will be similar for the resident population as those on lower wages tend not to travel far to work.

	Workplace Weekly Earnings £	Earnings/Annum £	Residence Weekly Earnings £	Earnings/Annum £
Great Britain	448	23,666	-	-
South West	417	22,042	-	-
Swindon	454	24,211	439	23,425
Wiltshire	413	21,798	455	23,843

ASHE, National Statistics from Nomis: [www.nomisweb.co.uk](http://www.nomisweb.co.uk)

- 2.35 This table illustrates the lack of higher value jobs in Wiltshire: the median weekly wage of people living in the county, £455, is higher than the workplace based £413 because residents travel to jobs elsewhere, particularly Bristol, Bath, Swindon and London.
- 2.36 LTP2 (CD2.10) supports the transfer of goods from road to rail in line with Regional and Structure Plan policies. There is potential (WCC/A/1/Appendix G) to expand rail associated uses within the context of existing businesses at the Cement Works and the Trading Estate. The only location within Wiltshire suitable for an intermodal facility is at Westbury. The Freight Quality Partnership agreed to viability studies and consultation. The site is protected in the District Plan and has had planning permission, albeit now lapsed.
- 2.37 Tourism too is important: Longleat Safari Park attracts over 700,000 seasonally (March to November); Westbury has the White Horse, Georgian market square and other historic buildings. The road system currently inhibits promotion of the town as a destination rather than a through route; the bypass would provide scope to do so.
- 2.38 Community Plan consultation in Westbury found that one of the highest priorities is for an increased range and number of town centre shops and businesses. At some 40,000 sq ft, retail floorspace is low for the population; roughly one third to half that of other West Wiltshire towns. An improved environment for shopping, and for pedestrians and cyclists, would increase take

up: currently there is a perception that residents prefer to use their cars to shop in nearby towns.

- 2.39 Local jobs have not kept pace with population and housing growth. There are significant concerns that traffic impacts are holding back economic development. Investors appear to place a premium on connectivity to the national road network and accessibility to ports and airports. West Wiltshire Economic Partnership and Wessex Association of Chambers of Commerce report serious lack of confidence amongst business owners and potential investors pending a bypass. Commercial premises, including those along Warminster Road have produced poor returns, leading some owners to dispose of their investments. WCC's database demonstrates that there are companies which exclude Westbury as a location. Investors recognise the potential but there is a perception that they hesitate to proceed. The bypass should stimulate development activity.

### *The Strategic Transport Context*

- 2.40 Allegations that WCC are concerned only with road building, with a blind spot for other transport strategies, are incorrect. Through the LTP the County promotes walking, cycling, public transport and road safety. During 2006/7 £50.5m was invested in improvement and maintenance of transport infrastructure, including £4m in a comprehensive programme of integrated transport projects. An investment of £20.1m in public transport has increased patronage on key bus services and good progress has been made on restraining traffic growth. Even so, road traffic is forecast to continue to grow and for the foreseeable future remains one of the main means of transport in Wiltshire and the UK. WCC needs to address this in the most appropriate way, including road safety measures and, where required, provision of road capacity.
- 2.41 There is no embargo on road building, even since climate change has risen in prominence, as evidenced by very recent HA schemes (WCC/1/R para 3.1). WCC works closely with the Carbon Trust, earning a commendation (WCC/R/1Appendix C). Road pricing, such as congestion charges, have so far been applied only to urban areas, and rely on an effective alternative to paying the charge. There is no explanation from WHA as to how charging might operate at Westbury. More generally the concept of "soft measures" promoted (though not specified) by WHA could well backfire if they succeeded in deterring local residents and businesses from driving into Westbury, freeing up road capacity and thereby inducing additional through traffic.
- 2.42 Nor is there substance in the fear of infilling between the town and Bypass. The location of development is controlled by the District Plan and its successor; no land identified for development adjacent to the route, unlike the cited example at the Semington to Melksham Diversion where adjacent land had previously been allocated for development (Document WCC/R/1 Appendix B).

**Traffic and Economics** (Nick Helps: WCC/P/2; WCC/R/2; WCC/SP/2; WCC/AD/2; WCC/110; WCC/112; WCC/116; WCC/117; WCC/120-123; WCC/125; WCC/131 & 131A; WCC/136A; WCC/138)

### *Existing Traffic Flows*

- 2.43 Traffic on the A350 Haynes Road in Westbury is currently about 15,000 vehicles per day (Annual Average Daily Total AADT, 2007). Weekday flows are about 6.7% higher, about 16,000 vehicles per day. Weekday peak flows are about



1,160 vehicles per hour AM and 1,290 per hour PM. Automatic monitoring on the A350 indicate flows in the region of 14,200 vehicles per day (AADT,2007) at Heywood, north of the town, and 16,200 at Chalford to the south. The proportion of HGVs is about 6.7% at Heywood and 8% at Chalford.

- 2.44 Roadside interviews on the A350, north and south of Westbury in September 2005, found that much of the traffic has neither origin nor destination within the Westbury urban area. Through traffic accounted for between 60% and 62% of all traffic. For HGVs, it was 75% north of the town and 61% south of the town. The highest numbers of HGV trips with destinations in the Westbury area (about 20%) originated outside the urban area, bound for the WWTE. There is no evidence to substantiate claims that traffic volumes through Westbury are "quite low for a main road in an urban area and the proportion of HGVs is very low". Judgements should take account of the size of the settlement and the geometry of the A350 through the town.

#### *Journey Times*

- 2.45 There are significant variations in A350 journey times through Westbury. Surveys between the A36/A350 roundabout and West Ashton crossroads confirm that during peak periods queues in Westbury tend to occur at the roundabouts, particularly along Haynes Road and Warminster Road where there are intersections with the B3098 Bratton Road and B3097 Station Road. This has implications for residents, bus services, businesses and visitors. Unreliable journey times result from high volumes of traffic for this road, with obstructions, turning movements and HGVs.

#### *Traffic Growth*

- 2.46 DfT forecast that West Wiltshire traffic will grow by about 8% by 2009 and 28% by 2024. The average travel to work distance in Wiltshire increased by 36% from 1991 to 2001. Westbury experienced an increase of 25% suggesting more out-commuting. The emerging Draft RSS (CD2.4.1) requires 6,300 homes in West Wiltshire by 2026<sup>8</sup>. Out commuting will continue to increase if job opportunities do not match this. In accordance with DfT advice, forecasting of growth does not take account of economic development enabled by the road scheme itself. Recommended forecasting techniques take into account both committed development and TEMPRO growth rates produced by DfT.

#### *Accidents*

- 2.47 Accidents occur on the A350 through the town, often associated with turning movements at the many side roads and accesses. Clusters are mainly at Haynes Road junction with High Street; on Warminster Road south of its junction with Haynes Road; and on Warminster Road in the vicinity of Madbrook Farm. Current traffic flows, including HGVs, preclude calming measures to promote road safety.

#### *Walking, Cycling and Car Ownership*

- 2.48 A 2007 survey found that 11% of Westbury residents cycle for local trips and that 38% of local trips are on foot. The vast majority consulted agreed that Westbury required improvements for non-car users. Current conditions discourage walking and cycling. The A350 creates an impression of a divide

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<sup>8</sup> This figure has been increased in the Secretary of State's Proposed Modifications  
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within the town, an environment dominated by the car and contributes to a perception of poor accessibility by alternative modes of travel. Residents are more inclined to rely on car use. Current traffic volumes are at a level that significantly hinders pedestrian movement. It is the perception of the pedestrian environment which is the key determining factor in whether trips are made on foot. It is not the intention to turn the existing A350 into quiet streets, taken to mean traffic free or traffic restricted area, as the A350 will still form an important distributor function within the town.

- 2.49 16.5% of Westbury residents do not have access to a car, compared to an average of 16.1% for Wiltshire and 27% nationally. Poor accessibility contributes to social and economic exclusion, particularly for the elderly, disabled and people on low incomes. Prevailing traffic conditions particularly affect those without access to a car.

### *Traffic Modelling*

- 2.50 Traffic modelling simulates the existing pattern of movements on a road network, using data from roadside interviews, automatic traffic counts and the geometry of the particular roads and junctions. Independent traffic counts (not used in the model building) and journey time surveys are used to validate whether the model accurately predicts flows and journey times. Once a good validation is demonstrated, forecast models can be created to assess changes to the highway network: a robust approach to evaluate the traffic effects of proposed schemes.
- 2.51 The SATURN (Simulation and Assignment of Traffic in Urban Road Networks) suite of programmes is an industry standard software package. A SATURN model for Western Wiltshire was developed in 1997, and from this one for Westbury and its environs, used to test bypass options. This led to the recommendation of the Eastern Bypass, endorsed by WCC's Committee in 2001. The model has been updated several times since, most recently using information from the 2005 roadside interviews.
- 2.52 Details of the model validation are in the Model Update and Validation Report (December 2007) (WCC/AD/2 Section 6). Following a question from Mr Nicolson, a number of observed counts were found to be incorrect and revised figures to validate the PM peak were provided in WCC/112.
- 2.53 Journey time outputs from the model were well within DMRB guidance. Link flow validation met DMRB requirements except for the PM peak. Each test for the PM peak was marginally below the 85% criterion, but most links in the Westbury area validated very well. Corrected figures used in the validation relate in part to the Longfield Gyratory in Trowbridge where there is a local choice of routeing along Mortimer Street or County Way. The model correctly forecast total eastbound flow but assigned too high a proportion to County Way. When combined, observed flow is within 13% of predicted.
- 2.54 DMRB states that a model not meeting its guidelines may still be acceptable for appraisal of a given scheme if the discrepancies are within survey accuracies and larger discrepancies are concentrated away from the area of greatest importance. This is so for the Westbury PM peak model.
- 2.55 The existence of non-fatal errors, warnings and serious warnings is not uncommon in SATURN models. A detailed commentary on those found in the Westbury model is given in WCC/120. The model achieved the necessary DMRB

convergence criteria and it can be concluded that the non-fatal errors and warnings did not compromise the model's validity. The overall model can be confidently employed for an assessment of different traffic scenarios.

### *Scheme Testing*

- 2.56 The preferred bypass alignment was tested for 2009, the defined opening year and 2024, the design year. Both were compared against a scenario with no bypass, the "Do minimum". Figures 4.1 & 4.2 and Tables 4.1 to 4.4 (WCC/SP/2 Appendix A) show 12 hour flows, factored from AM and PM modelled periods using local automatic count data on the A350, in and close to Westbury.
- 2.57 Figure 4.1 and Tables 4.1 & 4.2 show significant reductions in total traffic and HGVs within Westbury as a result of the bypass. The most significant reductions in total traffic (66%) are on the A350 Warminster Road between Orchard Road and Laverton Road. HGVs on this same section are reduced by 88%. This results from through traffic diverting to the bypass. An HGV ban on Station Road almost completely eliminates HGVs (96-98% reduction). HGVs reach the WWTE via the Glenmore Link. HGVs on Haynes Road and Warminster Road would be reduced significantly. The number of all vehicles on Fore Street would reduce from about 19 per minute with no bypass to about 9 with the bypass. These are meaningful thresholds of change.
- 2.58 Figure 4.2 and Tables 4.3 & 4.4 show predicted flows on roads outside Westbury for the Do minimum and bypass options. The impact of the bypass is variable. Notable changes are flows on the A350 north and south of the bypass, which increase, and flows on the A361 which decrease slightly.

### *Journey Time Analysis*

- 2.59 Model comparisons of the time to travel from the A36/A350 roundabout to West Ashton Crossroads are in Tables 5.1 & 5.2 (WCC/SP/2 Appendix A). Via the bypass, northbound journeys save 2 minutes 11 seconds (-19%) and southbound, 2 minutes 23 seconds (-20%). Via Westbury, with the bypass in place, times increase by 21 seconds northbound, 32 seconds southbound, reflecting the town centre measures to maintain low speeds, securing environmental improvements and promoting walking and cycling.
- 2.60 It is agreed that there are existing serious delays for short periods during peak periods at Yarnbrook and to a lesser extent at Steeple Ashton and the A350/A361 roundabout. But it is wrong to suggest that the scheme would worsen these delays. The Glenmore Link will provide an additional high quality road between the A350 and B3097, offering an alternative route to the A363 towards Trowbridge and the A361 towards Southwick. This would be attractive during peak periods to avoid Yarnbrook. The objective of the scheme is not to reduce overall journey times but to deliver environmental and economic benefits for Westbury and improve journey time reliability.

### *Economic Evaluation*

- 2.61 COBA compares costs and benefits of the "Do minimum" with the scheme. The scheme's discounted Net Present Value (NPV) is the difference between Present Value of Costs (PVC) and Present Value of Benefits (PVB). The Benefits/Costs ratio is the BCR. The PVC consists of "Do-something" costs; the PVB consists of benefits in time, operating costs and accident savings. The NPV determines the

relative economic merits of a scheme to assess value for money. Its use with a fixed trip matrix is government policy.

- 2.62 The results (WCC/SP/2 Appendix A) were amended by the MSBC Addendum (CD9.8C) which included a July 2008 updated Traffic and Economics Report. The updates are explained in a position paper provided to Dr Gillham (Gill/105 Annex 1). The updated results are summarised below.

	<b>PVC</b>	<b>PVB</b>	<b>NPV</b>	<b>BCR</b>
<b>Eastern Bypass</b>	32,887	143,442	110,555	4.362
<b>FWR (Option Z)</b>	44,877	125,449	80,572	2.795

*COBA Outputs: All figures in £K at 2007 prices discounted to 2002.*

- 2.63 Subsequently a September 2008 update was undertaken for the FWR with explanation in WCC/138. The results are confirmed below.

	<b>PVC</b>	<b>PVB</b>	<b>NPV</b>	<b>BCR</b>
<b>FWR (Option Z)</b>	48,986	125,192	76,206	2.556

- 2.64 Accidents, personal injuries and fatalities have an economic impact and accident reduction contributes to the COBA economic analysis. Accident benefits included in the PVB for the Eastern Bypass amount to some £14.7m.
- 2.65 The use of COBA was agreed with DfT (WCC/110). The planning application was prepared using the then current version, which has been retained since for consistency.

#### *Induced Traffic*

- 2.66 The modelling used a fixed trip matrix. Any scheme that reduces travel time and costs will, in principle, affect the level of demand for travel. Induced traffic may add to congestion, eroding the benefits. It is essential to consider this and the complementary effect of traffic suppression. The process followed "Variable Demand Modelling – Preliminary Assessment Procedures" in TAG Unit 3.10.1. This was reported in "Variable Demand Modelling – Preliminary Assessment" (12 December 2007) (OBJ/NICOL/A/1), which was updated in May 2008 and reissued in the MSBC Addendum (CD9.8C, Annex 7). The assessment fails the criteria in Unit 3.10.1 at the opening year but meets the criteria at the 10 and 15 future years, thereby satisfying the test and providing a robust outcome. There is no evidence to substantiate that induced traffic will be significant. Also, the cost of a wider area traffic model would be disproportionate to the scope of the scheme. It cannot therefore be justified and is not required.
- 2.67 Assertions that Westbury has high modal competition are unfounded. Weekday traffic flows on the A350 are on average 11 times the number of people boarding and alighting at Westbury railway station (WCC/R/2, Table 1 and Figure 1). WCC's adoption of the low modal competition factor is appropriate

and accepted in assessments sent to the DfT. The 0.3 and 0.5 elasticity factors put forward by Mr Nicolson relate to time switching (peak spreading) which is not applicable outside peak periods. As the Westbury model represents an average hour, not a peak hour, time switching is not an option to use. This accords with DMRB.

### *Conclusions*

- 2.68 The traffic and economic assessment demonstrates that the scheme would generate significant user and non-user benefits. It would attract the 60% of through traffic away from the town centre, reduce accidents and generate benefits over 4 times greater than costs. Access to WWTE would be improved, helping to maintain this major employment centre.

### **Engineering** (Richard Stokes: WCC/P/3; WCC/A/3; WCC/R/3; WCC/CL/3)

- 2.69 Key factors influencing scheme design included: maintaining rights of way connectivity, with enhancement where possible; topography of chalk downlands to the south and clay lowlands to the north, following natural landform as far as possible and integrating features to reduce visual impact; incorporating integral measures to minimise impacts on habitats and species; hydrology and hydrogeology in respect of the protected groundwater source and a brook and its tributaries; and contaminated land where the Glenmore Link crosses backfilled ironstone workings. Spoil would be used for landscaping and to grade into the existing landform, reverting in some cases to agriculture, aiding integration giving social and sustainability benefits.
- 2.70 The scheme conforms to DMRB. Desirable standards have been adopted to provide a safe and comfortable road for drivers. The most economically and operationally acceptable road standard, consistent with other sections of the A350, is a 2 lane single carriageway with a design speed of 100kph, subject to a 60mph speed limit. The Glenmore Link has an 85kph design speed, with a 50mph limit; the B3097 Hawkeridge Road Upgrade and B3098 Bratton Road Diversion have a 70kph design speed, subject to a 40mph limit.
- 2.71 The road comprises a 7.3m carriageway with 2 x 3.5m verges incorporating 1.0m hardstrips. Verges would be widened where necessary for visibility. Side slopes depend on ground conditions and fill material. The carriageway would widen to 10m plus hardstrips for the climbing lane on the hill north and south of Bratton Road. Roundabouts at either end of the bypass are appropriate based on: traffic flow; separation of local and through traffic; changes in traffic direction (particularly through traffic); the number of legs to be connected; and the performance of other junction types along the A350.
- 2.72 The Glenmore Link would be on embankment to bridge the watercourses and railway. Its roundabout with the B3097 Hawkeridge Road/The Ham was chosen to accommodate turning movements and provide continuity along the scheme. The leg connecting to The Ham is designed to highlight a lower classification of road compared with the Hawkeridge Road Upgrade. The existing entrance to WWTE would be replaced by a roundabout, to accommodate traffic flows, to accommodate HGVs and to maintain access to Hawkeridge Farm.
- 2.73 Eleven new structures along the scheme would variously: maintain rights of way; cross or carry existing roads; cross watercourses; cross railways; and maintain wildlife corridors. Chalford Accommodation Bridge and Newtown

Bridge are to be "Green Bridges". Gantries would be provided across the road at bat flight lines.

- 2.74 The scheme passes through Zone 1 of a Groundwater Protection Zone (GPZ) near the Wellhead Underpass, where the vertical alignment is designed to minimise visual intrusion while ensuring that the underpass does not protrude into the groundwater. Throughout the length of the GPZ, 1.0m reinforced earth retaining walls (compliant with DMRB) along the back of the verges would contain errant vehicles within the footprint of a buried membrane. An impermeable membrane would be installed beneath the carriageway and verges and the underpass would be wrapped in it. The membrane specification is at Appendix R/A to WCC/R/3 and further information on its durability is in evidence below (WCC/R/12). Having no major junction in the vicinity reduces the potential for accidents, and spillage risk assessment concluded the probability is about 1 in 25,000 years.
- 2.75 The Glenmore Link would cross low lying farmland that includes 3 minor watercourses. Key design features are bridges with sufficient openings, and flood compensation for that lost by the embankment. Flood prevention and potentially contaminated land are dealt with below (WCC/P/12). All drainage would be within the highway, designed to be unobtrusive and impart landscape and nature conservation benefits; it is in four networks, each collecting into an attenuation pond to restrict runoff and serve as pollution control before discharging to a watercourse.
- 2.76 Road lighting would not be provided along the main carriageway. Conventional lighting would be provided on the Hawkeridge Road Upgrade and at the roundabouts, other than Madbrook roundabout where low level lighting would minimise the impact on a bat flight path.
- 2.77 The deliberate omission of a junction with the B3098 Bratton Road is to safeguard journey time reliability for through traffic and obviate the risk of bypass traffic diverting via the B3098 through villages on a sub-standard road.
- 2.78 Direct uncontrolled access to and from fields accords with DMRB for their predicted low usage. An at-grade crossing for horses and pedestrians on Glenmore Link similarly accords, with flows much below the indicative 8,000 AADT criterion, and it is on the line of the bridleway. Flashing warning signs would be provided. The footpath crossing of HEYW12 satisfies the same criterion. (Traffic flow is significantly below that on the A350 near Lackham and not comparable). WCC also commit to provide safe crossings for horse riders at the Cement Works Roundabout, according with DMRB.
- 2.79 Traffic flow where footpath HEYW15 crosses the bypass at grade is significantly higher than on Glenmore Link, within the DMRB "Potentially Appropriate" range for grade separation; however, in line with DMRB criteria, the limited use of this footpath, in a rural area, makes steps on the embankments and an at-grade crossing acceptable. It would not be obstructed by bat screens and traffic signs would alert drivers to its existence.

### **Construction** (Thomas Chambers: WCC/P/4; WCC/A/4; WCC/R/4)

- 2.80 The construction programme (WCC/A/4 Appendix A) takes account of seasonal constraints, protection to fauna and flora, people and environmental issues. Construction would adopt best practices for excellence in buildability, efficiency, customer care and environmental management; the contractor's Construction

Environmental Management Plan (CEMP) would be subject to WCC's prior approval.

- 2.81 Methodologies and approval process for the Wellhead GPZ would prevent pollution during construction. The highest risk would be while stripping vegetation and topsoil prior to membrane installation; best practice management would be employed. The programme minimises works prior to installation of the membrane; the EA and Wessex Water (WW) are satisfied. WW continually monitor turbidity at the borehole which automatically stops abstraction if necessary. Concrete here will generally be pre-cast with no "wet" concrete poured prior to installation of the membrane. The CEMP would safeguard the GPZ, the River Biss system and the site generally.
- 2.82 The old ironstone quarry on the Glenmore Link is potentially contaminated although none has been identified to date. Rather than remove unknown materials, surcharging would be applied to compact it.
- 2.83 Best practice would minimise the number and impact of additional vehicle movements. Sub-soil cut and fill has been planned to reduce on-site haulage and any associated dust, noise and run-off problem. Local residents would be regularly informed about progress and future works via newsletters, which would invite feedback, enabling the contractor to respond to any concerns.
- 2.84 Trees to be retained would be safeguarded in accordance with British Standard BS5837:2005 *Trees in relation to construction – recommendations*.
- 2.85 Where hedgerows that provide bat flight lines have to be removed, temporary crossings would be erected each night using 2m high fencing panels draped with camouflage netting, and their effectiveness monitored to see if changes were needed. The vast majority of construction would be during daylight. The new railway bridges would require work during track possessions, but task lighting would be agreed with the ecologist to protect wildlife. Given only limited requirements for night working, the road construction could be expected to have less impact than that from regular track maintenance under task lighting.

**Landscape, Visual Impact and Townscape** (Jane Betts: WCC/P/5; WCC/A/5; WCC/R/5)

#### *Policy*

- 2.86 The scheme is not within any nationally designated landscape; about half is within the non statutory Salisbury Plain Special Landscape Area (SLA).
- 2.87 PPS1 seeks to "Enhance as well as protect ... landscape and townscape character." Good design "should contribute positively to making places better for people" and high quality, inclusive design "means ensuring a place will function well and add to the overall character and quality of an area." (para 27ix, 34, 35). The policies address countryside and urban areas as a whole and that is the approach taken in this case.
- 2.88 PPS7 promotes criteria policies and character assessments in preference to generalised area designations. The [then] Countryside Agency (CA) set the national framework for character assessments; WCC have produced The Wiltshire Landscape Character Assessment 2005, and WWDC the West Wiltshire District Landscape Character Assessment 2007. RPG10 (now the RSS) includes Policy EN1: Landscape and Diversity, setting protection and enhancement aims,

themes that are taken forward in the Draft SW RSS<sup>9</sup> at policies ENV1 and ENV2, supporting the landscape character approach.

- 2.89 Structure Plan Policy C9: "Within special landscape areas any proposals for development should have regard to the need to protect landscape character and scenic quality." The prime reason given for SLAs is conservation of the natural beauty of the landscape, however "it is acknowledged that road schemes ... may need to be accommodated" (para 6.37).
- 2.90 District Plan Policy C3: similarly opposes detrimental development in an SLA but accommodates "development essential to the social and economic well-being of the rural community or desirable for enjoyment of its amenities ... having regard to" a number of specified considerations. Policy C6a: aims to protect specific, characteristic landscape features and associated wildlife. Policy C32 seeks the protection and provision of landscaping in connection with development proposals.
- 2.91 The application scheme accords with these policies because:
- Distinctive qualities and features are maintained and as far as possible enhanced where appropriate by native planting (Policies EN1 and C3);
  - The townscape is protected and opportunity created for enhancement of the town centre on removal of through traffic (PPS1 objectives);
  - Landscape character studies inform the assessment (PPS7 and Policy ENV2)
  - Landscape design is integral to the scheme (Policy EN1);
  - Measures are taken to protect the area's character, for example in minimising lighting (Policy EN1);
  - No site of international or national landscape designation is affected (Policy EN1);
  - Loss of existing features is minimised and those to be provided include ponds, hedgerows, individual trees, chalk grassland and areas of native woodland (Policy C6a).

### *Assessment Methodology*

- 2.92 Assessment has been based on DMRB Volume 11, Section 3 Part 5. Stage 3 is the detailed assessment, reported in the ES, for the preferred route. The assessment also takes account of WebTAG Units 3.3.7 Landscape and 3.3.8 Townscape. Other guidance includes "Guidelines for Landscape and Visual Assessment" (Landscape Institute and Institute of Environmental Management and Assessment, 2002). (ES paragraphs 8.7 – 8.21 and Table 8.1; Document WCC/A/5(D)). The assessment looks at the construction and operation of the scheme, landscaping and visual mitigation measures, and focuses on residual effects that cannot practically be further reduced.
- 2.93 A distinction is made between:

**Landscape impacts:** the degree of change upon the physical characteristics or components of the landscape. Together these form the landscape character, for example landform, vegetation and buildings. Landscape effects derive from changes in landscape character.

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<sup>9</sup> This evidence prepared before publication of the Secretary of State's Proposed Modifications, but these retain support for the local character assessment approach



**Visual impacts:** changes arising from the development to individual "receptors" views of the landscape, for example local residents or passing motorists. Visual effects relate to changes in the available views and visual amenity.

**Townscape impacts:** effects on features such as the layout and appearance of built-up areas and the human interaction within them.

### *Landscape Impact Assessment*

2.94 The sensitivity of a landscape or townscape to change depends on its value, condition (or quality) and capacity to accept change; these are not necessarily linked. Value concerns the importance attached to different landscapes, determined by designations, cultural associations, remoteness and importance to local communities and general public. Condition (or quality) relates to the intactness of the landscape, judged by its physical state. A five point scale from Very Good to Very Poor has been used (Document WCC/A/5/D).

2.95 Capacity to accept change depends on: Landscape Character Sensitivity (influences such as landscape pattern and condition, and aesthetic factors such as scale and enclosure); Visual Sensitivity (based on the nature of the change and interaction with visual aspects of the landscape such as general visibility, nature of receptors and mitigation potential) and; Landscape Value. Three categories have been used: Low, Medium and High (WCC/A/5/D).

2.96 The measure of significance of overall effect uses the TAG units' 7 point scale, from Large adverse to Large beneficial (WCC/A/5/B).

### *Visual Impact Assessment*

2.97 Visual effects were assessed during construction, year 1 of opening and year 15 of operation, the last taking into account matured mitigation.

### *Visual Envelope Map (VEM)*

2.98 A Visual Envelope Map (WCC/A/5/A Fig 3) illustrates the extent where the scheme would be visible, broadly bounded by ridges but excluding significant areas resulting from local depressions, intervening ridges, woodland, hedges and other features that would obscure the road and its traffic. Within the VEM, specific viewpoints may be obscured by any of these features. The current VEM updates that in the ES.

### *Visual Receptors*

2.99 Within the VEM receptors were grouped as

High sensitivity: residents, walkers and horse riders on rights of way

Medium sensitivity: passing train passengers on London-West Country line

Low sensitivity: motorists on existing network, farm workers and employees at local businesses.

2.100 The measure of significance of visual impact from a particular viewpoint applies the DMRB 7 point scale from Substantial Adverse to Substantial Beneficial. (WCC/A/5/E)

*Landscape Character*

- 2.101 This is set out more fully in WCC/P/5 Section 5. In brief, the scheme passes from the scarp slope and chalk downland edge to the south and east of Westbury to the rolling clay lowland to the north. Underlying geology of the transition is formation chalk and upper greensand between Madbrook Farm and Bratton Road, rising to 140m AOD in the vicinity of Newtown. The lowland area descends to 50m AOD and includes tributary streams.
- 2.102 The corridor is predominantly agricultural: reflecting the geology, south of Bratton Road it mainly comprises medium sized arable fields defined by hedges, some poor and gappy; north of Bratton Road is a smaller field pattern of mainly pasture enclosed by mainly intact hedgerows. Tree cover is relatively sparse, mainly on some of the chalk escarpment. Copses and tree belts adjoin farms and settlements on the lowlands. The hedgerows are mixed native species. The scarp slopes include rough grassland and some shrubs.
- 2.103 Notable landmarks (WCC/A/5/A Fig 1) include the White Horse, Heywood House, the scarp slope including White Scar Hanging and Beggars Knoll, and the Wellhead Pumping Station. Other, less attractive or detracting features include: the cement works and chimney, West Wilts Trading Estate, Westbury Dairies, overhead power lines traversing the clay lowlands, and the sewage works. The setting and characteristics of Westbury Town, the local transport routes and rights of way are described elsewhere.

*Landscape Character Assessments*

- 2.104 The route passes through two of the CA countryside character areas: 3.7km in the Avon Vales and 2.5 km in the Salisbury Plain and West Wiltshire Downs. The Avon Vales area is a "Wide river corridor with ancient pattern of flood meadows but much influenced by modern development ... Several major roads cut through the area and there is pressure for roadside development. New roads need to take account of the subtleties of landform." The Salisbury Plain and West Wiltshire Downs description in this vicinity includes "where they abut the greensands, clays and limestone of ... the Avon Vales, the predominance of chalk landscapes is broken" (WCC/A/5/F). That is to say, the chalk landscape reduces here.
- 2.105 The WCC Character Assessments: places the scheme corridor within 2 defined landscape types: Greensand Terrace and Rolling Clay Lowland, which are subdivided into character areas, placing the scheme within the Warminster Terraces and the Trowbridge Rolling Clay Lowland (WCC/A/5/G).
- 2.106 The Warminster Terraces are "an open area bounded to the east by the chalk scarp of Salisbury Plain ... the area, although level compared to the surrounding uplands, is more gently rolling than the others in the type and also more affected by settlements with the edge of Westbury to the north ... The slightly more varied landscape, the proximity of settlement and the busy transport corridor make this area less rural and more fragmented than others in the type." WCC's evidence judges the overall landscape condition as *moderate*.
- 2.107 Trowbridge Rolling Clay Lowland is an "undulating rural area of arable and pasture land. Small fields are bounded by hedgerows with mature trees, combined with some woodland and riparian vegetation along the streams. To the west there is more settlement including ... some large scale industrial

buildings and modern housing ... towards Westbury. The western section of this area, which also contains the A350 ... and a concentration of railway lines, is considerably less rural and tranquil than the rest of the area". WCC' evidence judges the overall landscape condition as *good*.

- 2.108 The WWDC Assessment defines 10 character types, subdivided to varying degrees into character areas. The scheme corridor passes through the Westbury Greensand and Chalk Terrace area and the Heywood Rolling Clay Lowland area Fig 7 (Table 5.1A appendix I). Key features of both areas are described in the document. These are generally descriptive of the localities through which the scheme runs, but a more bespoke assessment of the route corridor is presented in evidence as follows.

#### *The Scheme Corridor*

- 2.109 Wellhead Valley (Madbrook to Bratton Road): arable farmland dominated by large scale field pattern delineated by broken hedgerows; occasional minor roads footpaths leading to areas of higher Chalk Downland; influence of the A350 and B3098 and urban edge of Westbury. Throughout this section of the valley all these characteristics are evident. Assessed condition *good*.
- 2.110 White Horse Vale (Bratton Road to A350 west of cement works): combination of small to medium pasture and arable fields; hedgerows in varying condition and woodland belts; influence of cement works and railway corridor. This section of the scheme is dominated by low-lying pasture with a sense of enclosure created by regular fields bounded by hedgerows and woodland belts. Assessed condition *ordinary*.
- 2.111 Bitham Brook Valley (A350 west of cement works to West Wilts Trading Estate): small scale pasture flood meadows contained by intact hedgerows; willow-lined watercourses; influence of urban fringe features including sewage works, railway corridor and West Wilts Trading Estate. A low lying small scale landscape of grazed meadows defined by hedgerows. Influences of past and present day industrial activity dominate this area together with road and rail infrastructure. Assessed condition *ordinary*.

#### *The Designated Landscape*

- 2.112 The Salisbury Plain SLA is by far the largest such designation in Wiltshire (WCC/A/5/Figs1 & 2) Fig 2 . As noted above PPS7 cautions against generalised designations. The weight to be given depends on "... whether the integrity of the landscape and objectives of designation are compromised or not" (GLVIA para 7.43) and whether the designation derived from "a formal and robust assessment of the qualities of the landscape concerned" (PPS7 para 25).
- 2.113 The WCC Landscape Subject Plan consultative draft (1981) promoted the use of SLAs, and the Wiltshire Landscape Local Plan 1986 defined the boundaries, based on: major breaks in slope and any important foreground setting to a change in slope; and change in landscape character. In the vicinity of the scheme, the SLA boundary appears to have incorporated part of the Westbury Greensand Terrace as foreground setting of the Chalk Downland Edge.
- 2.114 As outlined above, landscape character assessment has progressed since, and the boundary is inconsistent with more recent work. It would better follow the current landscape character areas; it is the landscape of Salisbury Plain that

the SLA seeks to protect; it should not include the Westbury Greensand and Chalk Terrace, a transition zone between the downland edge and rolling clay lowland. The existing road network and urban edge are features of this character area and not part of the Salisbury Plain Chalk Downland character.

### *The Changing Landscape*

2.115 The West Wiltshire Character Assessment foresees, in the wider locality, reduced arable field boundaries, expansion at the edge of Westbury, increased visitor pressure, visual intrusion from the A350 and railway corridor, and visually detracting works including the Trading Estate and Cement Works. The scheme too would effect change: altering the character of the Wellhead Valley, fragmenting arable fields to create a landscape more enclosed by hedges and copses, in time enhancing rather than detrimental. And this needs to be seen in context of the benefits to the historic townscape, greater pedestrian priority and encouragement to revitalised shops, streetscape and residential amenity.

### *Scheme Design*

2.116 The scheme has been designed from the outset iteratively and collaboratively by engineers, landscape designers and other environmental specialists. Landscape details are at WCC/A/5/Figs 8.1-8.7 and 9.1-9.7). Mitigation is described in the ES at paragraphs 8.64 to 8.75, including "The key issue in the design of this proposed road is its siting in the landscape. In the first instance a process of avoidance ... with the careful siting and planning ... the alignment is located, as far as possible to observe the contours to reduce cutting into higher ground. The existing landform is respected and used to advantage, for instance the sensitivity of setting the road in the dry valley northwest of Wellhead Springs... Where feasible the road is aligned to avoid significant areas of woodland and vegetation and to follow the existing hedgerow pattern." These principles are illustrated in WCC/A5/Fig 4 and Fig 3.

### *Design Objectives*

2.117 Landscape design objectives are so far as possible to:

Follow natural landform; maintain existing countryside attributes by: retaining existing trees, woodland and roadside vegetation; new planting consistent with local character and enhancing to the landscape; and planting around portals and across structures

Screen properties and other visual receptors by: false cuttings and mounds; minimising visual impact from properties and public rights of way.

Maintain and enhance public rights of way, with new and replacement links particularly in Wellhead Valley

Enhance and protect biodiversity by creating localised areas of chalk grassland and flood tolerant grassland and ponds; integrate bat gantries into receiving landscape

Achieve sustainability; reusing spoil on the scheme.

2.118 The scheme includes: balancing ponds; extensive replacement hedgerows as integral landscape and ecological features; new woodland at key locations; lighting restricted to junctions and in time enveloped by woodland; bridge

approaches generously graded and planted; and surplus roadway replaced with native species. The bridges at Chalfont, Newtown and Bratton Road are designed to minimise exposed concrete. A slim section of the arch would be visible evoking a tunnel portal, with embankment planting taken over the "portal" to give a green bridge appearance. Wildlife mitigation measures are integral with the landscaping. Landscape design is set out in some detail section by section in WCC/P/5 paragraphs 6.11 to 6.17.

- 2.119 From the ES "Where the natural landform does not give optimum screening effect the use of new landforms in the form of cuttings, false cuttings, widened verges and planting have been designed to look natural and appear as an integral part of the landscape". Screening by bunds will be reinforced by planting. The strategy is to recreate a landscape framework of mixed native woodland, trees and shrubs complementing existing vegetation. Details are at WCC/A/5.J. After some 15 years the scheme will be assimilated.

### *Landscape Assessment*

- 2.120 The assessment is set in some detail in WCC/P/5 Section 7. In summary:

Wellhead Valley	
Year 1 – Large Adverse Landscape Impact	Loss of hedgerows; provision of roundabout; loss of vegetation to construct Chalfont Bridge; severance of large scale field pattern; new cuttings and mounding; loss of hazel coppice and hedgerow at Wellhead; construction of underpass with associated gantries and fences; continued fragmentation of fields towards Bratton Road; loss of hedgerow at cut and cover Newtown Bridge. Within Wellhead Valley, 1.2km length between Pumping Station and Newtown Road is contained by topography and existing vegetation, separated from Westbury town despite being only 0.7 km away.
Mitigation	Planting on redundant highway, planting along new road; new hedgerows and woodland characteristic of area; planting around and across structures. Nevertheless, character of locality changed, less open landscape with more significant linear vegetation pattern.
Year 15 – Moderate Adverse Landscape Impact	Maturing vegetation leaves residual effects on changed local character. This does not mean that the landscape character would be less attractive only that it would be different from existing.
White Horse Vale	
Year 1 – Moderate Adverse Landscape Impact	The cutting of the realigned Bratton Road and scheme embankment increase the scale of the road corridor. Sections of four hedgerows would be lost as the road rises on embankment above the railway. The bat screens would be uncharacteristic features. Removal of vegetation and provision of a roundabout would increase the scale of the existing road corridor.
Mitigation	Extensive woodland blocks and belts planted along embankment slopes, matching local character, would help integrate the scheme. Small scale field pattern would be reinstated with hedgerow planting along the road. Standard trees are proposed immediately adjacent to the bat screen and blocks of woodland surround the roundabout, assimilating these features into the landscape.
Year 15 – Slight Adverse Landscape Impact	The planting would be effective in the low lying areas north of Bratton Road. Planting would reinforce the existing field pattern and vegetation cover setting the road within the landscape.
Bitham Brook Valley	
Year 1 – Moderate	The scheme crosses this low lying landscape with loss of some riparian vegetation

Adverse Landscape Impact	to create 3 bridges across the brook tributaries. Balancing ponds would extend the scheme footprint into severed field corners with loss of pasture. Hedgerow and scrub lost at Shallow Wagon Lane and on the Glenmore Railway Bridge embankment. The provision of 2 roundabouts increases the scale of the realigned and existing Hawkeridge Road.
Mitigation	Tree and hedgerow planting would match the well vegetated boundaries of this area. Groups of trees would be located adjacent to the bridges and link with the bat gantries and reinforce the existing vegetation pattern. New hedgerows and other planting would contain the balancing ponds. Blocks of tree and shrub planting are included at field corners and on embankments.
Year 15 – Slight Adverse Landscape Impact	The tree and hedgerow cover would assimilate the scheme into the pastoral landscape. The planting would be effective in reinforcing the existing landscape pattern and would eventually contribute to a sense of coherence with the landscape, which is discordant in places, reducing the landscape impact.

### *Townscape*

- 2.121 The impact on townscape has regard to the TAG 7 point score (WCC/A/5/C). Westbury town, and the adverse impacts from traffic passing through it on the existing A350, are described elsewhere in WCC's evidence. WHA's criticisms of the scheme's impacts on the rural landscape give insufficient regard to beneficial effects within the town from reduced traffic, in particular reduced HGV traffic. As well as being beneficial of itself, the reduced flows would facilitate the scheme's complementary town centre measures (CD4.3/WHA111) improving conditions for residents and visitors, and particular for walking and cycling.

### *Visual Assessment*

- 2.122 Assessed public viewpoints include short (up to 1km); medium (1 to 3 km) and long (over 3 km) distances to the scheme. Viewpoints and photographs are at WCC/A/5 Fig 3 and Figures 10.1 to 18 (as revised at the inquiry). Existing descriptions are at WCC/P/5 paragraphs 8.5 to 8.14. Viewpoints with the scheme are shown on photomontages showing year 1 winter (the worst situation) and year 15 summer with maturing mitigation.

<b>Wellhead Drove (Viewpoint 5 Figures 10.1 and 10.2) Year 15 – Slight Adverse Visual Impact</b>
Road is either in 4 m cutting or contained within mounded embankments which create a 3 m false cutting, screening all but the tops of high vehicles from year 1. The Chalford Bridge would be a hedged extension of existing vegetation, with planting at the portals. The boundary fence would be seen along the road which creates a linear feature following the scarp slope. Over time the planting would mature and screen even high vehicles. The Wellhead underpass, on the route of bridleway West37 would have reinforced earth embankments to retain existing vegetation. Gantries and screen fences would initially be seen, but as an extension of existing vegetation. In the long term the changed view will be the division of the large arable field into two, together with roadside tree and hedgerows, similar to existing features, below the scarp slope.
<b>Newtown (Viewpoint 3 Figures 11.1 and 11.2) Year 15 Slight Adverse Visual Impact</b>
Road located in 3 to 4 m cutting screening all but high vehicles until planting matured. The boundary fence would be the main feature in year 1, appearing as a linear feature extending across an arable field. In time, the planting would become the dominant intervening boundary below White Scar Hanging, following the field pattern and hedges seen in this view. The Newtown Bridge would be visible but at the same level as the existing Newtown Road, and the planting across this bridge would be seen as an extension of existing hedgerows, and

in time planting would integrate the structure in the landscape. In the long term the changed view would be the introduction of a tree and shrub linear boundary feature dividing the large arable field and seen in the mid-ground below the wooded slopes of White Scar Hanging. Newtown Bridge would appear as a clump of vegetation through which Newtown Road passes.

#### Park Lane (Viewpoint 9 Figures 12.1 and 12.2) Year 15 Slight Adverse Visual Impact

The road is on a slight embankment breaking through a block of existing plantation. The cement works access road is at grade, slightly closer to the viewpoint than the main carriageway. Lighting and signage at the roundabout would be visible. This is a flat landscape and the existing broken hedgerow provides some intervening screening vegetation filtering views of the scheme. The new hedgerow along the existing broken hedge boundary would provide reinforcement to the landscape structure and assist in screening vehicles and signs. In the long term planted woodland would envelope the roundabout and become a block of woodland in the clay lowland.

#### Westbury White Horse (Viewpoint 4 Figures 13.1 and 13.2) Year 15 Slight Adverse Visual Impact

From the White Horse, the scheme is in a cutting rising away to the south from Bratton Road. Additional mounding at the bridge would extend screening of vehicles at the crossing. The scheme, embankments and Bratton Road bridge would be visible initially. Extensive planting would envelope the bridge and embankments. Further planting along the scheme would in time integrate the bypass with the landscape and screen vehicles on the raised sections of road. From Bratton Road north the scheme descends to ground level, contained by existing woodland belts, and barely visible from the White Horse. In this lowland area the landscape framework is recreated with roadside planting. From the White Horse the scheme would be seen in a wider landscape including Westbury town and White Horse Business Park, existing road and rail corridors and other detracting features including the cement works and its chimney. In time the scheme alignment would integrate with the existing landscape and appear as a vegetated field boundary characteristic of and following the local field pattern.

#### Wessex Ridgeway (Viewpoint 2 Figures 14.1 and 14.2) Year 15 Moderate Adverse Visual Impact

Much of the scheme is on embankment in the valley. Extended earthworks would accommodate spoil and allow wider verges planted at the higher level. Embankments and vehicles would be visible until 10 to 20 m wide planted belts mature. Gantries at Chalford Bridge, Wellhead Underpass and Bere's Mere would be visible features. These bat mitigation measures would be viewed as extensions or links to existing vegetation across the scheme. The scheme would be seen in the valley below with Westbury beyond. In time planting would screen the majority of vehicles and the alignment of the scheme would be a woodland feature.

#### Bridleway W30 Old Dilton (Viewpoint 1 Figures 15.1 and 15.2) Year 15 Slight Adverse Visual Impact

Madbrook Roundabout is seen at ground level, offset from the existing A350. The road and vehicles would be seen until planting matured on the redundant carriageway area. The road would be seen in a cutting approach to Chalford Bridge, defined by planting. The hedgerow extending over the bridge and planting at its portal would be visible, seen as an extension to existing vegetation and providing integration in time. The section of the scheme in cutting from Wellhead to Newtown would be seen in the distance and in time appear as a vegetated linear feature aligned with the scarp.

#### Bridleway H14 Heywood (Viewpoint 7 Figures 16.1 and 16.2) Year 15 Slight Adverse Visual Impact

An elevated view in which the scheme would be visible in the mid ground at the cement works roundabout and in the distance crossing open field below the scarp south of Bratton Road. The road, on a slight embankment, would be visible breaking through vegetation east

of the roundabout, where signs and lighting would be visible. The existing sparse hedgerow north of the roundabout would be supplemented, breaking up the view of the road. Additional planting would in time screen the roundabout, although lighting would still be seen. The Bratton Road crossing, visible initially, would in time become screened and integrated in the landscape. The road would be in rising from Bratton Road towards Newtown, and the cutting slopes would appear as the alignment swings round below the scarp. In time planting would provide a well vegetated feature maintaining the existing landscape and field pattern.

2.123 By year 15, from most viewpoints the scheme would cause a barely perceptible deterioration in the view. However, from Wessex Ridgeway the degree of change would still be noticeably deleterious even with established landscape mitigation. The overall impact on views is assessed to be moderate adverse.

### *Conclusions*

2.124 When considered together, as they should be, landscape and townscape impacts would in aggregate be beneficial. The evidence presented demonstrates that the scheme satisfactorily answers the relevant matters raised in the call-in letter, and that in landscape terms it is acceptable.

**Planning Policy** (Christopher Simpkins: WCC/P/6; WCC/A/6; WCC/R/6; WCC/SP/6; WCC/R/6.1)

### *The Development Plan*

2.125 A Westbury Bypass has been under consideration for some 20 years and featured in planning policy for the past 10. Detailed policies, for example regarding landscaping, are addressed elsewhere in WCC's evidence. Here the focus is on policies concerning the principle of the bypass and its route. Policies no longer extant in the District Plan generally simply reflected national policies that remain relevant in any event. The current development plan comprises:

*Regional Planning Guidance (RPG)10 for the South West (2001)*

*Wiltshire and Swindon Structure Plan 2016 (2006)*

*West Wiltshire District Plan First Alteration (2004): policies saved by the Secretary of State's Direction September 2007 (relevant saved policies are listed in WCC101/WHA114)*

*Wiltshire and Swindon Minerals Local Plan (2001)*

*Wiltshire and Swindon Waste Local Plan (2005)*

### *RPG10*

2.126 The vision behind RPG10 concerns quality of life for residents and visitors, inevitably balancing environmental and economic objectives in the overall aims and objectives (p13-15). The Bypass is a specific and clearly focused expression of this vision, benefiting the Westbury environment and West Wiltshire economy. Policy SS1 identifies 4, materially different, sub regions: Westbury is in the northern, the main focus for growth. Policy SS3 develops this further, with sub regional objectives including: to strengthen principal urban areas and to aim for greater self containment in towns within commuting distance of Principal Urban Areas (PUAs); to develop and improve sustainable urban and inter-urban transport networks; and to improve transport and economic linkages between economically successful and less



successful parts of the sub region. Consideration is to be given to greater self containment of the West Wiltshire towns, along with other named locations (para 3.9). The Bypass helps meet these several objectives.

- 2.127 Policy TRAN 2, within an emphasis on multi-modal solutions, supports: selective infrastructure proposals to improve the road network's safety and operational efficiency, to reduce congestion and achieve environmental improvements. The Bypass is such a "selective" proposal. Policy TRAN 4 (including Table 6) has specific proposals including: improvements to north-south transport links from Bristol/Wiltshire and the Bath and North East Somerset District to Southampton/Bournemouth/Poole, addressing in particular Bath's World Heritage Status. Its map includes the A350 (M4 to Warminster). It also shows the A46/A36 – M4 to Warminster via the eastern side of Bath, although as below, no scheme on the A350 is likely in itself materially to reduce Bath traffic. As may be expected, the RPG does not identify specific schemes, but the Westbury Bypass accords well with the aims and approach.

#### *The Structure Plan*

- 2.128 The Structure Plan takes its lead from the RPG; its five key elements (para 3.4) include: "in particular, to regenerate the economies of the towns in the western part of Wiltshire". Improved transport links, in particular the A350, are seen as vital. (para 3.3 & 3.10). The Development Pattern policies principally concern new development (not regeneration) but even so supporting text (para 4.23) pursues regeneration of the western towns and the need to improve the A350, including a reference to Policy T12, where supporting text (paragraph 5.40) identifies the Bypass as "selective infrastructure" in the terms of RPG10.
- 2.129 Policy T12 identifies just three selected non-trunk road schemes throughout Swindon and Wiltshire, all on the A350: the Westbury Bypass as being already in the LTP; Yarnbrook/West Ashton and Melksham for "further study"; and proposals at Salisbury to be "supported". Westbury is top of a very short list. The Key Diagram (following p169) depicts the Bypass east of the town, which carries weight since it could have used less specific notation as at Yarnbrook/West Ashton. Policy T12 also directly ties A350 improvements back to regeneration. The Bypass was sufficiently advanced to have been included as a firm proposal even though (para 5.37) implementation depends on funding and planning permission.
- 2.130 Another key Structure Plan element (para 3.4) seeks to reduce the need to travel and gives increased emphasis to cycling and walking. This does not reduce the importance of the regeneration element; the two go together, as they do in the WWSTS and LTP. Another key element balances economic diversification with environmental interests. This probably refers to agricultural diversification but even so the principle is a general one, and in regard to the Bypass the key aim of regeneration deserves significant weight. In all the Structure Plan offers considerable policy support to the Bypass.

#### *The District Plan*

- 2.131 The District Plan was prepared having regard to RPG10 and the now superseded Structure Plan. However the latter had relevant policies very similar to those in the current Plan. The Secretary of State has saved Policy T1a relating to the Bypass, and there is no proposal to review the safeguarded

eastern corridor. As in the Structure Plan a principal aim of the District Plan is regeneration of the West Wiltshire towns (para 1.5.2).

- 2.132 Policy T1a proposes an eastern bypass; paragraph 3.4.3 identifies environmental and economic benefits and refers to the BB2SC study (which has since concluded). The Proposals Map shows the route as a narrow indicative corridor, which is safeguarded. Paragraph 3.4.3 continues: "The route and other alternatives will be subject to full examination through the development control and inquiry process." In essence this means that whether the decision maker is the local authority or Secretary of State, alternatives should be addressed. The called-in application closely follows the District Plan alignment; alternatives are considered in the ES, in the application Committee Report (para 92-97), and in evidence to the inquiry. The policy requirement has been met.
- 2.133 Inevitably the alternatives are less detailed than the scheme. The purpose cannot be, in effect, multiple applications and ESs. The exercise is, correctly, on a different level from the application, to answer the question: is there an alternative that is so demonstrably superior in terms of the general balance of harm and benefit that as a material consideration in conjunction with others, a refusal of planning permission is justified? The answer is no: of the two main options, on balance the eastern route is adjudged preferable as summarised in the ES (para 3.63).
- 2.134 Policy T1a supporting text also refers to funding. Safeguarding the route could be interpreted as conditional on the unsuccessful 2003 bid. Counsel's view referred to in the committee report was that it would be wrong to take a highly technical approach to the wording; as there was a likelihood of funding the route still had the protection of the policy. This must be correct; the intention was plainly to avoid safeguarding a line were there no realistic prospect of proceeding. Based on the current funding status (below), and advice in PPS12, the route remains safeguarded.

#### *The Waste and Minerals Local Plans*

- 2.135 Wiltshire and Swindon Waste Local Plan includes Policy 10, which would require a waste audit were surplus material to be taken off site. As there will be a balance of cut and fill this does not arise. Similarly there is no conflict with the Minerals Local Plan as the scheme does not prevent or adversely affect mineral extraction or associated operations. There is no objection from either relevant Authority.

#### *Conclusions on the Development Plan*

- 2.136 At regional and strategic level the Bypass has substantial principled support for economic and environmental/amenity reasons. This is not a scheme aimed at increased traffic capacity but rather a key consequence of regeneration strategy. More specifically, there is policy support for an eastern route. The application accords fully with the provisions of the development plan. Of course it remains possible that a decision maker might conceivably conclude that other material considerations outweigh the strong principled support in the development plan, and that these other considerations could conceivably conflict with specific individual development plan policies. In this the application is no different from any other that accords in location and principle with a development plan, but must still be subject to detailed scrutiny on its merits.

*Draft Regional Spatial Strategy*

2.137 The Draft SW RSS and EiP Panel Report (CD2.2 & CD2.4) were available prior to this inquiry. During the inquiry, the Secretary of State's Proposed Modifications were published. WCC will be responding corporately directly to GOSW within the consultation period. WCC evidence to the inquiry on the Draft and Panel Report is in WCC/P/6 p22 -28. The Proposed Modifications comprise a schedule of change and reasons, the consolidated draft including proposed changes and a covering letter from Baroness Andrews (the "Schedule of Reasons", "revised Draft" and "SoS letter") (CD2.4.1; CD2.4.2; CD2.4.3).

2.138 As the SoS letter indicates, the basic structure of the Draft is retained and the Panel's broad approach followed, notably using Housing Market Areas (HMAs) as the principal sub regional division. Housing requirements are emphasised (seeking an immediate partial review) as is necessary infrastructure provision. On transport, the main changes are to include clear aims and objectives for the RTS and to adopt corridor management policy. A general feature is a reduction of detail, a "broad brush" feel with an emphasis on regional strategy including more general policy statements and consolidated policies.

2.139 The revised Draft introduces an overarching Policy CSS "the Core Spatial Strategy:

*Across the region, provision will be made to:*

*Meet identified housing and community needs;*

*Improve connectivity, accessibility and the functional efficiency of places; and*

*Enhance economic prosperity within environmental limits.*

*To accommodate and manage growth in the most sustainable way, most new development will be provided for at Strategic Significant Cities and Towns (SSCTs) Provision for more limited development will be made at market and coastal towns and in small towns and villages where this will increase self-containment and provide stronger communities.*

*The Regional Transport Strategy will seek to improve connectivity within the region and between the South West and other regions, while reducing congestion and the rate of growth of road traffic and reducing negative impacts of traffic on the environment."*

2.140 The Bypass fits well. It meets an acknowledged community need to remove traffic from Westbury; improves connectivity between the West Wiltshire towns and beyond; and promotes economic regeneration with full regard to environmental considerations. The revised Draft retains themes of connectivity and self containment, within a higher level of policy resolution.

2.141 Sub regional HMAs include all SSCTs. The submission draft was based on strategy areas involving one or more SSCT, and also included "other SSCTs" including Trowbridge and Chippenham, subject to separate policies. They were distinguished in this way as main centres within a collection of small to medium sized towns (para 4.2.62) Concentrating development in the general area, but focused on the two towns, was seen as maximising economic and regeneration benefits and developing balanced sustainable communities. In the Revised Draft the SoS deletes various individual policies and places the SSCTs under broader headings consistent with the "broad brush" approach.

Trowbridge is now grouped with Bristol, Bath and Weston super Mare under Policy HMA1 and Chippenham with Swindon under HMA2. These changes (schedule of changes pp 75-81) simply restructure this section of the RSS; neither the Panel nor SoS express concern or qualification regarding the underlying approach in the submitted Draft, centred on Trowbridge and Chippenham. Revised Draft paragraph 4.1.18 retains the reference to West Wiltshire towns in a similar form to that recommended by the Panel.

2.142 The revised Draft recasts the transport section more recognisably as an RTS and introduces "corridor management". Paragraph 5.1.3 again emphasises connectivity at all levels, making urban areas work effectively and improving accessibility to jobs and services. Again the Bypass meets these objectives.

2.143 Corridor management in revised Draft Policy RTS1 distinguishes (unlike the Panel) between those of national and regional importance. Priority to curbing congestion is given to national corridors. Of the regionally important corridors, that referred to by the Panel as Bristol/Bath to South Coast is modified and referred to as Bristol/Bath to South Hampshire. Paragraph 5.1.15 and the associated diagram include the A36/A46 in this corridor but not the A350 from Warminster to the M4. The reason (schedule p193) given is:

*"This corridor has been introduced to give greater specificity. The Bristol/Bath to South Coast Study highlighted the greater significance of the corridor between Bristol/Bath and South Hampshire (in terms of road traffic flows and average trip lengths) than the corridor between Bristol/Bath and South East Dorset or Weymouth/Dorchester. The corridor between Bristol/Bath and South Hampshire is also more multi-modal as it is served by a direct rail service for its entire route.*

*The single broad corridor between the West of England and South East Dorset and South East Dorset to Swindon recommended by the Panel at paragraph 5.60 is rejected as this does not give a sufficient level of specificity to assist in determining the priorities for managing the transport network."*

2.144 The revised Draft has a single "broad brush" Policy RTS1 for all corridors, setting out a range of measures, including demand management and capacity enhancement. Policy RTS4 deals with freight and promotion of the Primary Route Network (which includes the A350) for use by HGVs.

2.145 About 80 specific infrastructure schemes are deleted contrary to the Panel's recommendation. The reasons are in the schedule, associated with each HMA. The main justification, however, is in the SoS letter, including:

*"The Proposed Changes amend the overarching policy in the draft RSS on infrastructure to ensure that the policy is sufficiently focused on regional and sub regional infrastructure and to enhance its clarity. However, the Changes do not included detailed proposals on infrastructure as further work is required to assess infrastructure needs and priorities. It may, therefore, be helpful if I expand on the importance of clarifying urgently how we can improve the robustness of the region's assessment of the infrastructure needed to successfully deliver the RSS; how it will be prioritised, funded and delivered; and how it will be provided in step with development and population and economic growth."*

2.146 The letter then resoundingly endorses the Region's approach to RFA before referring to the wide scope and complexity of necessary infrastructure, well

beyond the RFA process. *"... as the RSS is concerned with policy matters of regional and sub regional significance, we will need to ensure that consideration of related infrastructure avoids a level of detail more appropriate to Local Development Frameworks or other, more detailed strategies."*

Contrary to WHA evidence, there is no suggestion of dissatisfaction with the RFA process, quite the reverse.

- 2.147 The Bypass was not in the original list but is firmly embedded in District Plan saved Policy T1a. The BB2SC study viewed it as a "local improvement"; its justification as a free standing scheme is therefore not affected by Revised Draft changes to the A350's regional significance. Contrary to evidence for WHA there is no evidence in the emerging RSS that "capacity expansion of roads is seen as a measure of last resort" (infrastructure may need to be provided earlier if homes and jobs are to be delivered) or that measures in Policy HMA1 or RTS1 are sequential or hierarchical. Nor should the emerging RSS be used as a basis for interpreting the existing RPG10.
- 2.148 It was the Panel not WCC's evidence that placed the A350 and M4 in the same list, according them equal policy status. The revised Draft splits transport corridors into national and regional importance, against an increased emphasis on inter regional routes and servicing growth at SSCTs. The approach to the A350 should be seen in the context of the higher level policy approach and does not result in the Bypass being in conflict. As the WHA acknowledge the A350 remains part of the Primary Route Network promoted by Policy RTS4 for use by HGVs in preference to other roads. The Policy expressly refers only to maintenance but needs to be read in conjunction with the new overarching Policy CSS, which amongst other things refers to improving connectivity, accessibility and functional efficiency of places and reducing the negative effects of transport on the environment. The Bypass is wholly compliant.
- 2.149 It is hardly surprising that the Bypass does not feature in Policy HMA1, aimed at housing growth. It is firmly rooted in Policies CSS and RTS4. It should be borne in mind that the Bypass was an EiP topic, when the Westbury Bypass Alliance (now part of the WHA) produced detailed objections along the lines of those at this inquiry. Either the Panel or the SoS could have endorsed these objections, but neither has done so.
- 2.150 The revised Draft is material to the policy framework, most notably regarding the A350 and the approach to infrastructure, but there is nothing in the Panel Report or revised Draft to indicate that the Bypass is in any way inconsistent with emerging policy. It seems clear that the SoS is seeking a higher level RSS, with a main objective of facilitating and promoting development and supporting infrastructure in the light of Government aims to increase house building rates.
- 2.151 Unless the SoS issues further Proposed Modifications, the emerging RSS has reached its penultimate stage to approval, and has significant weight albeit still potentially subject to change. In fact the only RSS finally approved to date (East of England May 2008) was subject to a second set of proposed modifications and significant final changes when approved. It is plain from everything above that the Bypass cannot prejudice "the scale, location or phasing new development" being addressed in the emerging RSS, so there can be no issue of prematurity (PPS1 paragraph 17). As such the application can be determined in accordance with the current development plan, with emerging regional policy as a further positive material consideration.

*The West Wiltshire Local Development Framework*

2.152 The LDF will in time replace the District Plan (WCC/P6/Appendix B). A consultation Core Strategy Issues and Options Paper (December 2007) envisages Westbury with the Bypass (p30,41). Its vision for Westbury includes "... an improved town centre environment with viable local shops..." (p10).

*Government Policy*

- 2.153 **PPS1 Delivering Sustainable Development** paragraph 34 has social, environmental, natural resources and economic objectives. As already set out, the Bypass contributes to each of these.
- 2.154 **PPS1 Supplement on Climate Change** primarily steers planning policies, but indicates that in the determination of planning applications, the PPS could supersede extant development plan policies if these are inconsistent with it. In this case the scheme is a comprehensive response to principles of sustainable development, fully reflected in the existing and emerging development plan, which provide a robust basis for appraisal.
- 2.155 **PPG4 Industrial and Commercial Development and Small Firms.** Although not yet revised since 1992 it still reflects policy, albeit now more balanced against environmental considerations. The scheme complies by providing enhanced access to major employment areas and wider regenerative benefits.
- 2.156 **PPS6 Planning for Town Centres** underpins aims to improve town centres and specifically provides support for regeneration of market towns (para 2.61), which is particularly relevant as the scheme will bring significant economic, social and physical benefits to Westbury.
- 2.157 **PPS7 Sustainable Development in Rural Areas.** Paragraph 1 restates PPS1 principles of sustainable development and identifies 5 further principles including "accessibility", of particular relevance. Paragraph 2 concerns sustainable patterns of development and 5 concerns economic activity. Again the scheme complies. As may be expected, these positive supports have to be seen in the context of aims to protect the countryside, where the scheme will plainly have an impact, but one that has been kept to a minimum in the overall planning balance.
- 2.158 **PPS9 Biodiversity and Geological Conservation.** The issues are mainly in specialist evidence reported elsewhere, but again a balance needs to be struck: the first stated Government Objective is "To promote sustainable development by ensuring that biological and geological diversity are conserved and enhanced as integral parts of social, environmental and economic development ...". That is what has been done in drawing up the scheme.
- 2.159 **PPG13 – Transport.** Again transport is mainly addressed in specialist evidence, and as the PPG predates the development plan it provided the background to those policies. The key objectives (para 4) to promote sustainable transport choice for people and freight, and accessibility by public transport, walking and cycling, are met by the scheme and its associated town centre measures. Although PPG13 is largely directed to planning policies that encourage alternatives to private cars and commercial vehicles, paragraph 5 continues "The car will continue to have an important part to play and for

some journeys, particularly in rural areas, it will remain the only real option for travel." Development plan policies are therefore entirely reasonable in selectively supporting the Bypass, in a rural area, while taking on board the overall emphasis in PPG13.

- 2.160 **Department for Transport Circular 02/2007 – Planning and the Strategic Road Network.** Although primarily concerned with the HA network, it includes general principles at paragraphs 6, 7 and 8, including "The successful delivery of growth and regeneration objectives in any development plan relies on the provision of infrastructure to ensure the foundations for successful development. This provision needs to be planned on the basis of informed knowledge of what is likely to be practical and affordable." The Bypass is such a proposal, fundamental to development plan regeneration strategy. It is practical and affordable at the regional (RFA) and local (LTP2) levels to a high degree of certainty.

*Other Transport Documents*

- 2.161 **The Wiltshire Local Transport Plan 2006/7-2010/11** (LTP2 CD2.10) is the mechanism through which WCC receives funding. The Bypass is promoted in the context of the Western Wiltshire Sustainable Transport Strategy (ch12), prepared under Structure Plan Policy T1 (and para 5.6). It seeks "To balance population growth with job opportunities by creating an efficient transport, education and training infrastructure to encourage new inward investment. In turn, to reduce reliance on surrounding areas for employment, education and service and retail opportunities, thereby reducing journey distances and enabling travellers to utilise more sustainable modes of transport."
- 2.162 The Bypass is a key component of this integrated multi-modal approach that also reflects development plan self containment principles. The road is promoted as a major scheme (para1.3.1), noting that it was not approved for funding under LTP1 but referring to its prominence in the regional priorities (Implementation Plan with the draft RFA), so that WCC will "... seek to develop the scheme to the maximum state of readiness ...". LTP2 includes a position statement with Bath and North East Somerset Council on the A36/A46, in essence the prospect of additional traffic management in and around Bath including possible prohibition of long distance lorry movements that "... displace some traffic onto the A350...". It goes on to confirm that WCC will object to such measures at Bath until measures on the A350, in particular the Westbury Bypass have been implemented.
- 2.163 This joint statement appears to have prompted the EiP to propose a review of the BB2SC study (TRANS7E) (CD2.4). This would be highly unlikely to conclude that the need for a Westbury Bypass has diminished; restrictive measures around Bath would be likely to increase A350 traffic as foreseen by WCC. LTP2 is thus highly supportive of the scheme, setting it in a multi-modal, sustainable strategy and a vision wholly consistent with existing and emerging policies.
- 2.164 **Bristol/Bath to South Coast Study** (BB2SC) (CD4.1) This multi modal study was concluded just some 4 months before final adoption of the District Plan in 2004, too late for its findings to be incorporated although it is referred to (para 3.4.3). Although not strictly a policy document it has a close connection. Paragraph 6.20, whilst recognising that a Westbury Bypass would do little to reduce A36 traffic, recommended that it "... be approved as a local

improvement measure for the town with complementary traffic calming in order to improve the town centre, improve the local commercial and town centre environment and encourage use of the bypass." Again, environmental improvement and regeneration in the context of a local scheme.

*West Wiltshire District Plan 1<sup>st</sup> Alteration – Inspector's Report*

2.165 Objectors have raised this matter. Although accepting the principle of a Westbury Bypass, the Inspector recommended (WCC/P/6/Appendix C) that the route be reconsidered in the light of the BB2SC study (at the time not completed) and other concerns. The District Council did not accept this recommendation, gave reasons, adopted the Plan as it is now, and this was not challenged. The Council's non acceptance of the Inspector's recommendations is now immaterial<sup>10</sup>.

**Alternatives** (Stephen Boyle: WCC/P/7; WCC/A/7; WCC/R/7; WCC/CL/7)

2.166 Alternatives considered by WCC included non-bypass options, western routes and eastern routes. The report by consultants in 1990 (CD4.2), the Westbury Planning Conference in 1998 (CD9.5) and the BB2SC in 2004 (CD4.1), together with various other study reports, all found that improvements to public transport and/or rail services would not address the objectives of improving the A350 north-south route, would not improve transport links to industrial employment areas and would have little effect in helping relieve traffic problems in Westbury. Each recommended a Bypass, within a package of measures.

2.167 Proposals for the Western Wiltshire Sustainable Transport Strategy (WWSTS) (CD2.11) were developed as part of the Wiltshire LTP1 2001/02-2005/06 (CD2.9). WCC considered a broad range of proposals across all transport modes. Improvements to public transport, walking and cycling could not realistically address problems caused by high traffic volumes and HGVs. WWSTS promoted a package of measures including improvements for pedestrians and cyclists in the towns, improved rail and bus infrastructure, and road schemes at Semington and a bypass at Westbury.

2.168 Buildings and a tortuous alignment prevent any on-line improvement of the A350 through Westbury. Traffic calming or other traffic management would not significantly reduce flows. Reducing speeds would benefit safety but worsen air quality, congestion, journey times and vehicle operating costs.

2.169 Nor is there any direct alternative to the A350 in West Wiltshire. The only other nearby main route is the A36, and its increased use would have significant environmental consequences for Bath and would not accommodate local and intra-regional trips which constitute the majority of journeys at Westbury. For this and other reasons, the A36 cannot provide a viable alternative to an A350 Bypass.

2.170 Consideration of Inner and Outer Western Routes (Figure 1 WCC/A/7) showed that they were inferior and more costly than the current proposals. The Inner would be effective in removing through traffic from the town. But it would be expensive: bridges to cross the railway; engineering works at the lakes near

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<sup>10</sup> WCC/P/6 paragraph 4.58 – 4.70 addresses that Inspector's points. These cannot now affect the standing of the District Plan and are in any event topics explored at my inquiry.



the station; and a high level crossing or large roundabout on the A3098 at Westbury Leigh, demolishing a substantial number of properties. Traffic noise and visual intrusion would severely affect Westbury Leigh and Dilton Vale residents, particularly in the small valley south of Westbury Leigh. The Outer would also be effective at removing traffic from the town, but being longer than the Inner Western and Eastern routes, it would be more expensive than either. A considerable length would be within the River Biss flood plain, and it would cause impacts south of the railway similar to Inner Route. Accordingly, the Planning Conference in 1998 rejected both routes, as subsequently confirmed in a 1999 review (CD1.1 Part A Technical Statement Appendix C).

- 2.171 The Far Western Route (FWR) (Figure 2 WCC/A/7) emerged from the Planning Conference. Subsequent study found that it would be less effective than the other options at reducing traffic in Westbury although it would be better at doing so on the A361. It would increase A36 traffic, requiring extensive improvement to the trunk road, and also attract traffic through the village of Berkley. It would impact on otherwise unspoilt countryside, causing significant visual and noise impacts to the local community and environmental impacts on water courses. It is inferior to an Eastern Route in cost and economic return.
- 2.172 The application scheme optimises environmental impacts, including views from the White Horse and residential amenity on that edge of town, with an economically viable route, effective in removing through traffic, serving WWTE and West Wiltshire Towns in the A350 corridor. An Eastern alignment closer to the town would reduce landscape impact but significantly increase impacts on residents, particularly those at Bitham Park, Newtown, Studland Park and Wellhead Drove. A route further from town would potentially reduce residential impacts but would be on steeply rising ground beneath the Wessex Ridgeway with significantly more impact on landscape, including SSSIs.

#### *Glenmore Link Variation*

- 2.173 The Ham Road Residents Group (HRRG) and Heywood Parish Council (HPC) oppose the Glenmore Roundabout as increasing traffic on The Ham and being visually intrusive. In fact, traffic evidence shows that there would be an all-vehicle reduction of about 9% on The Ham, while the HGV restriction on The Ham would remove up to a further 240 vehicles per day, resulting in a total reduction of 13%.
- 2.174 Figure 8.2 of the ES (CD1.1e) shows much of Heywood Parish within the zone of visual influence although only the most northerly part of The Ham. Figure 8.4L assesses Glenmore Farm as subject to moderate adverse visual impact and 11 properties on Hawkeridge Park to slight visual impact. Modern highway lighting would substantially reduce light pollution compared with orange sodium lamps still prevalent generally. The overall assessment is that the impact would be slight adverse. Existing roadside hedges and trees and new mounding and planting will limit visibility of the new lighting, increasingly so as the planting matures.
- 2.175 The variation, drawn up by WCC (Figure 1 WCC/R/7), re-aligns the Glenmore Link from just east of the railway bridge to pass to the east of an existing sub-station before reaching the Hawkeridge Roundabout. A "T" junction on Glenmore Link, with a link to Hawkeridge Road near Glenmore Farm, would replace the roundabout. Turning traffic flows would require a right turn ghost island on Glenmore Link and the junction would need to be lit. The traffic

model shows that any change in traffic would be insignificant. The variation includes over 500m of road in open land east of Hawkeridge Road, crossing a substantial area of mature vegetation in a former railway cutting, one of the larger areas of visually significant vegetation at this location and an important reptile habitat. In comparison, the scheme Hawkeridge Road Upgrade uses existing highway corridor, minimising land take and severance. The variation's disadvantages are not outweighed by any advantage addressing the concerns.

#### *Mr Brakspear's Alternative*

- 2.176 Mr Brakspear's alternative includes a tunnel under the town centre. He developed variations during the inquiry in response to WCC's comments, but none materially change 8 fundamental disadvantages: poorer access to industrial areas; poorer access to the town centre; reduced potential to improve the town centre environment; extensive property demolition; unacceptable risks in terms of safety; limited economic benefit; disposal of excavated material along existing roads; and construction impacts on existing infrastructure and on town centre amenity.
- 2.177 Access to the town centre would be via existing roads, many of which are residential. Up to 60% of existing traffic would be diverted to these routes. This fails to achieve the fundamental objective of relieving the town centre of traffic as any relief would be offset by increased flows on adjacent, less suitable routes. It would not contribute to any reduction in pollutants within the town and would make movement more difficult in all but the core area. The bored tunnel is estimated to cost over £60m. A cut and cover tunnel would require more extensive demolition and any reduction in construction cost could be outweighed by property acquisition. A large volume of excavation would need to be taken out of town using existing roads. Mr Brakspear's alternative would have a negative economic return. It is not viable and WCC would not pursue it.

#### **Air Quality** (Mr Smyth: WCC/P/8; WCC/S/8; WCC/A/8; WCC/SP/8; WCC/SP/8.1; WCC/112; WCC/136A)

- 2.178 WCC's evidence was given before the understatement of HGVs in the traffic model had been confirmed. Consequently, Tables 6.1, 6.2, 6.4 & 6.5 in WCC/P/8 were later replaced by Tables 1 to 4 in WCC/SP/8.1. Tables 1 to 4 were also in Section 4 of WCC/112 with one column heading corrected to clarify that % differences related to the relevant annual mean Air Quality Standard (AQS) and not a simple % change between 2 scenarios. Where appropriate, assessments from WCC/112 have been adopted in the following text.

#### *Assessment of Local Effects*

- 2.179 The assessment concentrates on residential locations where people are likely to be exposed over extended periods. Of the different polluting traffic exhaust emissions, nitrogen dioxide (NO<sub>2</sub>) and fine particles have most impact on human health. Legislation and policy is set out in detail in Section 3 of WCC/P/8 with a summary of relevant air quality limit values and objectives in Table 3.1.
- 2.180 A section of A350 Haynes Road and Warminster Road is a designated Air Quality Management Area (AQMA). An Air Quality Action Plan (AQAP) in 2005 set out measures aimed at improving conditions, focusing on provision of the

bypass together with a number of generic measures. Monitoring does not show evidence to support suggestions of decreasing NO<sub>2</sub> concentrations. At a number of locations, the data indicate that the annual mean AQS objective of 40µg.m<sup>-3</sup> is being exceeded.

- 2.181 A detailed dispersion model has been used for the quantitative assessment of NO<sub>2</sub> and of particulate matter with a mean aerodynamic diameter of less than 10µm, PM<sub>10</sub>. Modelled contributions from traffic were combined with urban background concentrations and compared to relevant criteria. The 24 sensitive receptor locations<sup>11</sup> were selected at representative properties where AQS objectives apply and changes in pollutant concentrations are expected to be greatest. Magnitude and significance impact descriptors are based on the National Society for Clean Air's guidance; assessments were for the scheme opening year of 2009 and the design year, 2024.
- 2.182 Outside the AQMA, annual mean NO<sub>2</sub> concentrations are predicted to decrease at 10 receptors in the opening year and design year and increase or remain the same at seven. In the opening year, NO<sub>2</sub> effects associated with the scheme range between an extremely small increase to a large decrease. The significance is either negligible or slight beneficial and this remains so in the design year. Within the AQMA, annual mean NO<sub>2</sub> concentrations are predicted to decrease at all receptors modelled. The significance in the opening and design years is slight.
- 2.183 A model verification suggests that it might be under-predicting the scheme's effects, and it may be appropriate to apply a correction factor to the results. However, there is insufficient information to derive such a factor and if applied, it would be likely to reinforce the conclusions derived.
- 2.184 Predicted annual mean PM<sub>10</sub> concentrations in the opening and design years are below the annual mean AQS objective of 40µg.m<sup>-3</sup>. The magnitude of change as a result of the scheme is in the range extremely small increase to a very small decrease and the significance is negligible. Particles with a mean aerodynamic diameter of less than 2.5µm, PM<sub>2.5</sub>, are potentially more hazardous than larger particles. Although it is not possible to predict PM<sub>2.5</sub> concentrations directly, it is typically present at about 60% of the PM<sub>10</sub> concentration. The reduction target of 15% applies at urban background locations away from the local influence of emission sources and applies to ambient concentrations only. As the scheme has a negligible effect on ambient concentrations of PM<sub>10</sub>, it will have no effect on the local authority's ability to meet the PM<sub>2.5</sub> target.

### *Assessment of Regional Effects*

- 2.185 WCC acknowledge an error in link information for part of the A350 south of Westbury in the Do Something scenario which affected the results of the analysis reported in Table 13.18 of the ES. A corrected Table 13.18 is in WCC/SP/8, which predated confirmation of the understatement of HGVs in the traffic model. The calculations are based on 2 different versions of the DMRB model which now reports emissions as carbon equivalent rather than carbon dioxide. Although the results are not directly comparable, the updated calculations show a small reduction in carbon monoxide and hydro-carbon emissions and an increase in oxides of nitrogen, particulates and carbon

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<sup>11</sup> Figure 3, WCC/A/8

dioxide. These increases are for a relatively small section of the highway network covering the area surrounding Westbury and illustrate a redistribution of emissions from routes within the town to the scheme. The total quantities are very small.

### *Carbon Emissions*

- 2.186 The treatment of greenhouse gases has evolved over recent years. TAG requires establishing the cost of emissions over a 60 year period using the social cost of carbon. The increase in carbon emissions in the opening year is 385 tonnes. There are many limitations to carrying out an assessment over 60 years, not least traffic predictions, fuel types and fleet mix. However, the approach does input a monetary cost in the scheme's economic evaluation. In the MSBC, carbon emissions are assumed to increase from 2009 to 2024 and then remain constant. The Net Present Value (NPV) is £-924,476. If carbon emissions remain constant throughout the period, the NPV becomes £-817,946. Similarly, assuming carbon emissions remain constant but replacing the social cost of carbon with the shadow cost, the NPV would be £-1,219,769.
- 2.187 WHA consider that the Do minimum scenario should not be predicated on the extrapolation of current trends but should assume that committed policies are successful in reducing carbon emissions. Be that as it may, any resulting change in the Do minimum would apply equally to the do something.
- 2.188 WHA estimate additional CO<sub>2</sub> emissions for 100 rigid HGVs travelling an additional 10km are about 168 tonnes each year. For articulated vehicles, the same calculation would be about 420 tonnes. WCC's estimate of the increase in carbon equivalent (85 tonnes) due to the doubling of HGVs converted to CO<sub>2</sub> is about 312 tonnes, well within the range suggested by WHA. Their hypothesis that there will be 20% of traffic induced in 5 to 10 years after opening would, in a worst case, suggest that the increase in carbon emissions associated with the bypass and including induced traffic would be about 1,269 tonnes. This would represent about 2.7% of the road related carbon emissions in West Wiltshire.

### *Assessment of Effects on Designated Sites*

- 2.189 The effect on air quality across a grid of locations at two nature conservation sites has been assessed in accordance with the DMRB. This requires that consideration be given to the sensitivity of species where the contribution from the scheme increases annual mean predicted NO<sub>x</sub> concentrations by at least 2µg.m<sup>-3</sup> and the total predicted concentrations are very close to or exceed the criterion for the protection of vegetation (30µg.m<sup>-3</sup>). Critical loads for the deposition of nitrogen are dependent on aspects of the habitat including the nature of the surface and its sensitivity to changing deposition rates. Effects are potentially significant if the increase in deposition rate is more than 1% of the relevant critical load.
- 2.190 At Upton Cow Down, predicted concentration increases in NO<sub>x</sub> are not considered to be significant and resulting levels remain well below 30µg.m<sup>-3</sup>. The maximum and average predicted N deposition rate at all receptors are either within or below the critical load range of 15-25 kg.N.ha<sup>-1</sup>yr<sup>-1</sup> applicable at this site in 2009 and are predicted to fall below the range in 2024.
- 2.191 At Picket and Clanger Wood, maximum predicted annual mean NO<sub>x</sub> with the scheme is above 30µg.m<sup>-3</sup> in 2009 and 2024 and the greatest increase is

above  $2\mu\text{g.m}^{-3}$ . This occurs at 3 grid locations in 2009, all at the edge of the site in the "road verge zone" adjacent to the existing A350, and at 2 locations by 2024. Natural England advise that air quality effects within 10m of a road should not be considered as the environment is different and influenced by other factors. Excluding the roadside locations, maximum predicted annual mean  $\text{NO}_x$  is  $29.97\mu\text{g.m}^{-3}$  in 2009 and  $25.41\mu\text{g.m}^{-3}$  in 2024, both below the  $30\mu\text{g.m}^{-3}$ . The maximum increase in predicted annual mean  $\text{NO}_x$  concentration is  $1.96\mu\text{g.m}^{-3}$  in 2009 and  $1.53\mu\text{g.m}^{-3}$  in 2024, both below  $2\mu\text{g.m}^{-3}$ .

- 2.192 The maximum and average predicted N deposition rates at all receptors are above the critical load range of  $10\text{--}15 \text{ kg.N.ha}^{-1}.\text{yr}^{-1}$  applicable to the site. However, the Air Pollution Information System (APIS) figures to which the modelled contributions are added, are also above the critical load range in both 2009 and 2024. This situation is common to woodland SSSIs throughout England. The average change in N deposition rate is  $0.28 \text{ kg.N.ha}^{-1}.\text{yr}^{-1}$  in 2009 and  $0.22$  in 2024. However, if locations within the road verge zone are excluded the average change is  $0.01 \text{ kg.N.ha}^{-1}.\text{yr}^{-1}$ . This illustrates that more than 99% of the SSSI is predicted to experience an increase of less than 1% of the upper critical load range.
- 2.193 Given the location of Round Wood CWS in relation to the A350 and Picket and Clanger Wood SSSI, the analysis of and conclusions on the effects of air quality on the latter site are equally applicable to Round Wood CWS.

**Noise and Vibration** (Darran Humpherson: WCC/P/9; WCC/A/9; WCC/S/9; WCC/R/9; WCC/SP/9; WCC/112 & 112/A; WCC/136A)

### *Introduction*

- 2.194 WCC's evidence on noise was presented before the error relating to the understatement of HGVs had been corrected. Revised figures subsequently presented in WCC/SP/9 and WCC/112 Section 3 Table 2 were found to contain an error which was corrected in WCC/112A. Where appropriate, figures from WCC/112 and WCC/112A have been adopted in the following text. However, not all the results were recalculated and where uncorrected figures have been used, this is indicated in the text.
- 2.195 Policy and guidance includes Planning Policy Guidance: Planning and Noise (PPG24); DMRB Volume 11 Section 3 Part 7; Calculation of Road Traffic Noise; and World Health Organisation (WHO), Guidelines for Community Noise. These are predominantly designed to protect people but are customarily used also with respect to ecological locations.

### *Existing Noise Environment*

- 2.196 Through Westbury, the environment is dominated by road traffic noise. East of the town, different sources such as traffic on minor local roads, aircraft, general neighbourhood noise, farming activity and natural sounds (bird song and wind through vegetation) contribute to ambient levels.
- 2.197 Seven locations, mainly near dwellings, were surveyed for the DMRB Stage 2 assessment. Additional surveys were undertaken in April 2008 at 5 non-residential locations (WCC/P/9 Table 5.1), representative of a rural environment. Survey data from WHA are based on  $L_{Aeq,t}$ ; the accepted index for road traffic is  $L_{A10,18hr}$ . Notwithstanding different locations were chosen,

WHA data are higher than that in Table 5.1, suggesting that WCC have undertaken a worst case assessment and that the residential areas monitored are not unusually quiet areas.

- 2.198 A number of statutory and non-statutory designated areas are affected by the scheme, intersected by a number of public rights of way. Noise levels within are in the range 40 to 55 db  $L_{Aeq, tr}$  representative for such localities.

#### *Future Noise Environment*

- 2.199 In the Do Mininum, future road traffic noise levels are likely to increase slightly, typically less than 3dB(A) between 2009 to 2024, an imperceptible gradual increase. With the scheme comes a significant reduction for residential properties along the A350 through the town. A revised Figure 12.5 replacing those contained in the ES and WCC/A/9 is in WCC/112, Section 3, highlights where decreases and increases occur.
- 2.200 Locations along the route of the A350 would generally experience a perceptible 3-5dB reduction. Notwithstanding that forecast levels on the A350 remain largely above 60dB(A), a reduction of this magnitude is significant. Also, the number of properties experiencing a perceptible benefit (>1dB change for the opening year) is 4,776 while 483 experience a perceptible increase (WCC/112A Table 2). Of those experiencing an increase, 389 remain below 50dB  $L_{A10,18hr}$ , 90 an increase to between 50 and 60 dB  $L_{A10,18hr}$  and 4 properties an increase to between 60 and 70 dB  $L_{A10,18hr}$ . Those closest to the bypass experience the greatest change, but none of the increases would trigger eligibility for insulation under the terms of the Noise Insulation Regulations 1975. The overall level of road traffic noise at the worst affected properties would be less than or equal to 55dB  $L_{A10,18hr}$ , at the lower end of WHO's guidelines.
- 2.201 At non-residential properties, including noise sensitive community facilities, the ES reported that the majority would experience a perceptible reduction of 2-4dB(A). Bitham Brook County Primary School would experience an imperceptible noise increase of 0.3dB(A) and the cemetery off Bratton Road a perceptible increase of about 6dB(A) (before correction for the HGV numbers understatement).
- 2.202 On balance, there would be significant benefit with the scheme. Where there are increases, the absolute magnitude is not adverse. The scheme design incorporates significant engineering controls and no further mitigation measures are necessary.

#### *Effects on Designated and Non-Designated Sites*

- 2.203 Table 6.1 in WCC/P/9 shows the road traffic noise levels at the 4 sites considered before any correction for HGV numbers. Measured levels in Table 5.1 have been combined with calculated road traffic levels to produce ambient levels, to assess scheme effects on tranquillity. A semantic scale rating has been applied to the change at each location.
- 2.204 At Picket and Clanger Wood there would be negligible change due to its distance from the scheme and proximity to the existing road. At Bratton Downs, local road traffic dominates. Noise levels increase by a small but negligible amount and, despite audible road traffic noise, the increase would not adversely affect the enjoyment or "tranquillity" of the area. The calculated level of road traffic noise at the White Horse would be comparable to existing

noise levels. Although road traffic would be audible, the level would not adversely disturb visitors.

- 2.205 Of the SSSIs, Upton Cow Down would experience the greatest increase; at 4.3 to 4.9dB  $L_{A10,18hr}$ , the change would be perceptible but still below that considered by WHO to be adverse and the level would be just above EU guidance for quiet rural areas. The majority of the SSSI lies further from the bypass, where traffic noise would be lower.
- 2.206 White Scar Hanging CWS would experience an increase of 8.6 to 9.4dB  $L_{A10,18hr}$ . This is of moderate significance and road traffic noise would be clearly perceptible.
- 2.207 Table 6.1 indicates that noise at these sites would be likely to increase by 0.5dB to 9.4dB  $L_{A10,18hr}$ . For the majority of areas away from the scheme, where future changes in road traffic sound levels would be small, an observer would be able to distinguish a change in the character of the noise which would not be reflected as a significant change in sound level. With a change greater than 2-3dB, the character of the area would be affected. As the calculation locations are the closest points to the scheme, those further away would experience a smaller change in the combined road traffic sound level. Hence there are alternative locations where the "signal to noise ratio" can be preserved.
- 2.208 In contrast to residential locations, public recreational use of open areas east of the scheme is transient. A lower significance weighting is often applied to such circumstances, and more emphasis should be placed on improvements generated for residents in Westbury.
- 2.209 Road traffic sound level contours are shown in Figures 2 and 3 for the Do Minimum and Do Something in 2009, uncorrected for HGV numbers. Road traffic sound levels increase close to the bypass whilst locations further from the bypass, typically 500-700 metres, would be unlikely to be materially affected. The "correction" used by WHA to take account of the doubling of HGVs, by adding 3dB to each original contour, misinterprets the methodology for calculating road traffic noise. The correct adjustments for levels experienced by walkers and horse riders is an increase of about 0.6dB  $L_{A10,18hr}$  adjacent to the bypass and about 1.5dB  $L_{A10,18hr}$  near the Glenmore Link.
- 2.210 In conclusion, road traffic sound levels within the designated and non-designated sites (and public rights of way) would increase as a result of the scheme but for the majority of sites the significance of the change would be negligible. A number of sites would experience a moderate adverse change depending upon the proximity within the site to the bypass but, overall, the benefits of the scheme on residential and community facilities outweigh the dis-benefits.

### *Vibration*

- 2.211 As described in the DMRB and Chapter 12 of the ES, ground-borne vibrations result from HGVs passing over irregularities in roads not maintained in good condition, which would not be expected to arise along the scheme. The DMRB also states that "on average traffic induced vibration is expected to affect a very small percentage of people at exposure levels below 58dB(A)". As very few properties are exposed to road traffic sound levels above this guidance level then vibration disturbance is very unlikely.

**Ecology and Nature Conservation (Except Bats)** (Keith Jones: WCC/P/10; WCC/A/10; WCC/S/10; WCC/R/10)

- 2.212 Comparison studies of the Eastern and Far Western routes found little difference in ecological impact. Following selection of the Eastern Route, detailed ecological surveys supported development of the scheme, identifying potential impacts, as described in the 2005 ES. That application led to a request for further information under Regulation 19 of the Environmental Impact Assessment (EIA) Regulations 1999. Studies in 2006 led to additional mitigation measures as reported in the current ES (CD1.1d-h).
- 2.213 Four statutory Sites of Special Scientific Interest (SSSI) are within the study area: Upton Cow Down, Bratton Downs, Picket and Clanger Wood, and Salisbury Plain. Salisbury Plain SSSI is also a Special Protection Area (SPA) and a Special Area of Conservation (SAC). Within the study area are 11 County Wildlife Sites (CWS), 3 Regionally Important Geological Sites (RIGS) and land to the south and east of the route designated as an Area of High Ecological Value (AHEV). Locations are on Figure 1 in WCC/A/10 Appendix F.
- 2.214 The scheme passes through agricultural land. South of the B3098 Bratton Road are arable fields with several large areas of woodland nearby and calcareous grassland leading up to Salisbury Plain. North of Bratton Road, farming changes to livestock on predominantly semi-improved grassland. There is an extensive hedgerow network throughout (including many mature trees) which link with smaller areas of woodland scattered across the area. Ponds ditches and streams, including Bitham Brook, cross the route, particularly to the north of Westbury.
- 2.215 The design incorporates a range of measures to minimise impacts on habitats and species, including extensive woodland and hedgerow planting to maintain wildlife corridors, mitigate severance and provide ecological enhancements. Also, green bridges at Chalford and Newtown, sympathetic design of the underpasses and their approaches at Wellhead and Bere's Mere, and crossings of Bitham Brook which allow the passage of wildlife along the watercourses. Other permanent measures include badger fencing along the entirety of the route and 3 attenuation ponds planted to enhance wetland habitat. Road lighting is omitted at Madbrook roundabout, to assist bat flight paths, and elsewhere limited to just the other roundabouts. Verge planting, earth mounding and other screening reduce light spillage from traffic.
- 2.216 Construction would be subject to a Construction Environmental Management Plan (CEMP). In particular, works that may affect great crested newts or badger setts would be subject to Natural England licences.

*National and International Responsibilities and Obligations for Nature Conservation*

- 2.217 No internationally or nationally designated site is directly affected by the route, while changes in air quality and noise have been described above. At Upton Cow Down SSSI, existing noise levels at the edge of the site closest to the scheme and predicted levels with the scheme are around those at which there might be some effect on breeding birds, as there might from predicted levels at the edge of White Scar Hanging CWS. Most of these sites are further from the scheme where effects would be less.
- 2.218 A number of protected or otherwise notable species would be likely to be affected either directly or indirectly, as described in greater detail in WCC/P/10



and in the case of bats, in WCC/P/11. The following are of particular importance.

- 2.219 **Great Crested Newt** have been recorded in a pond south of Madbrook Farm and in a garden pond at Fair View Farm. Neither would be directly affected but there would be some loss of terrestrial habitat within 500m of each pond. Artificial hibernacula and refugia will be provided at Madbrook Farm pond to enhance the habitat as agreed with Natural England.
- 2.220 **Otter** presence has been found within 1-2km of the scheme on the River Biss and Bitham Brook. Watercourses and aquatic habitats downstream of each of the attenuation ponds would be protected against highway pollution. Free movement along Bitham Brook would be maintained through design of the bridges.
- 2.221 **Dormice** presence was not found in 2004 and 2006 surveys in the vicinity of the scheme, but there are now 2 records along the hedgerow south of Bere's Mere Farm. As a precautionary measure, leaf and twig filled tubes would be installed on the bat gantries and in the underpasses at Wellhead and Bere's Mere Farm for dormice to cross the road safely. It is acknowledged that demonstrating the effectiveness of such crossings would be difficult because dormice live at such low densities that usage would be likely be rare. As well as the tube crossings, the green bridge at Chalford would also be suitable and would be linked by planting to the Wellhead area.
- 2.222 WHA have challenged the survey methodology used to locate dormice and have submitted evidence of the presence of dormice in the vicinity of the scheme. The series of surveys on behalf of WCC achieved combined scores well in excess of Natural England's guidelines and whilst there is no perfect survey tool for dormice, the combination of nut searches, nest tubes and nest boxes during 2004 and from July 2005 to the end of 2006 should have found some indication of the species if present. Given the limited evidence for their presence and limitations of the existing habitat, there is no reason to assume that any population which is present is at favourable conservation status.
- 2.223 **Reptile** habitat has been identified on dismantled and operational railway land at the western end of the Glenmore Link and at Wellhead Springs. Opposite the dismantled railway land, reptile fencing would be erected during construction and retained as a permanent feature. At Wellhead Springs, the recorded population is sufficiently distant from the road and intervening habitat is unsuitable. New grassed road verges on south facing cuttings would provide good quality habitat for reptiles.
- 2.224 **Barn owls** have hunting habitat in the Bitham Brook area. Gantries and screens to be provided for bats would also encourage barn owls to fly high over the road. Whilst new hedgerows either side of the road would act as wildlife corridors, grass verges alongside the carriageway would be kept short to minimise cover for small mammals and thereby avoid attracting barn owls to feed. On the Glenmore Link, pointed tops to fence posts would prevent their use as barn owl resting places.
- 2.225 **Water vole** are present on the Bitham Brook East where the Glenmore Link crosses. The design of the bridge minimises the impact on existing banks and provides sufficient headroom for the passage of wildlife. Burrows either directly below or in the vicinity of the bridge would be lost, but there is extensive habitat up and downstream and new habitat will be created in the

adjacent attenuation pond. The animals will be carefully displaced prior to construction.

- 2.226 **Badgers** are in significant numbers in the area. Continuous badger proof fencing and 5 wildlife tunnels under the road will be provided as well as the 8 crossings by under/overpasses for existing footpaths, bridleways, byways or crossings provided mainly for other species. Four setts would be closed including a main sett to be replaced by an artificial one. Closing the setts and relocation of badgers will be subject to a licence from Natural England.
- 2.227 WHA's surveys in 2008 in the Wellhead Valley identified additional setts, which may indicate additional social groups, and has been used to suggest that there may be a greater number of social groups elsewhere along the scheme than have been provided for with crossing points. However, as always considerable time elapses between initial surveys and road construction. As badgers establish new setts and abandon others, it is therefore normal practice to carry out a further survey prior to construction. That would be done and additional tunnels and appropriate mitigation measures installed if required.

*Conservation and enhancement of the diversity of England's wildlife and geology*

- 2.228 The RIGS are not affected. Most habitat loss would be of arable land. There would also be a substantial loss of semi-improved neutral grassland, improved grassland and semi-improved species poor grassland; none of these is of high conservation value. For habitats that are of higher nature conservation value, the scheme results in net gains of broad-leaved woodland, dense scrub, calcareous grassland, marsh/marshy grassland, standing water and hedgerows. There would be substantial gains in wildlife habitats, particularly in broad-leaved woodland and hedgerows.
- 2.229 Given the degree of enhancement achieved, it would not be reasonable to acquire additional land, potentially by compulsory purchase, for ecological enhancement where this is not otherwise necessary to mitigate or compensate for adverse effects of the scheme. This would not be proportional to the degree of ecological effects of the scheme.

*Planning Conditions and Other Material Factors*

- 2.230 The committee report (CD5.3) proposed conditions relating to the safeguarding of trees, hedgerows, shrubs and other natural features; the prevention of clearance of vegetation during the main bird nesting season; the submission, approval and implementation of a Wildlife Management Plan; and the submission and approval of the CEMP prior to development. A further 3 conditions are proposed concerned with the protection of bats which are dealt with below. The combined effect of these conditions would ensure the protection of ecological and nature conservation interests during site preparation, construction and operation of the scheme. The important ecological resources of the area would be protected and to the extent there would be some adverse effect, these are outweighed by the scheme's importance.

**Bats** (Geoff Billington: WCC/P/11; WCC/S/11; WCC/A/11; WCC/R/11)

*Legislation*

- 2.231 The Wildlife and Countryside Act 1981 (CD8.3) protects all British bat species. It is an offence intentionally to kill or injure a bat, to damage or obstruct

access to a roosting site or to disturb a bat whilst it is occupying its roost. The Countryside and Rights of Way Act 2000 (CD8.4) strengthens the legal protection for threatened species. Recklessly to disturb a bat or recklessly damage or destroy or obstruct access to any structure or place that bats use for shelter or protection became an offence.

- 2.232 The European Community Habitats Directive 92/43/EEC 1992 (CD8.7) prohibits deliberate disturbance particularly during the period of breeding, rearing, hibernation and migration. All British bat species are included in Annex IV. The Directive states Special Areas of Conservation (SACs) are designated by member states which host bat species included in Annex II. There are currently 4 Annex II bat species classified as being present in the UK. The Directive covers maintaining flight routes of Annex II bat species to ensure they can access foraging areas. The Conservation (Natural Habitats, &c.) Regulations 1994 (CD8.2) implement the provisions of the Habitats Directive into British law. Any activity that would result in a contravention of the legislation requires a licence granted by Natural England.

#### *Ecological Evaluation of the Area*

- 2.233 A range of survey techniques has been employed between 2002 and 2008. These included the investigation of existing records; bat detector surveys by "transect" and "fixed point monitoring"; investigation of potential roosts in trees, buildings and structures along and close to the route; a wider area Horseshoe bat building roost survey; and radio tracking of several bat species.
- 2.234 The results are in the ES and appendices to WCC/P/11. In summary, at least 13 species of bat including 4 Annex II species have been recorded along the alignment of the scheme. A number of roost sites have been recorded in proximity to the scheme, including one that would be lost and 3 which lie close enough to the scheme that they may be disturbed. The culvert at Wellhead Springs, used by Lesser and Greater Horseshoe bats, would not be directly affected even though it is within 100m of side road works. A number of significant flight routes are intersected by the scheme with those of highest importance at the southern end.
- 2.235 Four ringed Greater Horseshoe bats caught had previously been recorded in the Bath and Bradford on Avon Bats SAC. Natural England (then English Nature) agreed that an Appropriate Assessment is not required as the scheme would be unlikely to have a detrimental effect on the SAC.
- 2.236 Assessed using TAG Guidelines, the assemblages of rare (Annex II) bat species here are of national and international importance and overall numbers are of regional importance. Flight lines are attributes of "very high" importance (the highest category) so maintaining them is vital.
- 2.237 The Badger Consultancy's report containing bat survey information from 2007 was made available only in June 2008 (WCC/R/11). It confirms the diversity of bats identified by WCC. The discovery of a Lesser Horseshoe flight route from Westbury along or beside Newtown Road on a limited number of surveys is a significant find. The route would cross the scheme where a green bridge with 3 hedgerows is proposed, and pre-construction Baseline Monitoring here is already underway. The report's conclusion that the full impact of the scheme is inadequately understood is not accepted. Bat roosts will never be fully recorded as new ones are taken up continuously; it is not necessary (or

possible) to find every roost in order to evaluate the assemblages and potential impacts.

### *Mitigation*

- 2.238 Mitigation proposals, for all main flight routes across the scheme, are designed to maintain these routes, create safe corridors and re-create foraging sites. Roost mitigation would ensure that no bat is harmed during the works, that the nearby tree roost of Pipistrelle bats is relocated in the vicinity and that sufficient alternative roosts are available for bats that could be disturbed.
- 2.239 Bat crossing mitigation includes up to 5 elements per site, so that if one is not 100% effective, a further component can ensure a safe flight route. The features include 2m high hedges to maintain flight routes and provide foraging; green bridge with hedgerows and other planting above to maintain flight routes; underpasses to direct bats below the road where it is raised; gantries over the road acting as flight guides to give bats a structure to follow and maintain them safe above traffic; 4m fencing to link with the gantries, combining solid board and fine mesh to raise flights approaching the road; graded height of planting to lead bats up onto gantries, at some locations stepping from 2 to 4 to 6m high trees; 2m high solid board fencing to shield flight corridors from vehicle headlights; and 1m high bollard lighting projecting light sideways away from traffic, to prevent light sensitive low flying bats from straying to traffic height beneath gantries and to prevent them entering the tunnel formed by Chalford Accommodation Bridge. Details at each location are in WCC/P/11. The measures bring the magnitude of impact down to "minor negative" and the overall effect of the scheme to "slight adverse".
- 2.240 No other road scheme in the world has reported this level of mitigation. It is a vital requirement given the assemblage of species. Ensuring the bats have safe crossing routes, not at risk from fast moving traffic, is particularly important. The risk of road casualties is acknowledged but underestimates of casualties is often caused by inadequate surveys. Planting could attract bats closer to traffic but low flying light sensitive bats would be dissuaded at key locations by lighting. Gaps in flight routes created by the scheme would be insufficient to stop bats crossing. This is demonstrated in the studies reviewed so damage to bat populations is not relevant for this scheme.
- 2.241 During construction, the CEMP specifies that 2m high "Heras" fencing clad with camouflage netting be installed across the works on the bat crossing points every night and lighting of these areas would be avoided. Any lighting required near these areas would be agreed with the bat licence holder who would identify measures (eg shielding) to ensure flight routes are maintained in darkness.

### *Monitoring*

- 2.242 Proper monitoring is essential, if rarely carried out. Here, outline proposals in the ES have been developed into a Baseline Monitoring Plan, and surveys commenced in May 2008. The Plan forms the foundation for during and post construction monitoring to provide statistically sound data comparisons.

### **Hydrogeology and Contaminated Land** (Piers Sadler: WCC/P/12; WCC/R/12)

- 2.243 The ES Chapter 7 and Section 11 provide detailed information (CD1.1). Much of the route is on clay, without significant groundwater issues. The lengths to

be considered are chainage 750 to 1250 over the Inner Source Protection Zone (SPZ) and the remainder of the chalk and upper greensands major aquifer, chainage 0 to 2800. Measures have been incorporated to protect road run-off from entering the aquifer during construction and subsequently; across the SPZ these measures proposed are comprehensive.

- 2.244 Two of the three cuttings on the route are in chalk but above the water table, while the third, reaching the water table surface, is in clay. No special mitigation would be required. The route crosses a backfilled former ironstone quarry between chainage 4890 to 4930, where ground investigations found mainly construction and demolition waste with low level contamination, which could be handled with personal protective equipment during construction (particularly against any risk of asbestos) with no residual risks on completion.
- 2.245 Construction over the aquifers may require pumping from excavations, which would be allowed to settle prior to final discharge, and be subject to control by the Environment Agency. Spillages during construction would likely be small, from plant for example rather than a road tanker. This would be addressed by the Construction Environmental Management Plan, with a more specific Plan for the SPZ, for example prohibiting refuelling in that area. Any residual risk of increased groundwater turbidity during construction would require an agreement with Wessex Water.
- 2.246 Road drainage over the aquifer would be contained within sealed pipes, while across the SPZ the road would be bounded by reinforced earth banks (to contain an out of control tanker or other vehicle) and lined below with an impermeable membrane, itself sitting below a permeable drainage blanket. Provided the liner is properly installed, the risk to groundwater would be negligible. Based on DMRB data the latest risk assessment of a serious accidental spillage over the SPZ is about 1 in 25,000 years (WCC/R/12 Pg8).
- 2.247 Guidance on groundwater protection is being revised. "Policy and Practice for the Protection of Groundwater" 1998 is being replaced by the EA "Groundwater Protection: Policy and Practice" currently subject to detailed consultation. Neither opposes development in an inner SPZ provided that the developer can demonstrate that the risk is not unacceptable. The EA in the present case withdrew their holding objection once they were satisfied by the measures proposed. It should be borne in mind that the membrane is a secondary protection, to sealed road drainage, and that it would camber across the road and slope along its alignment. It is not analogous to a landfill liner containing a head of leachate where even a small puncture leads to a continuous leak. Any liquid reaching the membrane would flow to accessible, normally dry, drains where it could be monitored and if needs be recovered and disposed of.
- 2.248 Any spillage above the aquifer, but off the SPZ membrane protected area, would still be contained by the sealed drainage system. In the unlikely event of pollution reaching the aquifer it would take a minimum of 50 days to reach the water abstraction point (the defining criterion for the extent of an SPZ) allowing time for degradation. Also abstraction is subject to quality monitoring by Wessex Water, so in the final analysis any risk is commercial rather than to public health.

#### **Flood Risk (Paul Swift WCC/P/13)**

- 2.249 Flood risk assessment was originally undertaken having regard to PPG25 but has been updated to take account of PPS25. Only the Glenmore Link gives

rise to considerations, where the road crosses the Bitham Brook main watercourse and two tributaries. Although there appears to be little evidence of flooding having occurred in practice, the locality is vulnerable as shown on EA Flood Maps. The scheme meets the sequential and exceptions test required by PPS25 (Annex D Table D): the road is essential infrastructure, the benefits of which have been documented; there is no practical alternative route available; the scheme has been designed to remain operational above a 1 in 100 year design flood and in a manner that minimises any impact on flow capacity.

- 2.250 The bridges have been designed with adequate spans and clearance to cause minimal effects on flow even under flood conditions. Provision has been made for compensatory storage capacity for the loss of flood capacity resulting from the road embankment crossing the flood plain; it is acknowledged that this storage must be "level for level" with the relevant lower part of the embankment that displaces flood capacity, which can be ensured by a planning condition.

**Historic Environment** (Mick Rawlings: WCC/S/14; WCC/P/14; WCC/A/14 & 14.1; WCC/R/14; CD9.7)

- 2.251 Since 1997 several routes have been subject to desk-based appraisal and a programme of archaeological fieldwork has been carried out in the scheme corridor. There are some 14 Scheduled Monuments within 2km of the route. The nearest are 3 earthworks on Upton Cow Down where the effect would be slightly adverse because of increased noise. The effect on Bratton Camp (Iron Age hill fort), Westbury White Horse and associated sites would be neutral as landscaping would minimise visual and noise impacts.
- 2.252 Eight listed buildings are within 0.5km of the route: the Phipps Mausoleum (Grade II\*), Westbury Cemetery and 7 Grade II buildings. Heywood House (II\*) is about 0.6 km from the scheme. There are also listed buildings/structures within 100m of the existing A350 in Westbury. There would be slight adverse effects on the settings of the listed mausoleums in the cemetery, from increased noise, and slight adverse effects on several other listed buildings including Heywood House, from increased noise and visual impacts. Westbury Conservation Area lies within about 1km of the scheme and the existing A350 passes through the northern part of it. The effect would be slightly beneficial, from reduced traffic particularly HGVs.
- 2.253 The appraisal identified 7 Areas of Archaeological Significance (AAS). AAS E, north and south of Bratton Road, is characterised by prehistoric remains and deposits of post-prehistoric date. The remains are associated with a Late Bronze Age/Early Iron Age midden of national or international significance. The scheme was re-aligned to pass further to the east; fieldwork confirms that it now avoids the midden "core". Even so, associated features would be affected; moderate adverse impact is assessed. There would be slight adverse effects on buried archaeological remains at several other locations including on features and deposits of prehistoric, Roman, medieval and post-medieval date. Most are considered of local significance although buried soils at AAS C are seen as regionally important.
- 2.254 The scheme would pass through an historic landscape, now a predominantly mature rural locality dissected by roads/tracks, railways and field boundaries with minor elements associated with a dispersed settlement pattern and

industrial activity. The route responds to historic road and field patterns and where possible follows existing boundaries. Nevertheless, there would be slight adverse effects where the route cuts across the extant pattern, including between Madbrook Roundabout and Wellhead Underpass, Newtown Bridge to Bratton Road Bridge, and the Glenmore Link. There would also be slight adverse effects on specific elements of the landscape resulting from severance or realignment of tracks, loss of boundaries and loss or burial of earthworks.

- 2.255 Mitigation includes earthworks and landscape planting to optimise screening. In some areas, constraints would be placed on the construction of embankments and other fill to protect buried remains. Following the establishment of designated Spoil Disposal Areas, additional evaluation was undertaken, informing an Updated Historic Environment Mitigation Strategy (CD9.7). A programme of investigation and recording is to be implemented ahead of and during construction, ensured by a planning condition.
- 2.256 The scope and methodology of fieldwork strategies and mitigation were subject to considerable consultation with English Heritage (EH) and the County Council Archaeological Service (WCCAS). Following the application, EH deferred to WCCAS as the lead body. EH considered that the scheme would not have a significant detrimental impact on the setting of the Scheduled Monuments at Wellhead Farm or Bratton Camp/White Horse. Initially, WCCAS commented that watching briefs in areas of embankment widening and soil dispersion would be insufficient to record the archaeology. However, they subsequently accepted the measures proposed and agreed the updated strategy (WCC/A/14.1).
- 2.257 National, regional and local policies and guidance take a consistent approach to the historic environment, with which the scheme conforms. Physical preservation of nationally important archaeological remains would be achieved and their settings protected resulting in slight adverse effects on just 3 Scheduled Monuments on Upton Cow Down. The settings of a small number of listed buildings (two Grade II\*) would be subject to slight adverse effects. However, the settings of listed buildings within the Westbury CA would be preserved and enhanced.
- 2.258 As regards objections by Wiltshire Archaeology and Natural History Society (WANHS), archaeological reports were in the 2005 ES, still in the public domain. Both WCCAS and EH were satisfied with the use of the resultant data in the overall assessment of impacts and effects presented in the 2007 ES. The SLA is a landscape designation, not one for historic landscape, and WANHS' description of the area could apply widely around Westbury; there is nothing special about the historic landscape through which the scheme passes to give it greater significance. The effect on Bratton Camp/Westbury White Horse is neutral: the scheme would add to mid-distance elements in wide ranging views from there but would not cause significant change to that part of the setting, an opinion supported by EH.
- 2.259 Neither would the route pass "almost continuously" through recorded archaeological remains. The significance of the midden is accepted, and that it is part of a larger complex that may well include associated settlement remains. However, it is the midden itself which has such a high level of significance and this would be avoided. The footprint under the road would be investigated and recorded, without compromising potential future examination. Appropriate archaeological evaluation in the Spoil Disposal Areas has been

undertaken since the application was made and a programme of mitigation agreed with WCCAS.

- 2.260 In response to Heywood Parish Council's (HPC) concern that spoil disposal adjacent to Glenmore Roundabout would jeopardise future investigation of AAS G, archaeological features would either be protected or investigated appropriately. AAS designations were defined for the scheme, not for any other purpose; no land required for spoil disposal falls within a designated Area of Higher Archaeological Potential shown on the Proposals Map of the LP.
- 2.261 Mr Morland raised similar concerns to HPC with regard to spoil disposal at Glenmore Roundabout where he considered the investigation was inadequate. WCCAS has accepted the mitigation proposed in AAS G as burial beneath earthworks without topsoil removal, and does not seek further evaluation. The disposal is quite shallow and would not preclude future investigation. Evaluation has been appropriate for the level and nature of the impact and protection in accordance with the advice in PPG16 (CD7.12).
- 2.262 Most of the points raised by WHA are addressed above; as regards historic buildings within Westbury, 30 individual or groups of listed buildings are adjacent to the existing A350, with numerous others within 100m. Traffic reduction has the potential greatly to improve the settings of those adjacent to the road and to a lesser extent those within 100m. The assessment in the ES Table 8.3 Schedule of Townscape Impact is based on the collective value of all Historic Buildings, not just the scale of change to Grade I and Grade II\* buildings. Nevertheless, it is conceded that the assessment category should be moderate beneficial rather than moderate/large beneficial, a category not recognised within TAG.
- 2.263 In response to Inspector's questions: despite the higher number of individual moderate and slight adverse impacts compared with neutral impacts, a neutral overall assessment of residual effects is justified by balancing the information gained from investigation against any physical loss. Similarly, an overall assessment of neutral for historic landscape is justified as it is one essentially dominated by 19<sup>th</sup> and 20<sup>th</sup> century elements. Despite the higher number of slight adverse effects on specific elements compared to one slight beneficial and one neutral effect, the overall impact on built heritage is correctly assessed as slight beneficial in the ES.

#### **Land Use (Julia Tindale: WCC/P/15)**

- 2.264 The scheme passes through agricultural land and has been assessed in the ES in accordance with the DMRB Volume 11, Section 13 Environmental Assessment Techniques, Part 6 Land Use. This was published in 1992 when Government policy in PPG7 (1992) included an express requirement to protect best and most versatile land (grade 1, 2 & 3a) with the then Ministry of Agriculture Fisheries and Food statutory consultees for any proposal that would result in loss of 20 ha or more of such land. Policy has moved on since: PPS7 places the protection of best and most versatile land as one objective amongst several with no requirement for statutory consultation with DEFRA/Natural England. DEFRA issued a Soil Action Plan in 2004 and is currently consulting on a Draft Soil Strategy, with a wider perspective than simply land areas and classifications.
- 2.265 The emerging RSS (CD2.2) guides change towards "the most sustainable land management options that will support the rural economy and wider



objectives" and that "best and most versatile land needs to be taken into account alongside other sustainability considerations" (para 7.3.16/17). Structure Plan (CD2.6) Policy C12 recognises that "Exceptionally, where there is an overriding need for development on best and most versatile agricultural land which cannot be met elsewhere, development should be directed towards land of the lowest grade." District Plan (CD2.12) Policy C1 aims to protect the countryside and "Development ... will not be permitted ... unless there is ... overriding justification such as essential transport improvements ... or overriding benefit to the local economy. Acceptable mitigation measures will be implemented where appropriate."

2.266 DEFRA land classification covers some of the scheme supplemented by field work for the whole route (WCC/P/15 Figs 1 & 2). Soil types are described in WCC/P/15 section 4. Generally speaking the clayey lowland is of lesser quality (predominantly grazing) than the higher land on greensand and chalk (predominantly arable). There are also liveries around Westbury, which in some cases support agricultural businesses.

2.267 Some 50 ha of agricultural land would be taken for the scheme, with about 8.7ha returned to agriculture on completion:

ALC Grade	Gross Area (Ha)	Net Area (Ha)
2	0.25	0.25
3a	24.4	18.4
3b	21.6	19.3
Non agricultural	5.9	
Not surveyed	3.7	
Total	55.85	

2.268 In the absence of any formally updated significance thresholds for the loss of best and most versatile land, the following has been adopted: large adverse (over 50 ha lost); moderate adverse (between 20 and 50 ha); slight adverse (less than 20 ha); neutral (no permanent effect). And as some 18.65 ha would be permanently lost, the assessment is slight adverse.

2.269 Based on guidance in PPS7 and DMRB the following criteria were used to assess the impact on the listed individual holdings.

Effect Significance	Evaluation Criteria
Major Adverse	Rendered an existing full-time farm business (including any diversification enterprises) unworkable in its current form
Moderate Adverse	The effects of the scheme do not render an existing full-time farm business unworkable in its current form. However, the scheme is likely to have a notable effect on the net farm income, such that the day-to-day management likely to change from the present
Slight Adverse	Limited effects on the workability and the economic performance of a full

	farm unit (including any diversification enterprises), or the loss/significant effect on the viability of a part time farm business (including any diversification enterprises), where income is derived mainly from non agricultural means and supplemented by income from agriculture
Neutral	No effects on the workability and the economic performance of a full time farm unit

Farm Holding	Significance of effect on the holding
Wellhead Farm	Slight adverse
Bulls Bridge Farm	Slight adverse
Fair View Farm	Slight adverse
West Park Farm	Slight adverse
Horse Croft Farm	Slight adverse
Park Farm	Moderate adverse
Blenches Mill Farm	Moderate adverse
Ashton Hill Farm	Neutral

2.270 Additionally, a small land take of about 0.7 ha from the corner of a field is now proposed for Madbrook Farm for an attenuation pond. The effect is assessed to be of neutral to slight adverse significance.

2.271 Fair View Farm, north of Bratton Road, is predominantly arable with a limited area of grassland supporting a livery business. Coach Road Farm (aka Horse Croft Farm) and Park Farm, together with the larger Blenches Mill Farm, are livestock enterprises, towards the northernmost part of the scheme. Park Farm and Blenches Mill Farm are the most affected, by a combination of land loss and severance on these livestock holdings (WCC/132).

2.272 Concerns raised by individual farm businesses are addressed below in the context of the Orders. Wherever relevant and practicable, however, WCC would minimise permanent land loss by reinstatement or replacement; adjust construction times to accommodate harvesting; maintain, reinstate and replace access points; maintain essential services; implement best practice in bio security and in noise and dust suppression; and reintegrate restored land into Government farming schemes in consultation with Natural England.

2.273 Although individual farms would be affected at slight or moderate levels, this is a matter for compensation and none would be rendered unviable. Much of the route is over arable farms, whose larger field sizes and lack of livestock makes them less sensitive to severance issues. In this the scheme is likely to compare favourably with any western route, over predominantly livestock farms.

2.274 In a wider context, the permanent loss of some 38 ha (less than 20 ha best and most versatile) would be an insignificant 0.015% of the agricultural land in the County, with no discernable effect on the wider rural economy.

**Rights of Way** (Peter Ireland: WCC/P/16; WCC/S/16; WCC/A/16)

- 2.275 The scheme crosses 5 existing bridleways and 4 footpaths. These afford good connectivity between the outskirts of Westbury and the surrounding countryside, including opportunities for circular walks. A 2002 survey found that most users on all the southern bridleways were pedestrians, almost exclusively locals, many with dogs. The bridleway at the northern end of the scheme (HEYW24) was heavily used by equestrians. Footpaths were generally less well used at that time, but more recent observation perhaps suggests increased usage.
- 2.276 A general aim along the scheme is to maintain the degree of access and connectivity. Only where 2 or more rights of way coalesce close to the scheme has opportunity been taken to rationalise the network: where Footpaths HEYW18 and HEYW15 cross the bypass, and where Footpath WEST6 and Bridleway HEYW24 cross the Glenmore Link.
- 2.277 Footpaths HEYW18 and HEYW15 diverge from a common point on Coach Road and both would cross the scheme after a short distance in close proximity (130M) to each other. The proposal in the Planning Application (CD1.1) to stop up HEYW18 between its junctions with HEYW15 and HEYW28; and, HEYW28 between its junction with HEYW18 to the point where it can be joined up with HEYW15, was amended in the SRO. A further proposal put forward during the inquiry (WCC/134) reduces the length of HEYW18 to be stopped up in the planning application and retains a short length of it to connect a new footpath, coincident with the route of new Cement Works Access Road, to HEYW28. HEYW28 would be retained unchanged and would not be joined to HEYW15. The rationalisation of the network provides an at-grade crossing of the scheme on the line of HEYW15 and preserves connectivity with HEYW18 and HEYW28.
- 2.278 Footpaths HEYW5 and HEYW5A combine and join with Footpath WEST6 (Church Path) immediately north of the scheme on its approach to the Glenmore Railway Bridge. Just south of that point, WEST6 would cross the scheme. This footpath would be diverted onto the re-aligned Shallow Wagon Lane (Bridleway HEYW24), which would cross at-grade via a dedicated equestrian crossing with holding areas. These at-grade crossings, with a similar one at HEYW12, have been incorporated into the scheme on the Glenmore Link where traffic flows will be low, and for HEYW15 on the bypass itself. All other crossings are by bridge or underpass.
- 2.279 The bridleway network would be enhanced by three new lengths. A 450m length would link WEST36 with the southern end of WEST37 on the south side of the scheme, providing a new circular route (Wellhead Drove, WEST36, WEST37) and enable better use to be made of WEST37. Further north, a new bridleway, just over a kilometre, between Beggar's Knoll/Newtown and Wessex Ridgeway (WEST61) would provide a new circular route, direct access to CRoW land, and an alternative access to Wessex Ridgeway. Similarly, a third length, some 200m, between the eastern end of the new bridleway just described and the remaining section of bridleway WEST35 on the east side of the scheme, would provide an alternative route to riding on Newtown.
- 2.280 The connectivity of the network would be maintained, and enhanced by the new bridleways. Amenity is defined for these purposes as "the relative pleasantness of the journey". It is affected by both visual experience and the

level of unwanted sounds. It is self evident that the amenity value of some routes would be adversely affected by the scheme proposals, particularly those closest to the new road in the year of opening. This would be an unavoidable consequence of introducing the scheme into an area where currently there are no major roads.

### **Closing Submissions** (Simon Randle: WCC/141)

- 2.281 A copy of Mr Randle's closing is at WCC/141, which I summarise here taking account of additional oral remarks responding to Mr Hopkin's closing.
- 2.282 Given the length of the inquiry, expeditiously and efficiently conducted, we can be confident that all relevant factors are known to reach an informed judgment, based on evidence, not a partial gloss by any party. WCC cross examination focused on clarifying objections, not seeking to change views: the County rely on their own evidence. Similarly, WCC now point to particular issues rather than each objection, acknowledging WHA's extremely helpful approach in presenting a unified case, though it has to be said that they presented no evidence to support a claim of widespread membership and support.

### *The Scheme Objectives*

- 2.283 The proposals are not a panacea for Westbury's problems, even less so for the District, County or Region. WCC are not acting from some obscure altruistic motive or as a developer seeking a profit. The scheme is for specific objectives, consistent from the outset:
- (i) improve the transport links into West Wiltshire and between the western towns in order to facilitate economic regeneration; ensure that the western towns have been defined;
  - (ii) ease the transport of goods to and from commercial and employment areas so as to encourage new business to locate and for existing firms to invest;
  - (iii) provide traffic relief for residents and visitors to Westbury.
- 2.284 Objectors selectively suggested that the scheme fails to meet the ambitions; for example, that without proof that building roads leads to jobs then the objective cannot be met. This approach, characteristic of opposition to road building in any form, sets up a false "Aunt Sally". Correctly, the approach is to consider, on the evidence, whether the stated objectives are attainable. When put this way, no objector maintained a stance that the scheme fails. It improves links into and between the towns and permits much less restricted movement with much greater certainty in time and reliability. It would ease the transport of goods, especially to and from the south while better use would be made of the designated route (A350) to the north even though in the longer term WCC wish to address conditions in the villages through which it runs. The third objective, is again beyond argument. WHA professional witnesses not local to the area (Professor Whitelegg and Mr James) volunteered that acceptability of road building to solve existing problems depends on local support. Neither was aware of, and could take on board, the expressed attitude in Westbury: overwhelming acceptance of the principle of a bypass although an equal split on the route.
- 2.285 The objective of traffic relief is accepted locally but the means disputed. WHA's outside witnesses and Mr Hopkins' cross-examination suggested that the

means should be traffic management to reduce and only if this fails should road proposals be considered. This contrasts with the 1998 Planning Conference finding: 87% acceptance of a bypass.

2.286 Finally as regards the scheme objectives, these should be given their proper meaning – an identification of what WCC seek to achieve – rather than criticised as not also achieving other separate ambitions. That this scheme would not remove vehicles, especially HGVs from villages to the west, including some in Somerset, is not a criticism; it is not a scheme objective. Such claims for a Far Western Route are invalid criticism. That route would result in less relief for Westbury; not assist any further with the first objective and fail to assist the commercial transport of goods (more would remain in Westbury). When a Westbury Bypass was first proposed there was also an East West Route identified to address traffic running through those villages. That was a separate proposal, no doubt including an objective to relieve the villages.

2.287 The application scheme needs to be considered against its own stated objectives.

*The Nature of the Objections.*

2.288 Public inquiries hear those who participate; not all the relevant, influential and authoritative information has been given live. WCC developed the scheme over a number of years, with their own experts and in consultation with land owners and other interested parties. Interests are varied and extensive, including specialist statutory bodies who advise Government as acknowledged experts. That they did not appear at the inquiry is testimony to their responses having been adequately taken into account. They include the Environment Agency (EA) relating to the water environment, English Heritage (EH) who, having worked closely with the equally demanding County Archaeologist, found nothing objectionable; importantly so given objections relating to the White Horse and its environs. EH played a perhaps understated role in achieving a route with no direct impact on the nationally important iron-age midden. Natural England (NE) were also demanding: they do not support the scheme in principle but raise no objection, importantly so given the wildlife around Westbury. Their comprehensive input, with the County Ecologist, ensured groundbreaking measures sufficient to remove any objection they might otherwise have. And there is the District Council's stated position; not opposition as claimed but support (CD1.2).

2.289 WCC is not only a highway authority but a planning authority with significant responsibility for landscape, archaeological and ecological interests. That side of the Council has not been averse to "flexing its muscles" as the demand for more work on the ES illustrates. No such officer thought it necessary to raise any issue at the inquiry; but it is equally important to note that they do so if necessary, which provides guarantees for the future.

2.290 These various statutory bodies do not object, and may actually be supportive of the ameliorative measures proposed, and can be trusted to hold a considered, authoritative view. This is especially important in relation to bats, dormice and other wildlife as well as flooding and pollution. Contrary evidence would have to be overwhelming to prevail.

*Objections based on the Desire for a Super Highway or Resulting from an allegation of Conspiracy.*

- 2.291 Even were there some past desire for a super highway from the south coast to the M4, the current scheme could not be a component: a single carriageway, a short climbing lane on the hill, and "at grade" roundabouts at either end. Notwithstanding over-widened bridges provided at Semington and Chippenham, this scheme contains nothing to anticipate future dualling. It is a small scale local bypass, designed solely to achieve stated objectives, and should be judged accordingly. Dorset County Council (DCC) ambitions for the A350 through that county are not before the inquiry, which has not seen their LTP or anything similar. Nor does it need to. If DCC have ambitions, as suggested, these are entirely independent of the Westbury scheme.
- 2.292 DCC have not attended to demand the scheme go ahead to support their proposals, whatever these are. Also their proposals are seemingly programmed anyway. In any event, any Dorset scheme is south of the A350 Warminster bypass, coincident with the A36 trunk road; if a scheme within Wiltshire had the potential to encourage further A350 schemes in Dorset it must have been that. There is no evidence, beyond speculation or perhaps conspiracy, to suggest that a Westbury bypass promotes schemes in Dorset.
- 2.293 "Dorset objections" stem from fear of induced traffic. The 1994 SACTRA report did not find that every road scheme generates traffic; rather that this sometimes arises on release of congestion or other restriction, leading to assessment requirements which have been followed in this case. Although criticised by some (addressed below) the assessment endorses a fixed trip matrix because significant induced traffic is unlikely around Westbury. This must be even more so some thirty miles away in Dorset, with an intervening scheme already built which would either have had that effect or not. Unsupported claims of some form of conspiracy have been an undertone throughout the inquiry but are without foundation and of marginal relevance.

*Expenditure on Other Worthy Projects.*

- 2.294 It is immaterial to planning whether money for this project should be diverted to some unrelated purpose. That there are competing calls on public funding, even for projects that some may see as more worthy, is irrelevant to an assessment of the merits of this scheme. Even if rejected, there is no guarantee that its funding would be or could be made available for other purposes.

*Considerations Not Before the Inquiry.*

- 2.295 At the PIMs the Inspectors clarified that the inquiry was into the Bypass. This covers questions of need and acceptability. Three matters were confirmed as not for consideration: merits of Government Policy, for discussion and debate centrally rather than at individual inquiries; matters of compensation, for the Lands Tribunal; and matters of law, where the Courts hold sway.
- 2.296 First, this indicates broadly matters for legitimate exploration, for example Policy cannot be challenged whereas its application can be. Dr Gillham on COBA provides an example, stating (despite what his evidence appeared to suggest) that he was not challenging the process or application but commenting on usefulness. Second, it reminds us that those elements excluded from the inquiry are open to consideration elsewhere, most

significantly in this case as regards questions of law, in particular the status and applicability of the Environmental Impact Assessment. The Courts are the arbiters of the legality of the ES and nothing has been raised there whether on process, content or adequacy.

- 2.297 This is important too in relation to alternatives and leads to the third consideration, specific to this inquiry. (Two other parts to this are addressed below) In the context of a planning application there are two ways in which an alternative to the published scheme can become relevant: through the EIA process and through the Conservation Regulations 1994, although the latter refers to alternative solutions rather than alternative routes as would be the case in respect of the ES. In respect of the EIA process alternatives were assessed and addressed in the ES before a decision was reached in respect of the preferred option which was then developed further. Mr Simkins raised that point in his evidence and was not questioned about it. That initial assessment did, however, include a consideration of all the relevant material considerations and was conducted at a level of detail commensurate with the development of schemes for comparative purposes; that is after all the nature of assessment at that time. Thereafter the preferred route option was further developed up to the level that could be brought before this inquiry. Subsequent development of the scheme was therefore made in the light of the knowledge that one route option best met the objectives underlying the proposals and would be carried forward.
- 2.298 At this inquiry, aside from Mr Brakspear's tunnel proposals, no alternative to the published scheme has been brought forward, solely a variation to the Glenmore Link addressed below. Accordingly the position as set out in the ES was deemed sufficient to decide on the appropriate route and despite reference back to alternatives during cross examination of WCC witnesses by the WHA, at times repetitious and lengthy, no alternative route is actually before the inquiry. That suggests therefore that at this inquiry we can add "alternatives" to the list of matters that does not need to be dealt with in any detail and we only need to have any regard to it as a "comparator". The term comparator first emerged at the original pre-inquiry meeting when following a brief exchange the Inspector used the term, which was thereafter adopted by the WHA.
- 2.299 In the context of inquiries concerning specific road proposals it is not clear what a "comparator" is meant to be. It is not an alternative and accordingly is not actively promoted and does not need to be assessed, in fact it is incapable of being assessed. But at the same time it appears to be available and can be used to compare and ultimately criticise the scheme. The suggestion of the FWR as a comparator was presumably an attempt by WHA to have their cake and eat it. By failing to promote an alternative before the inquiry, that is a specific proposal which could then be drawn up by WCC and assessed in detail, doubtless producing counter objection, it meant the inquiry did not have to address the detail of it directly. It did, however, permit the objectors the opportunity, as it suited them, to claim the existence of another option which they suggested would be superior. The fallacy of the position has however become clear.
- 2.300 All witnesses who relied on the FWR as a better option were asked whether they were promoting it. Without exception they indicated that they were not, often falling back on the view that such a route had not been optimised, which of course would have happened had it been put forward. Mrs Raggett, having

indicated that the FWR was advantageous was asked if she was promoting, replying not only "no" but that if it came forward "they would oppose it". To describe that as a circular argument misses the point of the mental gymnastics required to follow it at all.

- 2.301 There is no alternative proposal suggested and so no need for it to be considered. Accordingly as a matter of fact:

There is a strong measure of agreement, demonstrated through the 1998 Planning Conference and more recently, that a traffic problem exists in Westbury of sufficient magnitude to justify action and there is widespread support for a bypass as the remedy; the planning conference indicated 87% in favour of a bypass; 8% against; 5% making no entry.

The consideration of alternatives raised several possibilities (Report of the Planning Conference; Mouchel Reports 1999 and 2001) but only two gained any support: a route to the east between the town and the scarp slope or to the west linking into the A36 in the vicinity of Standerwick.

Alternatives were considered as part of the EIA process at a level of detail sufficient to determine the relevant considerations and on a consistent basis one with another. It bears repetition that the process has not been challenged and the facts on which it is based therefore stand.

The application scheme best achieves the stated objectives in relation to Westbury, better than any route to the west.

No alternative (other than Mr Brakspear's) was promoted before the inquiry and in fact informed support for such a route is lacking.

*Mr James Evidence on the Comparative Approach.*

- 2.302 Mr James accepted (despite being invited during evidence in chief to explain deficiencies in the process followed) that there is no requirement for comparisons at every stage or for the same level of detail at every stage. That must be right. Having rejected an option because it failed to provide the same level of relief or otherwise failed to address identified objectives, there is little point revisiting it as the preferred route is progressed. He accepted that there was no such requirement. There is no basis for criticising the scheme for being progressed further than a FWR; the question is whether planning permission should be granted for the application scheme. A proper way to oppose this would be to demonstrate another possibility (an alternative) of such advantage as to warrant refusal until that other option has been investigated; another point made by Mr Simkins that was not questioned. That opportunity was not taken despite offers at both PIMS. The application should be considered on its own merits in the light of the information available.

*The Role of the Directives/Wildlife Regulations.*

- 2.303 Mysticism and obfuscation fogged issues relating to European Directives and subsequent Regulations. It is not so complex or new. Domestic legislation and policy for decades has sought to protect the natural environment; statutes have been introduced, including the requirement for ESSs. The directive/regulation and domestic statutes/policy are similar. (PPS9) The aim is not to prevent decisions but to ensure that they follow a process, based on sound relevant information. The planning encyclopaedia puts it succinctly at section 70 "Determining Planning Applications", and confirms the role of advisory bodies. The reason none objects is obvious: there is no unacceptable implication for any statutorily designated site and no site of county significance



is directly affected. Detailed impacts and the mitigation strategy are outline in evidence above.

*WHA Opening Statement (WHA/110 pp 11 and 12)*

- 2.304 First is a claim that they will demonstrate a breach of the Habitat Directive and the 1994 Conservation Regulations in respect of protected sites and species, citing the Bath and Bradford on Avon Bats SAC, although WHA also make an unsupported claim for the Wellhead Valley to be similarly treated because of its bat assemblage. Species include otters, bats, badgers, water voles, great crested newts, slow worms, grass snakes, barn owls, seven red list bird species and rare invertebrates as well as dormice.
- 2.305 In fact no site is directly affected sufficient to trigger the Regulations and WCC have gone to lengths to address several significant species. There is no requirement to carry out an Appropriate Assessment; the correct approach is in the committee report (CD5.3 para 196-203), since assessed at the inquiry.
- 2.306 The Hereford Waste Watchers<sup>12</sup> judgement was sprung on the inquiry by WHA in closing without previous examination. It should be treated cautiously and is in any event a case very much on its own facts. Similarly closing claims that new supporting text to Policy EN1 in the emerging RSS adds weight to WHA case was inconsistent with their evidence and with a comparison of the original and Modified Draft RSS.

*The Comparison between the Eastern and Far Western Route.*

- 2.307 Relevant too are the ES, appendix 3.1 and 3.2, and Mr Boyle's evidence.
- 2.308 WHA claim that the planning conference did not offer a non road-building option, which somehow supports objections to the current scheme. The reality is very different. The conference asked specifically "Does Westbury need a bypass?": 1266 said yes; 116 said no; 70 abstained. Of written questionnaire responses, only 122 were "generally against a bypass" while the majority view as to alignment preferred a western route. Also public transport initiatives were brought forward along with cycling and walking, and following the October sessions WCC were invited to consider public transport proposals. That innovative conference was open to any realistic, relevant suggestion. This inquiry too provided a first class opportunity to make views known. How many "locals" (WHA's term) attended to state that no traffic problem exists or that it could be remedied by traffic management type measures? (CD9.5 & WCC/A/1/Appendix B)
- 2.309 Without a promoted specific western route, it is reasonable for WCC to rely on existing, earlier information, which adequately shows how a western route fails to do the job. It may be better in some other aspects, such as relief to villages to the west, but that is not one of the scheme's objectives. Objectors made selective references to comparative exercises conducted over the years, extracting points that favour them, but this is of marginal assistance.
- 2.310 The starting point is that following the conference the competing routes were subject to a fresh appraisal to: show value for money; remove through traffic effectively from the town; provide access to the WWTS (and at that time a rail

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<sup>12</sup> Hereford Waste Watchers v Hereford Council (2005) EWHC 191  
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freight terminal); be acceptable in environmental terms. (WCC/A/1/Appendix B 2 September 1998 Committee Report par 7)).

2.311 The conclusions remain pertinent:

*"Clearly an Eastern Route and the ...Far Western Route have the best economic returns and are the only routes likely to meet the required level of economic benefits. There are environmental factors to be considered with each of these routes, and a summary of the main factors is included as Appendix 5 of this report. (That appendix set out the factors in a tabular form indicating that the western route was £2.3m more expensive, was 1.3 km longer and had reduced benefits but that it ran across lower grade agricultural land and through a shorter length of SLA.) Both routes would have benefits and both would have adverse impacts which could be mitigated to some extent by careful detailed design.*

*"Both routes have a level of public support, but both also have groups of residents opposed to them and could be subject of objector action. ... There is no compromise option available. The choice is between the two feasible routes, taking into account all relevant factors, or a resolution not to proceed with a Westbury Bypass. (Although the conference findings would suggest that the no bypass option would be contrary to the wishes of the vast majority of residents and this inquiry has done nothing to suggest that position has changed.)*

*"When assessed against the three approved objectives (above) for the scheme significant differences between the two possible routes are apparent. Both routes would improve the transport links between the West Wiltshire towns, and both would ease the transport of goods, especially to and from the West Wilts Trading Estate, but of the two only an Eastern Route provides significant traffic relief for Westbury" (numerically that was shown in the table at appendix 5 as being the reduction with the western route of 3000 vehicles [13000 down to 10000] whereas the eastern route was a reduction from 13000 to 5900, or over twice as much.)*

2.312 It is easy to understand why the eastern option was chosen: long term benefits not guaranteed with the western. This remains the choice. There are only two realistic bypass options, east or west, or to abandon the whole idea. This last, although doubtless supported by some people, would not find favour with the majority of Westbury residents.

2.313 The western route's higher cost is attributable to A36 works: £7m at modern prices. This substantial sum would have to be found, and it also reduces the extent of the benefits. Objectors have criticised not only the amount but also claim that it is not justified and would be unnecessary. Unfortunately the HA disagree and have informed WCC of their expectation were the western route to be selected. WCC have not had to reconfirm this to the inquiry, in the absence of anyone promoting a western route, but as that route would add in the region of 39% of traffic (6,515 vehicles/day) to part of the existing A36, works would be required. This cannot be ignored but is not the only or perhaps even the most significant consideration. The western route would still fail, compared with an eastern, to fulfil the objective of providing traffic relief to Westbury. Notwithstanding a positive COBA assessment, the degree of relief is a dismal return for the cost.

2.314 Objections regarding Yarnbrook wrongly seek to compare the earlier western route, including Yarnbrook, with the current eastern route which excludes it.

WCC decided to separate the proposals for Westbury from those for the villages to the north for good reasons, explained in the evidence, and this would now apply equally to a western route. WCC have a clear intention to bring forward measures for Yarnbrook when able to do so. The eastern bypass does not make that any more or less likely. WCC's current comparisons between the routes are as consistent as they can sensibly be and clearly support their eastern preference.

- 2.315 The current A350 runs from the south of the town to the north in pretty much a straight line and it caters for traffic wishing to make that movement. The western option requires traffic to divert off its route and drive to the west before returning almost to the point on an easterly alignment from which they diverted. The inclination to do so is counter intuitive and unlikely to happen.
- 2.316 The only other alternative suggested was Mr Brakspear's tunnel option. That option emerged late and appeared to be subject to refinement and development "on the hoof". It was an imaginative plan, but had significant defects, most of which Mr Brakspear accepted, and was hugely, if not prohibitively expensive.
- 2.317 The only realistic conclusion to all this is that if Westbury is to have traffic relief by means of a new road then the option is to go to the east. Before considering the acceptability of such a solution, which means an assessment of the proposal itself, there are three preliminary matters: traffic management measures to provide the relief; the Wildlife Trust case and; errors in the traffic model. Although raised as objections to the scheme the reality is that they cannot properly be so regarded.

*The Use of Traffic Management Measures.*

- 2.318 Objectors, particularly witnesses called to give evidence, repeatedly claimed that all that is required are measures designed, presumably, to slow traffic through the town or perhaps remove it. "Presumably" because although the "remedy of traffic measures" has been suggested in their evidence, and raised in cross-examination of WCC witnesses, no actual measures have been put forward. Mr Gavin Smith, for example, suggested that Westbury's problems should have been overcome by traffic management measures and traffic calming, though again without detail beyond concluding that WCC had deliberately avoided such measures in preference for a bypass. If the response is that "it is not the objectors' job" to provide the solution, then they should accept the view of those who do have that job, WCC, that traffic management alone would not provide a remedy but can come forward after significant levels of traffic divert onto the bypass, to provide further benefit for the town. Over a million pounds for this is included in the scheme costs. Although the detail is not yet known, and there is no reason why they should be, funding will exist for a large number of measures in association with the bypass.
- 2.319 Perhaps unsurprisingly, objectors do not accept that WCC appreciate the real situation and maintain that measures could come forward. This is based on a bald assertion of remedy but unsupported by any precise information, justification or analysis. In contrast, WCC demonstrated their approach through Local Transport Plans (LTP1 and LTP2), not based on an overwhelming and "outdated" (the objectors' word) ambition of providing road space "wedded" to an old fashioned ideal of serving the car user. Rather it is an

enlightened and progressive approach entirely in touch with central government ambitions.

- 2.320 WHA cross-examination of Mr Khansari repeatedly put to him that the bypass demonstrated a rush to road building at a time when attitudes had changed and other approaches are required. It appeared that Mr Khansari's response was not what was expected, until Mr Khansari's reference to the LTP documents proved his position, ending the exchange with a clear demonstration that road building was not the first port of call but the last, to deal with a real problem that demands such an approach. This also answers WHA's closing references to emerging RSS Policies TRAN5 and TRAN10. Significantly, it was not put to Mr Khansari that there is any requirement for all other measures to be tried and fail before road building can take place and, as mentioned above, Mr James later confirmed he was not making such a case. Accordingly the foundation for much of the objectors' case was demonstrated to be false; road building was seen as an available tool. This can be allied with the agreement subsequently by Mr James and Professor Whitelegg that there is no prohibition on road building.
- 2.321 LTP1 Section 5 details the Transport Strategy and Priorities and sets out the strategy (para 5.3). Table 5.1.1 summarises the position; illuminatingly, having set out five specific government objectives and identified relevant local pressures, of 24 potential transport reactions only one relates to road building. Hardly evidence of being wedded to road building as the only remedy available. The aim is to "introduce limited road improvements to improve journey time reliability" in the context of an objective "to contribute to an efficient economy and to support sustainable growth". That desire to address journey time reliability remains up to date, as in para 5.1.4 and policy RTS 1 of the recent RSS modifications.
- 2.322 Provision of a Westbury bypass is within LTP (page 87) where it states "*the removal of through traffic, would enable widespread traffic calming, cycle and pedestrian measures to be implemented in the town. The scheme would provide traffic relief for Westbury, allowing roadspace in the town to be re-allocated to other modes, improve journey time reliability on the A350 Primary Route, and improve access to the employment areas, particularly the West Wilts Trading Estate*". WCC's position has been known since that time at least and has been consistent. LTP2 maintains the position: while recognising that government is moving away from significant road building as a remedy, some additional road capacity will be needed and the Westbury Bypass is retained in the programme. This consistent approach has not been maintained for some intransigent doctrinal reason but because it represents the appropriate solution.
- 2.323 The provision of the bypass will remove through traffic to allow other measures to take place; those measures in advance of the bypass would worsen conditions. Complaints arise from the amount of the traffic, congestion and a sense of severance within the town. The road runs through the centre, fronted by dwellings, albeit outside the main shopping area. It is very busy, although probably not the busiest place to be seen, congested without being the most congested, it severs the town but perhaps not in the same way as may be experienced elsewhere. It carries a lot of HGVs of all descriptions but is perhaps not the worst example. Traffic travels through all day but again there may be other locations where greater flows are experienced. It is however rare to find all those factors concentrated into a finite area all at the same time and

experienced for most of the year. A short visit may not disclose a "problem" compared with experience elsewhere. But living there continuously provides a clear understanding of why a bypass is demanded.

2.324 Traffic management measures prior to a bypass would also conflict with the PRN. Prior to the RSS Proposed Modifications there was no written statement precisely confirming that it is inappropriate to introduce such measures on the PRN. Confirmation came in Policy RTS 4: "*the primary route network ... should be promoted for use by HGVs in preference to other roads.* (This was known anyway and explains why the current A350 is the identified Lorry Route). *The routes should be signed appropriately. Environmental weight restrictions should not be placed on these routes.*" These roads need to carry HGVs in the most appropriate way; this being related to journey times reliability at least. The position is now very clear and supports the approach of the County at Westbury.

2.325 Finally on this issue, having examined the consequences of imposing traffic measures without a bypass, Mr James accepted that it would impose further restrictions on residents but without compensating benefit. If the measures simply restricted "locals" from using their cars, freeing up road space that could then be taken up by through traffic, which would then be slowed down by the traffic management measures creating what may be similar circumstances; although we cannot be absolutely sure without knowing what measures the objectors had in mind. Compare that with the situation with a bypass: 60% of traffic removed, traffic management measures in place slowing the remaining traffic further and converting some road space to other more pedestrian related uses and thereby reducing traffic. A step change in environmental conditions consistent with regeneration.

*The Wiltshire Wildlife Trust.*

2.326 The Trust do not raise objections to the scheme itself. After full consideration, they accept that what is proposed is suitable and appropriate; they demand more, a rather grandiose extension of the mitigation measures, not defined in detail as not their job. They envisage a strip of land, the width of the area between the road and scarp slope, treated so as to enhance its ecological value. Nowhere do they describe a particular purpose for this land. They consistently refer to enhancement in nature conservation but without setting out any required feature; general enhancement rather than anything specific.

2.327 The Trust draw on all references to enhancement in policy statements in order to claim a modern way of thinking, the way forward: that as the scheme results in acknowledged detriment (an inevitable consequence of any development proposal if regard is had only to the development alone) it does not meet the thrust of policy and is deficient. They acknowledge the scheme's ground breaking, ambitious mitigation, but still seek additional measures to meet what they say is founded on law and policy: a significant net gain in biodiversity.

2.328 To describe their approach as ambitious is understatement. When relief for the town is factored in with the scheme and its mitigation measures, overall enhancement is easy to see, as recognised by WCC's witnesses.

2.329 More specifically, the request needs to be seen in the light of PPS9 Key Principles para 1(iv) and also with regard to implementation. PPS9 was referred to in the Trust's closing (para 5(5)) but not questions raised by that

Statement; rather the closing concentrated on questions put in cross examination by WCC regarding PPS9 para 1(ii). As for implementation, there is an important error in the closing remarks which casts doubt on the conclusions drawn from it.

- 2.330 PPS9 1(vi) requires adequate mitigation (which the Trust acknowledge has been done) before planning permission is granted. Even where significant harm to biodiversity would result (which the Trust do not allege) compensation measures are to be sought. "Compensation" not "enhancement". The Trust's reliance on the "intention" in policy suggests an acceptance that it is against them. Nowhere in this Key Principle that "should be adhered to" is there a requirement to enhance. The enhancement approach, in para 1(ii) is purposefully set amongst words such as "aim to maintain and enhance, restore or add to biodiversity". Refusal on the basis of a failure to enhance may be justifiable in some circumstances but not where the mitigation is accepted to be ground breaking or state of the art in any event.
- 2.331 The error in the closing (OBJ/WWT/101/para 4(2) 2<sup>nd</sup> bullet) correctly records that in chief Mr Jenman expressed the view that it was not necessary to acquire the land, just a management agreement. The error in closing was to rely on that rather than his acceptance in cross examination that the likelihood was that the land would need to be acquired in order to achieve the Trust's aims with sufficient certainty and continuity. This was entirely logical, without ownership or the threat of acquisition through compulsory purchase what possible motive, beyond mere charity, would a landowner have in reaching an agreement with the Council? Without such agreement the whole basis of the request fails and if the scheme is tied to such an arrangement the scheme would go with it. The landowner objects to the scheme, so why agree to his land being encumbered? That acceptance by Mr Jenman was correct and fundamentally changes the merit of the Trust's position. The issue had been flagged up in WCC's opening to the inquiry (WCC/100/para 11).
- 2.332 In reality compulsory purchase powers would probably have to be invoked to provide the enhancement measures, but it is impossible to see how acquisition other than by agreement could be justified, given the accepted position that the intended mitigation is adequate. The Trust's example of a private developer approach in Swindon actually makes WCC's case. That land was privately owned with some belonging to the local council. Developers were keen to develop and as part of a land deal enhancement measures were agreed. The developer needed the council owned land and went as far as required to achieve that; there was no suggestion of compulsory purchase. Compulsory purchase is a last resort; every parcel has to be justified for its intended purpose. This did not arise at Swindon where a deal was done.

*The Errors in the Modelling Work.*

- 2.333 The inquiry heard calls for abandonment, claims that the position is now so uncertain that the whole basis of the case is undermined to a degree that WCC should withdraw and start again. Even HPC, essentially consistent supporters, got caught up in the excitement. In reality these errors were not so significant or incapable of correction within the inquiry process. That is especially so given the fact that correction increases the scheme's justification. Although WHA are entitled to draw on these matters, it should be borne in mind, when considering their case, that the traffic modelling and associated weight ban issues were raised largely by others.

- 2.334 WCC are grateful for the Inspectors' identification of imbalance in HGV figures, which uncovered a manual mistake: double halving of numbers, a mistake that had evaded the author of the evidence, both advocates and everybody else. During the course of that re-examination and also, to be absolutely fair, following questions and requests from some third parties, WCC spotted some other information needing correction. Undoubtedly, it would have been better if those errors had not occurred and required correction; it would also have avoided any feeling of a lack of confidence in the work. But they were made and time was available for corrections to be taken on board. The final outcome can be used as the basis of assessment. Following consultation, no interest group revised their position; major statutory parties confirmed their position.
- 2.335 The process can continue in safe knowledge that the traffic model is perfectly adequate for its purpose. It is however a complex, time consuming exercise to construct the model and then use it for the purposes for which it was intended. Modelling is complex and ultimately it is a tool designed to assist with decision making. The modeller seeks to replicate reality in a situation where every individual day – the reality that is trying to be copied – is different. As records demonstrate, every day is at least very slightly different from others. Modelling is for forecasting the use of roads in varied circumstances, which is material to judging whether the resolution of errors should be seen as casting any doubt on the validity of the results in this case. The nature of the errors was consistent across different comparative scenarios, and as such the results are reliable.
- 2.336 The exercise has, in addition, confirmed one essential fact about which there is no doubt. A considerable amount of the traffic currently using Westbury has no desire to be there; not to visit any part of the town or to make use of its undoubted attributes. It is through traffic. The bypass would remove in the region of 60% of all traffic – the through component. Within this flow there is a significant element of larger vehicles most of which would divert with the provision of the bypass and lorry ban on Station Road. The town can expect significant relief; a fact that cannot realistically be denied with or without absolute confidence in the modelling.

*The Application Proposals.*

- 2.337 WCC's evidence identified current road schemes and WCC in opening challenged anyone wishing to assert that there is a prohibition on even justified road building; not because of any overriding general desire to build roads, but responding to the tone of evidence to be called by WHA. Their opening reinforced that tone by placing the scheme in an historic, superseded, context; the first hour of cross examination was almost exclusively so, emphasising PPS 1 and its Supplement. However, Mr James and Professor Whitelegg allayed WCC's concerns: neither claimed that road building is now prohibited, although both described it as a matter of "last resort". That in one way coincides with WCC's LTP approach, in another it does not. The phrase may suggest a sense of desperation, presumably how it is meant by the objectors; WCC see it as indicating the last step in a well ordered and considered assessment.
- 2.338 Both those witnesses confirmed that the acceptability of a road scheme depends in large measure on local reaction. That also was helpful given very clear support for a Westbury bypass from local residents, although the route

has caused a division (Mr Hopkins' word) of opinion. Mr Hopkins used *that* divide to support his repeated comments that the scheme is divisive locally.

- 2.339 Dr Gillham came closest to saying that road building is now redundant if not extinct. But not quite that far. His response in cross examination was "never say never" although of all the schemes he had examined he was yet to find one that was actually justified in the way he looked at them. However, others disagreed; schemes are still being built by national and county authorities. Even Mr Hopkins' cross examination of Mr Khansari on schemes still coming forward (implying that these preceded the "new" policy) was shown to be wrong.
- 2.340 The argument is therefore a standard planning one: where the balance of advantage from a development is weighed against any resulting harm; "last resort" is simply the resulting decision.

*The Approach to the Application.*

- 2.341 A similar approach may be taken to that in the Thames Gateway Bridge inquiry report. Does the application conform to the adopted Development Plan? If not, are there material planning considerations which indicate that it should be approved? In other words exactly the approach followed by Mr Simkins, in contrast to Mr James who selected particular points. In fact, nowhere has he said in terms whether the scheme accords with the Development Plan.
- 2.342 In opening the WHA claimed that the scheme could not *"be regarded as being compliant with the Structure Plan"* and that *"it is, we believe common ground that this application is a departure from the West Wiltshire District Plan (CD2.12), and Mr James' evidence will show that there is no support for this particular scheme in the District Plan."*
- 2.343 This is hard to accept: the Structure Plan specifically refers to the scheme; in fact WHA evidence describes this as self serving, in effect only there because WCC pressed on with what everyone else had rejected. And it is not common ground regarding the District Plan: the application was dealt with under Article 5 of the "departure" provisions, because WCC are promoter and decision maker. This does not imply conflict with the development plan.
- 2.344 If it is found that the scheme is in the Development Plan then that brings a certainty of provision unless there are reasons for not doing so. It is for objectors to prove the case to that extent; the promoters have already jumped the hurdle of getting the scheme in the development plan. Also, objectors at this inquiry participated (representing other organisations) at inquiries or examinations into the Structure and District Plans to oppose the scheme. Its retention in the development plan is therefore the more certain. It is settled law that an application inquiry is not a forum to reopen debates already concluded during the development plan process. The question now is whether the scheme is within the development plan and in what form, and if it does so appear are there material considerations to indicate some other approach?

*The Development Plan*

- 2.345 Objectors contending that the bypass is not mentioned specifically in the extant RSS (RPG10) fundamentally misunderstand its strategic purpose. What is required is an examination of the aims, objectives and policy approach to identify how the proposals can contribute. Important and highly relevant



references were set out in Mr Simkins' evidence and not subject to any significant challenge. The vision is on maintaining and enhancing the quality of life for those living, working or visiting the South West, with an inevitable balance between environmental objectives and the need to improve and strengthen the region's economic base and competitiveness.

- 2.346 Westbury is the northern sub-region, the most economically sound of the four and identified as the main focus of growth. The economic benefits from the scheme draw support from this approach as is clear in Policy SS2. Paragraph 3.19 points to greater self containment in the West Wiltshire towns, which embraces the problem of out-commuting from Westbury. (And contrary to WHA's closing submissions, Mr Khansari provided evidence on the issue of out commuting). TRAN 2 confirms the response can include infrastructure provision as part of a multi modal approach: expressly authorities should "support selective infrastructure proposals to improve road safety and operational efficiency of the road network, reduce congestion and achieve environmental improvements". Westbury Bypass is a perfect example. Table 6 indicates the sort of proposals covered, including: "improvements to north-south transport links from the Bristol/Wiltshire and Bath and North East Somerset District Area to Southampton/Bournemouth /Poole which addresses in particular the World Heritage City status of Bath". The Westbury Bypass can be seen as a partial contribution.
- 2.347 The Structure Plan is even more straight forward and equally supportive. A stated key element is to regenerate the economies of the towns in western Wiltshire. Supporting text refers to the A350 and Westbury in particular (para 3.10, 4.23). Para 5.40 describes the A350 as carrying *"the highest volume of traffic and heavy goods vehicle movements on the County's non-trunk road Primary Routes"* and continues:
- "Because of its strategic importance, and the significant traffic growth that has occurred in the last ten years, the route will be selectively improved to maintain and enhance journey time reliability. The proposed improvements ... will provide significant relief and environmental benefits, particularly for local residents, and the improved standard of provision of this road will aid the economic and social regeneration of the west Wiltshire towns."*
- 2.348 Policy T12 identifies the Bypass as a scheme already in the LTP, in the context of regeneration of the West Wiltshire towns. Since then funding has been identified for the period up to 2009.
- 2.349 In summary, the Structure Plan identifies the Bypass as an important component of one of the most important elements of strategic policy concerning the regeneration of West Wiltshire. It is part of the programme of improvements to an intra-regional road that is also closely related to a process of regeneration in this part of the County. These improvements are also specifically included in Regional Policy with regeneration as an underlying justification. In all, a very significant measure of policy support for the principle of the proposal.
- 2.350 The picture is made complete with the District Plan. No one has even suggested that the Bypass is a departure from Policy T1a: *"land to the north and east of Westbury, from north of the existing Cement Works Roundabout and to the Madbrook Farm, as shown on the Proposals Map, is safeguarded as the County Council's preferred route option for the A350 Westbury Eastern Bypass and the Glenmore Link. Other development will not be permitted on*

*this safeguarded land if it would be likely to prejudice the implementation of this scheme."*

- 2.351 The proposals map shows the route in diagrammatic form to the east of Westbury before crossing to the north. The policy is not conditional. Any distinction between "safeguarding" and a "proposal", concerns interpretation rather than planning merits. Any reasonable person reading the district plan will understand that the bypass is in the plan, together with a narrow route corridor.
- 2.352 Objectors look to parts of the underlying text and to a letter from the then Chairman of the District Council<sup>13</sup>. Mr Simkins (para 3.48) indicates that the purpose of the text is clearly to ensure that the route is not safeguarded were there no realistic possibility of the scheme proceeding through lack of funds, which does not apply given the current funding status. The planning based test is passed with flying colours. As to suggestions that the Leader's letter somehow withdrew the policy, there is no such ad hoc power; Objectors have been unable to answer this point. Indeed the District Council's formal response to the application refers specifically to the allegedly withdrawn policy.
- 2.353 Mr Simkins conclusions on the Development Plan are compelling, and the only complete assessment of the planning policy position before the inquiry: the scheme not only accords fully with the Development Plan, but the degree of in-principle support is compelling.
- 2.354 Importantly so because the Draft RSS still has some way to go, with issues to be sorted out. The law is clear: the case before an inquiry is considered in light of facts and matters on the day that the "decision" is made and in light of the policy position that exists on that day. That means the development plan as then adopted. Other matters can only be material considerations; their weight depending on the stage reached. The development plan for the purposes of section 38(6) is however clear and its provisions are highly supportive of the scheme.

*Other Material Considerations in Policy Terms.*

- 2.355 The main considerations are statements of Government policy, although these do not include *Towards a sustainable transport system: supporting economic growth in a low carbon world* (DfT 2007) much relied on by Professor Whitelegg and others, which turned out to be a consultation document that may be subject to significant alteration.
- 2.356 The Draft RSS now has the Proposed Modifications. On any fair analysis, the Draft continued essentially the same position in respect of the Westbury bypass as the extant RRS (RPG10). The enhanced status proposed for the A350 would have strengthened that position and, when analysed, the Draft was supportive of the scheme; as confirmed by the Regional Assembly (Khansari's appx C)
- 2.357 The Draft, especially with the Proposed Modifications now has significant weight, but it is not yet the final version. Given fairly radical Proposed Modifications there may be some way to go. But one thing can be said: had

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<sup>13</sup> Mr Morland submitted Document OBJ/MOR/101, though this was not discussed and has not influenced my conclusion on this issue or more generally.

Government intended PPS1 to herald a radical change, as raised by WHA, the Proposed Modifications provided an opportunity, the first in this region, to indicate the change. No such striking change has been made despite essentially rewriting of the transport section. WHA were wrong in their assertions.

- 2.358 The RSS, as proposed to be modified, still clearly supports the scheme. Claims of inconsistency with the emerging advice are false; as again confirmed by the Assembly. The RSS as proposed to be modified does not name the Westbury Bypass as a scheme, but neither did the Draft and nor does the extant RSS (RPG10). The approach again set out regionally, and to that extent the Modifications do present a different, broad brush approach, compared with the Draft, to ensure sustainable development within the region. But on analysis there remains much support for the scheme.
- 2.359 The thrust, consistent with the Draft, the extant RSS (RPG10) and all other Government guidance, is to seek sustainable development: not to prevent development but encourage acceptable, beneficial development. Transport is the section most radically changed by the modifications but for the introduction of the overarching CSS policy. This Policy, largely ignored by WHA, imposes obligations to meet housing need, to improve connectivity, accessibility and the functional efficiency of places and to enhance economic prosperity within environmental limits. Provision for growth relates to a settlement's status; Westbury is within the market towns description. Emerging regional policy is entirely consistent with objectives underlying the justification of the scheme.
- 2.360 In more detail, the Proposed Modifications transport corridors now appear to follow only the trunk roads. This change is consistent with a more strategic approach but leaves a level of uncertainty regarding other roads of accepted importance such as those in PRN. On a strictly literal view only transport Policy RTS4 applies to the A350: to remain part of the PRN carrying HGVs over longer distances. RTS1 applies only to national and regional corridors (apparently limited to consideration of trunk roads) and RTS2 applies to SSCTs (which excludes large areas altogether). It seems likely that there is some way to go towards final RSS. Meantime, the importance of the primary route network is recognised and within it improvements cannot be ruled out (5.1.26, 5.1.4 and 5.1.6 in particular). There is nothing to suggest a need to move away from the current Development Plan.
- 2.361 The main reason for removing specific infrastructure projects from the RSS is clear from Baroness Andrews' letter. Not, as suggested, because they will not happen – frankly absurd given the level of development envisaged within the region – but as a consequence of how the delivery of the development proposals is to be accommodated. The Bypass can be seen as a free standing local scheme (as in the BB2SC study) and justified in its own right. Planning permission will not adversely affect growth ambitions indicated in the Modifications but rather would be consistent with the thrust of Policy CSS and the provision of sustainable development.
- 2.362 The scheme is also compliant with PPS1: it assists with regeneration, improves the town's environment and can assist economic activity. The PPS1 Supplement, geared towards planning policy, is also complied with in terms. Moving towards a low carbon economy does not rule out development; most certainly it does not mean no Bypass without a net decrease in carbon. There

remains the requirement, with no realistic alternative, to meet the legitimate demands of local residents. PPG 13 Para 5 states that *"The car will continue to have an important part to play and for some journeys, particularly in rural areas, it will remain the only real option for travel."* DfT Circular 02/07 para 7 states *"the successful delivery of growth and regeneration objectives in any development plan relies on the provision of infrastructure to ensure the foundations for successful development. This provision needs to be planned on the basis of informed knowledge of what is likely to be practical and affordable."*

- 2.363 PPG 4 is supportive in that access for and to local business is enhanced and impacts on local residents reduced. PPS 6 supports measures in relation to town centres and PPG 13 is met in the way that Mr Simkins explained in relation to improved accessibility, town centre environment and journey time reliability, as well as encouragement of modal shift via the other measures for which funding has been sought.
- 2.364 Finally two other documents. The transport statement relied on by Professor Whitelegg is a consultation document (CD13.1), confirmed on its face as the start of a process. Conclusions based on it need great care. The Community Plan document (WHA/113), put in by Mr Hopkins but never referred to, far from helping his case actually proves the contrary. As it was not put to any WCC witness, nothing more need be said about it.

*Specific Points of objection.*

*Need for the Scheme.*

- 2.365 The need is self evident on the ground; there seems to be universal acceptance of a problem. The 1998 Planning Conference so concluded as have subsequent exercises. Everyone who appeared at the inquiry has at least acknowledged difficulties with traffic and its effects within the town, albeit that preferred remedies differed: some suggested different bypass solutions, others lesser measures within the town and Dr Gillham nothing at all.
- 2.366 Given the A350 north south traffic role within the PRN, it is hard to see any change without the scheme, given the absence of a realistic alternative. The RSS Proposed Modifications explicitly confirm, for the first time, that roads such as this are to carry heavier commercial traffic. WCC's evidence has highlighted the route's traffic flows, its linkage between the five towns and its importance to Wiltshire as a whole.
- 2.367 The problem is local and through traffic sharing a road within a town that has evolved astride that very road. The A350 is not planned infrastructure able to accommodate competing functions and mitigate adverse impacts; it evolved historically. It serves, and creates an impact on, mixed frontage uses within the town: residential, commercial and retail where interests may compete. Also the road follows the alignment that it can within the town; no one questioned WCC's position that no meaningful on-line improvement is feasible. Mr Stokes' unchallenged evidence regarding the road's existing condition and limitations is fundamental, demonstrating the extent and magnitude of the problem.
- 2.368 Added to that, were genuine, heartfelt expressions from residents along the road as to the state of affairs and the effect that traffic, particularly but not exclusively heavier vehicles, has on their daily lives. Queuing constantly occurs

and any disruption to flow rapidly worsens things: observation confirms the delays resulting from a break down, parked vehicle or even a bus stopping for passengers. WHA said little with regard to conditions in the town.

- 2.369 It may well be that Westbury is not the worse location for individual factors. There may be locations with worse congestion, worse air quality, a greater feeling of severance and such like when viewed separately. But Westbury suffers from all such factors over a major part of the day, with a clear, identifiable effect on residents, visitors and road users.
- 2.370 In all, as largely accepted by inquiry participants, the problem is clear: it is traffic related, in need of remedy. An eastern bypass offers the best solution unless there are found to be reasons for rejecting it as a specific project. Before examining the remaining objections made to the scheme there are a few further comments in relation to traffic flows.
- 2.371 The "lack of confidence" challenge to the traffic figures has been addressed above, and the final figures, contrary to some views, are not confused, vague or uncertain. Anything but, they demonstrate the scheme's value and expected effects. Without a scheme, traffic through Westbury will continue with underlying growth compounding already unacceptable conditions. With the bypass, up to 60% would be removed: traffic that has no desire to go to Westbury but currently has no other option.
- 2.372 Some objectors criticise what they see as a lack of clarity in the inter play between the bypass and the Station Road weight limit. WCC apologise if the position remained unclear even after examination of the planning application. The weight ban was intended as an adjunct to reinforce the bypass by ensuring that HGV drivers would not find the relieved town centre the more attractive option. It does that whilst accommodating other traffic, including buses, along Station Road.
- 2.373 The traffic figures may not be seen as perfect especially given the need to reassess after the Inspectors spotted the problem. They are however adequate for the purpose, and demonstrate that significant relief will be achieved. They also allow assessments of the alternative option, demonstrating how poorly that scores for Westbury.
- 2.374 Similar criticisms were aimed at the use of COBA and what that demonstrates. Any objection, however disguised, aimed at its use should be discounted; WCC have no choice. The results show a benefit despite strenuous efforts, not by WHA as COBA analysis was no part of their case, but by two individual objectors. COBA is complex but properly applied produces reliable results. Challenges amounted to a mix of detailed comments, a suggestion that information had not been supplied (a common complaint when disclosed information does not suit the recipient) and that the exercise is self serving.
- 2.375 Importantly, the process was in fact on a consistent basis, within the rules and under the auspices of an on going analysis by the DfT (WCC/110). The COBA analysis is robust and reliable. Mr Nicolson's attempts to derail that process were unsuccessful and Dr Gillham's attempt at this inquiry (he confirmed that his view has never prevailed in previous attempts) was a continuation of his desire to see an end to road building rather than a challenge that can be dealt with at an individual inquiry.

- 2.376 On induced traffic the position is even clearer. The DfT has accepted WCC's approach; the difference between the County and the objectors appears to be based on expectation rather than assessment. The objectors expect that the bypass would generate significant traffic, from a misunderstanding of the SACTRA work in the 1990s. The County, conversely, actually carried out an assessment, endorsed by the DfT. The dispute centres on the elasticity factor. WCC explained the factor they employed and exposed that the challenge arose from an assessment in London. The County's figure is perfectly acceptable given the level of modal competition within Westbury. Even the late emergence of a "technical note" from Professor Goodwin does not alter that situation, since he did not deal with the situation on the same basis.
- 2.377 The final comment relates to benefits. As so often, objectors alluded to "mere" savings of two minutes as scant justification for "despoiling the countryside". However, two minutes is the modelled saving per vehicle, in aggregate contributing to the overall benefits. The requirement is to carry out that assessment to ensure that public money is wisely spent, as has been demonstrated in this case. And the reality is even more significant, because there are wide variations in travel time through the town. That variation, from timed trips, indicates a huge difference depending on time of day and traffic conditions. The assessed benefits meet the applicable test and for users on the ground the benefit arising from the bypass will be felt directly.
- 2.378 There is also another need within Westbury: for the scheme to achieve the two specific objectives aimed at assisting with the general economic good health of the town and the contribution it can make to Wiltshire and the access to the industrial estate. Objectors have fallen back on the "there is no evidence that new roads mean more jobs or prosperity" argument. That was to be expected but it is not an answer in respect of this proposal.
- 2.379 First the relevant scheme objective is to help facilitate economic wellbeing without claiming to demonstrate that economic wellbeing demonstrably must be a direct outcome. Second is WCC's evidence on the current position in Westbury and its out-commuting problem, which exceeds other locations. To turn that around requires reducing its cause. The planning system and the provision of appropriate infrastructure are an essential and integral part of that approach. Then there is the compelling case put forward by Mr Turner, a man with his finger on the pulse of local commerce. If he is correct, with nothing to demonstrate otherwise, then undoubtedly not only is there the clear, identifiable need for the scheme in environmental terms, this is reinforced by the requirement properly to service the largest industrial site in Wiltshire.

#### *Flooding and Pollution.*

- 2.380 Mr Sargent, an expert of considerable experience and expertise, had evidently not been furnished with information required to reach informed conclusions. He clarified his position in cross examination although this should perhaps have been accepted from the evidence of Messrs Swift and Sadler, which confirmed that a PPS 25 type assessment had been applied, including a sequential test, and also all relevant flood test events had been examined. Mr Sargent's criticism that the flood compensation works would not be "level-for-level" was also addressed. In fact everything had been addressed in the ES. It has to be said that he did not appear familiar with the document. His sole concern on pollution related to infiltration into the aquifer; an important issue

which WCC have gone to lengths to negate. His criticism expressly relied on the possibility of system failure. It follows that, in the absence of failure there is nothing to criticise. Fundamental errors render his conclusions insufficient to refuse permission for the scheme.

- 2.381 He applied a "no development within SPZ" test which is not so: development is permitted provided appropriate safeguards are in place, as here. He did not take into account that the membrane is the second line of defence. The first is a comprehensive drainage system for the entirety of the road, sufficient to prevent run off to adjacent land even when bridging a watercourse. In most locations this suffices; above the aquifer the membrane, along with gradients at the road and membrane, amounts to a very robust system. He was unaware of Dr Chambers' unchallenged evidence on the membrane material and its longevity, and ignored the fact that following their own assessments, relevant statutory bodies were content. Even if the system failed – almost impossible to contemplate – this would result in a financial and not a public health risk. Monitoring would prevent "polluted" water from being used. Mr Bowley's concerns call for rejection on a similar basis.

*Landscape implications.*

- 2.382 There is a temptation in respect of subjective matters for people to adopt a position based on a belief that they are right because they say so. The Landscape Institute and others have gone to lengths to produce consistent and approved assessment methods for what is ultimately a subjective topic. Only two assessments before the inquiry sought to follow the rules: the ES and, relying on factual information within the ES as well as other sources, the evidence of Ms Betts. No other party sought to carry out a similar assessment. This would not be noteworthy – everyone is entitled to their own subjective views – except that WHA retained an expert, Mr James, who could have carried out such an assessment. Most of WCC's case therefore went unchallenged, other than on certain points, which do not relate to the activity undertaken to draw together the information, or to the findings on it, but to certain judgments made. Interestingly, there was no challenge to the base information underlying the judgments.
- 2.383 Perplexingly (WHA/P/3 1.8) Mr James said that "it is not proposed to examine the areas of disagreement in the fine detail of the WCC appraisal but to cover the three major issues in turn". He claimed that WCC understated the impact on the "outstanding landscape of the SLA"; rejected the conclusion that the landscape impact of the eastern bypass was equivalent to the western; and claimed that WCC exaggerated townscape benefits. WCC answered all three points comprehensively, vindicating their position, although it bears repeating that there is no alternative to the west thought worthy of promotion or even support from Mr James or anyone else.
- 2.384 The scheme will bring change, including change to the landscape. That cannot justify refusing permission or development would not get off the ground. Ms Betts referred to the different levels of impact before concluding that the overall outcome was for a less severe impact than for some of the constituent parts. There is nothing confusing to this as an overall balancing exercise. Each element in isolation has its own impact but the overall process includes corresponding benefits, for example within the town, to reach a final "score". This further explains why Mr James' "pick and choose" approach fails.

- 2.385 The route runs through countryside seen by many as attractive and unspoilt, contributing significantly to amenity. This could be said about much of rural Wiltshire: it is the particular qualities that must be considered. The route selection process was lengthy and although WCC were convinced early on that the eastern was the most appropriate, this was reassessed following criticisms. The ability of the landscape to accommodate a bypass was a serious consideration throughout, and the relatively small amount of land between the town and the constraint of the scarp slope was evident. In fact the town sits tight against the bottom of the scarp slope.
- 2.386 A bypass to the east would have to fit into the area available and take advantage of any natural features to accommodate it in the most acceptable way. Also views from publicly accessible points on top of the slope and perhaps more particularly from the ancient monument would be available. Although disadvantageous in the Westbury context it is not overriding. These are not elevated views over virgin countryside into which a new road is to be imposed; significant built form is visible. Indisputably, a road between the town and the scarp will be seen in the context of the town and its outlying built form such as the cement works. Further, any road built to serve Westbury, including a western route, would to some extent be visible from the top of the scarp.
- 2.387 The selected route is deliberately close to the town it is to serve, to reduce incursion into the countryside. Its vertical alignment keeps as low as possible within the landscape: it is at or below ground level for a significant part of the route and where elevated it is within visually isolated areas (such as the Wellhead valley) or capable of mitigation (such as south of the railway). It is acknowledged that footpath users close to the road will be aware of its presence. The visual impact assessment (ref as Fig 3 in Ms Betts appendix) shows just how limited would be the impact; no one questioned its accuracy. It is hard to fault the approach adopted to minimise landscape impact and, when taken with the noise attenuation measures, it is hard to see how it could be improved; no one has suggested any additional measures to do so.
- 2.388 The route runs through part of the SLA, which is not, despite Mr James' surprising urging, the same as an AONB. There is no nationally designated landscape status to the land and to treat it as such would be to base the decision on an irrelevant consideration and would be subject to challenge. The modern approach is not to use such designations for protection purposes, but to look to character assessments based on an area's landscape and its ability to accommodate the development proposal. It is far too simplistic to adopt as an approach: this is countryside; the road is therefore contrary to its character. What is required is careful, considered assessment and judgment as to how the proposal fits: as Ms Betts did and Mr James had no intention of doing.
- 2.389 The area of his concern is restricted to the SLA; he raised no additional criticism with respect to route selection elsewhere. His assessment is a limited consideration of part of the route. Nothing more need be said about the western route. His townscape criticism rejects the well established comparison: before and after taking into account traffic relief, which he says should be undertaken on a wholly different basis. His short assessment does not stand up to Ms Betts' comprehensive, considered approach.



*The Ecological Implications*

- 2.390 WHA opened by contending that ecology would be the scheme's death knell; conflict with European Law would be established, and this continued in their presentation of evidence. Those matters may now be dealt with shortly as little remains following cross examination of WHA witnesses, who brought genuine and helpful attitudes. But some response is needed to other witnesses who brought less expertise.
- 2.391 From a wider range of species foreseen initially, WHA focused mainly on badgers, bats and dormice, with some comment on newts. Badgers are plentiful, the issue is animal welfare; the mitigation measures are comprehensive and well established. The only residual issues are whether there is another sett and the possibility of additional wildlife tunnels. It was agreed that the measures are adequate in all other respects and that further surveys following the inquiry decision would lead to any required additional tunnels.
- 2.392 Unchallenged information in the ES regarding newts suggests that where these are known to have existed they would have to cross other roads or other areas to reach the scheme roads. No specific habitat would be lost, and WCC's approach is sufficient. The implication of having to accommodate newts arriving from or going to Salisbury Plain is unnecessary on documented information.
- 2.393 There is no dispute between Professor Altringham and Geoff Billington as to the importance of bats; shared enthusiasm and expertise led to much agreement. There was no suggestion that data were seriously lacking although some late information elevated the importance of the Newtown crossing, where the scheme would in any event be able to accommodate any additional requirements. There was no issue regarding the adequacy of the intended measures, nothing more was seen as needed; rather that the impact of failure is such that the risk is not worth taking. Professor Altringham did not express a view on that but others have. The measures proposed are ground breaking, as revolutionary as badger measures once were. Given the acceptance of a problem sufficient to merit the action proposed and that there is no realistic alternative (which is the position, especially when Mr Billington's evidence of the value of the area to the west of Westbury is taken into account) the way forward is to adopt the most appropriate mitigation.
- 2.394 The responsible authority for guaranteeing protection supports the approach as do others with dedicated interests. This is an opportunity to introduce, monitor and produce results to guide all similar development proposals. The support of Natural England, the support of the Wiltshire Wildlife Trust, albeit after thorough assessment and consideration and the support of the County Ecologist are all important factors in the decision to proceed. The final point is to stress what Mr Billington demanded of the County: at all appropriate locations there would be a multiple defence from tall hedges, green bridges to bat fences and gantries. A comprehensive system without which the impact could well be severe; Mr Billington's "disaster" answer in cross examination. Fortunately the hypothetical basis to that question would not arise as the measures are integral to the scheme.
- 2.395 Dormice too are protected. Despite extensive surveys no evidence of them was initially found. That, however, can be assigned to history, along with any

feeling that their discovery, especially the nest, was made in unusual and not entirely explained circumstances, because WCC are treating them as present. However, regard should be had, to use Mr Woods' words, to the evidence available in seeking to carry out the instruction of Natural England to meet their requirement that the dormice be treated as present. That evidence shows dormice in the vicinity of the eastern side of the scheme but with no recorded evidence to the west although there is clearly some suitable habitat on that side as well. The approach has been to accept that dormice are present in the area, to be aware of the precise locations where evidence has been found and to adopt appropriate and sufficient mitigation. Those measures, which would be subject to refinement, include strengthening the hedgerows to assist with movement along them and a means to cross the bypass originally suggested as a rope but since improved to some form of box structure similar to those successfully used in Japan.

- 2.396 The essential requirement is for dormice to be able to travel in a way that they feel secure. Light is not required as they move at night but protection similar to that in trees and hedgerows is. The solution is something akin to a branch/twig filled box from one side to the other connecting into the foliage at each end. Such an approach has been trialled elsewhere in England, although the results are not known, and is similar to Japanese experience which worked within a short timescale. Such measures are, once again ground breaking to a degree, but there is sufficient knowledge to be encouraging and sufficient support from the informed sources.
- 2.397 The real question is whether Mr Woods during his evidence raised sufficient doubt to cause the scheme to be abandoned, in the face of support given to measures and the lack of objection from Natural England and the Wildlife Trust as well as the County ecologist and Dr Jones, whose views remained consistent, whereas Mr Woods made unexplained changes to his position. In his main evidence he referred to the habitat at about 18ha as being "barely sufficient to sustain a permanent population" but that it was "promising for the future with potential for permanence if improvements to the habitat can be made" (OBJ/WHA/P/2/para 16). In his rebuttal proof, received only on the morning he gave evidence, the position became: the site "with its permanently secure population, is a vital source and possible stepping stone for dormice in this part of England. Consequently it should be considered to be a regionally important site with limited potential for substitution" (OBJ/WHA/R/2/para 20).
- 2.398 That still unexplained change revised his assessment value and impact from minor negative and slight adverse to high value and very large adverse. Such an abrupt change, without any additional information other than seeing Dr Jones' proof, casts doubt on his assessment. In cross examination, Mr Woods confirmed that all he had done was to re-examine the map of the area. The problem was that he was unable to define with any degree of precision the areas which he had now included to justify his changed position. Also, his knowledge of the existing deterrents to movement was also lacking. The only realistic conclusion is that the advisory bodies have got it right and Dr Jones' views are secure. It is Mr Woods' evidence that should be rejected.

#### *Air Quality and Carbon Emissions*

- 2.399 On examination of the evidence, the bypass would not have any significant adverse air quality effects and would provide a small beneficial reduction in

pollutant concentrations within Westbury, consistent with the European strategy objective. Effects on the protected SSSI sites are not significant.

- 2.400 As for carbon emissions, the position is very different from that at the Thames Gateway Bridge inquiry. It is not possible to implement any scheme without any effect on carbon dioxide (expressed as carbon emissions) but the increase in this case – 385 tonnes in the opening year, would be de minimis. Professor Whitelegg rejects the figure but does not substitute any other.

*Conclusions on specific objections*

- 2.401 It must be clear that adverse consequences of the chosen route are strictly limited. That will not please objectors but it is a consequence of the consideration of the various matters raised against the scheme.
- 2.402 Archaeological and cultural heritage interests have been dealt with comprehensively during the scheme development and the remaining points are limited. All designated sites are avoided and WCC's evidence demonstrates the appropriateness of the actions taken.

*The Ham Road Variation.*

- 2.403 Mr Morland suggested that if adopting the variation caused delay, this would not be the fault of those promoting this variation. As he described it, that is correct but misses the point: the variation would be adopted only if it overcame otherwise unacceptable harm. It would not. The point of concern, increased traffic on the Ham, would not arise and if other measures are included the flow may reduce. There is no justifiable basis for the overall scheme being delayed as the perceived problem would not arise. Commitments made by WCC provide the protection. Finally there is no basis for seeking to compare the forecast flow now with historical flows prior to the opening of Phillips Way.

*The Side Road and Compulsory Purchase Orders*

- 2.404 WHA took no part in consideration of the Orders; their criticisms in closing should be considered accordingly. The inquiry considered the precise terms of both Orders in considerable detail, usefully ironing out technical difficulties and allowing various matters to be dealt with by way of alterations or side letters. Accordingly, by the end of the inquiry the five questions posed by WCC at the outset WCC/100 para 10 have all been answered in the affirmative: there is a compelling case in the public interest; that does justify the interference with the owners' rights; WCC have explained the purpose to which the land will be put; WCC have shown that they have the necessary resources including financial commitment; and there are no impediments known to exist at this stage. As for the SRO, following careful analysis at the inquiry it will address all relevant routes in the appropriate way and no more need be said about it.

*Conclusions.*

- 2.405 At the end of this inquiry it can be said with absolute confidence that opposition to the scheme is light, although clearly there are objectors wishing the bypass to run elsewhere and others desiring an end to road construction. Others still are desperate for a solution and there is a large measure of agreement for that solution to be a bypass. The bypass as proposed would achieve all three objectives set for it. Environmental consequences are acceptable, as is clear from the expressed attitude of Natural England; the

Environment Agency; English Heritage; the District Council; various in-house interests within the County; the Town Council (who clearly have been through difficulties in reaching a position of support and thereafter being able to maintain it); and the many Parish Councils who have made their views known. There is some outstanding opposition but also a large measure of support. Landowners fall within both camps but their land ownership position has been dealt with through the CPO process and letters now before the inquiry.

*The call in letter*

2.406 On the particular matters raised, the following can said from the case above.

(a) The proposals fully accord with development plan. They also accord with the emerging RSS as currently drafted and in fact the RTS4 reference to the PRN strengthens the relationship.

(b) The scheme accords with PPS 1, especially by removing environmental disadvantages associated with the current road and its use by through traffic; severance being particularly important in respect of 4(b) first sub para. Also the scheme enjoys a cut and fill balance minimising its effect, and is landscaped and mitigated to best advantage. As regards PPS1 paras 33 to 39, the whole approach has been to achieve the effect required. The route selected is the most appropriate and was chosen in part to avoid important archaeological resources, it has been designed to give rise to the least visual impact possible and it has been appropriately mitigated.

(c) The proposals are consistent with PPS 7 principles, especially if Westbury becomes a stronger more self contained community. Out commuting takes away interests and expenditure otherwise available within the town. If the scheme objectives are met, and Mr Turner's evidence demonstrates how important the bypass is to meeting them, then the thrust and ambitions of PPS7 are met.

(d) In relation to biodiversity, the whole thrust of ecological evidence called by WCC has been aimed at this point. The evidence, with a significant level of agreement between the parties, has demonstrated how PPS9 provisions have been accommodated.

(e) Two of the scheme objectives are aimed at contributing to the town's ability, with the bypass, to meet PPG13 ambitions for accessibility to jobs as well as the other purposes outlined. The associated town centre measures also benefit other modes of travel.

(f) Conditions have been suggested by the County. WHA were present when these were discussed but contributed little.

2.407 The scheme is justified, it is welcomed by many and the objections raised are not sufficient to tip the planning balance away from a grant of permission.

## CASES FOR SUPPORTERS

### **Westbury Town Council** (Mayor Cllr Mike Hawkins: SUP/WTC/P/1)

- 3.1 Westbury Town Council voted to support the current planning application. The majority of members felt that the health and well-being of people living and working alongside the existing A350 – predominantly a residential area – far outweigh environmental concerns of those opposed to the eastern route, particularly since the current, revised, scheme addressed the majority of the alleged concerns by opponents. Claims that the bypass would spoil views of the White Horse are totally unfounded; it would be made more visible, to people using the new route. Many claims publicly made by opponents – most of whom do not live here and would therefore not be affected – range from “dubious” to “total misrepresentation”, spanning from costs, environmental impact and alternative routes including an inner ring road. The present scheme is the only realistic opportunity for a much needed bypass; it should be grasped. Positive impacts, for the town and its people, far outweigh the negative.

### **Westbury Bypass Now!** (Dorian Jones; Peter White; Peter Sim; Gwyn White: SUP/WBN/P/1; SUP/WBN/A/1; SUP/WBN/R/1; SUP/WBN/R/2; WBN/100, 101, 102)

- 3.2 Westbury Bypass Now are a local group of Westbury individuals formed in 2003 with a primary aim of drawing attention to the pressing need for a bypass irrespective of the route. People were becoming incensed by the massive growth in traffic passing through Westbury on the main arterial route from the M4 to the port at Poole. WBN has gained national recognition from meetings, demonstrations and factual literature. All expenses have been met by members with no third party funding.
- 3.3 Inevitably, Westbury residents are split over the route. Westbury Bypass Alliance (WBA) claims to “reflect the genuine local opinion about a solution at Westbury”. At their October 2004 AGM, WBA voted to change their constitution to “promote an alternative system of western link roads”. Following this they announced the A36/A350 Corridor Alliance’s (ACA) “superior alternative scheme ...”. In a press article their chairman stated: “a link road scheme that avoids the old east-versus-west argument could bring the whole town and all the local villages together, and that’s what we need.” But sight of this plan was refused to a number of local residents, despite numerous requests: hardly bringing the town together.
- 3.4 From late 2004, the link road scheme was the focus of campaigning for WBA until the first PIM on 3 March 2008, when its “superiority” was less apparent and they failed to offer it to the inquiry as an alternative. As recently as that first PIM, and evidently aimed at the Inspectors, posters urged “Link Westerly for Westbury”. In promoting a link road, the main objective appears to have been to create confusion, in an attempt to split the town further.
- 3.5 More confusion followed publication of the Panel Report on the Draft SW RSS in January 2008, when a senior campaigner for CPRE claimed in the press that the Westbury Bypass was “not even included in the list of 80 transport schemes for the south west that the panel ... wanted to see progressed”, a claim repeated on the WHA website. Nowhere in the Report does such a list exist.
- 3.6 In their pre action claim for judicial review of the initial start date for this inquiry EarthRights Solicitors say that the bypass scheme “has attracted

immeasurable controversy and objection in the local area ..." and that WHA represents "... many thousands of individuals ..." a massive exaggeration.

- 3.7 ACA and WBA web sites portray land to the east of Westbury as idyllic, tranquil countryside, with photographs showing panoramic views. But the only view of the Lafarge cement works is very small and not related to the White Horse. At about 1.3 km the works chimney is closer to the White Horse than any part of the bypass. The chimney, along with the large milk factory on the trading estate, would remain the dominant features.
- 3.8 WBA, ACA and more recently the umbrella group, WHA, have created an atmosphere of confusion by actively promoting their western solution, while consistently withholding solid details, exaggerating their public support, and making numerous misleading claims about the eastern bypass. This has turned many people unnecessarily against the route.

### *Public Opinion*

- 3.9 In 2001 WCC carried out an opinion survey, with the following outcome summarised by area:

Area	Number of responses	Percentage of responses
1. Existing A350 route	51	7.1
2. South & East Westbury	354	49.2
3. North & West Westbury	117	16.3
4. Dilton Marsh & western rural villages	32	4.5
5. Heywood, Hawkeridge, West Ashton, Yarnbrook, Southwick	22	3.1
6. Trowbridge/West Wiltshire	26	3.6
7. Bratton & Edington	82	11.4
8. Somerset & other areas	35	3.1

- 3.10 Of 719 responses, 72% were from Westbury residents. 68% of the Westbury responses were from the eastern side of the town, understandably the vast majority of these would be opposed. When compared with the rest of the town, it is more than likely that there was a concerted effort to get eastern residents to respond negatively, thereby distorting the survey. With such a low response rate, 522 from 11,135 (4.7%), and the majority of those from a small area of the town, the survey cannot possibly be representative.

### *2005 Planning Application Responses*

- 3.11 An ACA leaflet distributed during the 2005 planning application consultation period warns of "major road and housing estates threatening the landscape of the White Horse". In fact the local planning framework clearly shows that any house/commercial/industrial development would take place on the western side

of town. The leaflet promoted "... a system of small link roads..." to the west of the town, and included a pro-forma objection to the application.

- 3.12 CPRE's letter objecting to the application included a plan showing a "link road scheme"<sup>14</sup>. ACA claimed that the plan was obsolete and another was being drawn up; it never materialised.
- 3.13 An extra-ordinary meeting of Westbury Town Council on 25 April 2005 voted not to oppose the application.
- 3.14 WBN obtained support for the application via pro-forma letters; a legitimate form of campaigning.
- 3.15 Cumulatively, over that application's 3 consultation periods, representations were:

	Object	Total	%age	Support	Total	%age	Ratio
Westbury	369	369	44	463	463	56	1:1.25
West Wiltshire	388	757	56	124	587	44	1:1.29
Wiltshire	23	780	57	6	593	43	1:1.31
South West Region	56	836	58	12	605	42	1:1.38
England	21	857	58	3	608	42	1:1.41
UK	8	865	59	2	610	41	1:1.42
Worldwide	1	866	59	0	610	41	1:1.42

- 3.16 A number of objections were from children as young as 5; no support letter was obtained from anyone under the age of 17. Some support letters were undated, which WBA attempted to discredit as some sort of conspiracy after the closing date.

#### *2007 Planning Application*

- 3.17 During this consultation period, ACA produced a second leaflet, suggesting that "WCC ... like land owners on the east of the town wants a big road to open up land for development, creating a new Swindon in West Wiltshire". There is no evidence to support this pure conjecture. The leaflet included a pro-forma objection. In March 2007, WBA distributed a newsletter including a pro-forma objection for people to "to follow (or use)..."
- 3.18 An extra-ordinary meeting of Westbury Town Council on 12 March 2007 voted to "welcome the planning application and wholeheartedly support it".
- 3.19 Cumulatively the representations were as follows.

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<sup>14</sup> The "Western Link Road Scheme" as shown on the CPRE objection to the 2005 planning application  
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	Object	Total	%age	Support	Total	%age	Ratio
Westbury	319	319	26	911	911	74	1:2.85
West Wiltshire	382	701	42	55	966	58	1:1.38
Wiltshire	43	744	43	1	967	57	1:1.33
South West Region	122	866	47	2	969	53	1:1.13
England	147	1013	51	0	969	49	1.04:1
UK	16	1029	52	0	969	48	1.08:1
Worldwide	1	1030	52	0	969	48	1.08:1

- 3.20 Westbury residents support the bypass by a ratio of very nearly 3:1. Only when the rest of the country is included do objectors overtake supporters, and even then only by 4%, a very small margin considering the big difference in target areas. The pro campaign targeted just Westbury; the anti campaign targeted the whole country and further afield.
- 3.21 A large proportion of the support followed a leaflet, with a pro-forma response, distributed by Russell Hawker, an independent bypass supporter, in March 2007. Despite distributing their own pro-forma responses, WBA hypocritically sought to belittle their use by supporters of the bypass, stating "Compared to putting a name & address to a form, any individual letter is also worth about ten times more".
- 3.22 An objection letter on the WBA website, which claimed to represent "a genuine view from the heart of Westbury" does in fact object to the eastern route, not the principle, whereas ACA are on record as stating that "there is no need for a bypass east or west".
- 3.23 The application was considered by WCC's Regulatory Committee on 16 May 2007; WBA's website claimed that it was "impossible for the lists and letters to be independently scrutinised and factually analysed" by then, but a statement submitted to the committee from an active objector, received by WCC, on 14 May stated that the letters "... were closely scrutinised ...". An objection from the Chair of WBA suggested that "Until WCC can find a solution that achieves approval from local residents, its planning application should be rejected." Another objector suggested that the majority of bypass the exists, referring to "... the route of The Mead, Rosefield Way, Oldfield Road, new distributor, link to A350" which might loosely be the WBA link road scheme. Yet another suggested that "Those people who are not happy living along the A350 should consider moving or simply stop whinging": hardly sustainable, anyone living on this route would "whinge" about the traffic.
- 3.24 Comparing the 2007 application with that in 2005, support within Westbury for the bypass massively increased (by nearly 97%) whereas objection dropped by nearly 14%. Local residents have overwhelmingly signalled approval, something that the Regulatory Committee recognised in their unanimous, favourable vote.



*Accidents*

Location	AADT*	Accidents Total	Per 1000 vehicles	Ratio of accidents to Westbury (South)	Specific Location
Westbury (South)	17,004	13	0.76	1:1	A350 – Warminster Rd/Haynes Rd
Westbury (North)	15,181	10	0.65	1:1.17	A350 – West End/Fore St/Trowbridge Rd
Southwick	13,171	6	0.46	1:1.65	A361 – B3109 to C234
Yarnbrook	15,181	11	0.72	1:1.06	A350 – Yarnbrook to Heywood
West Ashton	16,386	9	0.55	1:1.38	A350 – West Ashton Crossroads to Yarnbrook

Accident Statistics 2005-2007.

\*Average annual daily two-way traffic  
figures supplied by Wiltshire County  
Council.

3.25 The Warminster Road/Haynes Road, Westbury, accident rate is significantly higher than at the villages to the north: 65% more than Southwick; 38% more than West Ashton. The road alignment through Westbury is sub-standard for the traffic using it, with sharp bends, mini-roundabouts and narrow footways. Inadequate crossing provision for pedestrians and lack of cycling facilities worsen the situation for the most vulnerable road users.

*Air Quality*

3.26 Westbury currently fails to meet Government's health-based air quality objectives; the Environment Act 1995 places WWDC under a duty to seek improvements, and following extensive monitoring and computer modelling, an Air Quality Management Area was declared in 2001 with respect to NO<sub>2</sub>. The pollution is attributed to road traffic. WWDC produced an Air Quality Action Plan in 2005. A Progress Report in 2007, combining air quality review and assessment and Action Plan progress, identified that the bypass would significantly reduce NO<sub>2</sub>, dramatically improving air quality, and confirmed that road traffic is the only source of poor air quality in the town (SUP/WBN/P/3/Appedices 1 & 2)

3.27 The main reason for tackling poor air quality stems from human health. Pollution affects people variously: those most at risk are young children, the elderly, pregnant women, people with an existing heart or lung problem and "those who are naturally susceptible to air pollution"(SUP/WBN/P/1Appedix 3). A recent study of almost 390,000 deaths from pneumonia over 8 years found that exhaust fumes were linked to more people dying from this condition and that traffic pollution is contributing to thousands of deaths a year, comparable to that caused by the London smog of 1952 that killed 4000 people.

3.28 The findings highlight the need to remove the A350 through Westbury, which severs the town and, where bounded by buildings on both sides, suffers from canyon effects that lock fumes from heavy traffic stopping and starting, winding through the town. Pollution is a health hazard for people of all ages who live,

work or go to school in Westbury. The need for a bypass was identified over 40 years ago, followed by incessant arguments about the route. That now proposed follows extended debate, consultation, economic studies covering Westbury and West Wiltshire, and so on. It may reasonably be deduced from the scientific research that there have been many premature deaths in Westbury caused by high levels of NO<sub>2</sub>. In air quality terms the bypass would be overwhelmingly beneficial.

### *Noise and Vibration*

- 3.29 All properties fronting the A350 through Westbury suffer excessive traffic noise. Vibration is adverse in varying degrees along the route. The bypass would significantly reduce traffic noise at over 400 properties currently exposed to over 60 dB and nearly 1,000 currently exposed to between 50 and 60 dB. The ES identifies that some 25 properties would suffer an increase of up to 15 dB in the worst case, resulting in levels between 50 and 60 dB, though three quarters of the increases would be in the plus 1 to 3 dB band. No property would be newly exposed to above 60 dB and none of the increases would result in levels approaching the threshold for noise insulation. Overall the scheme would be substantial beneficial as regards traffic noise.
- 3.30 As the ES concludes that vibration would not be an issue with the bypass, it follows that the resulting reductions along the existing route must similarly be substantially beneficial.

### *Personal experiences*

- 3.31 **Gwyn White**, is a mother of two school aged children living on the A350 in Westbury. She has daily experiences of walking her younger child (aged 6) to the Infants School while the older walks herself to the Maltravers School (also in Westbury), as well as doing local shopping and seeing the outlook from her home. As a series of photographs illustrate, lorries rumble past and during busy times traffic effectively forms a barrier within the town, which has to be breached by pedestrians to reach shops and local amenities to the detriment of pedestrians, motorists and retailers (SUP/WBN/P/2)
- 3.32 The largest lorries find the corners too tight and even along the winding roads, particularly Fore Street, the vehicles have to be inched past each other. Footways are narrow: about 1 metre along one side of West End, about 0.5 metres on the other side. Lorries and other vehicles are perilously close to pedestrians, with wing mirrors overhanging them. The risks are obvious and worsened when refuse bins have to be left out, forcing pedestrians even closer to the heavy traffic.
- 3.33 Parents with pushchairs or young children find it a real struggle to get around safely, on top of the unpleasantness of breathing in traffic pollution and dirt. A press report suggests that "Walking close to the edge of the kerb exposes pedestrians to up to a tenth more pollutants than on the building site", but Westbury's narrow or non-existent footways leave no choice. Added to all this, during heavy rain, lorries thundering past splash water, soaking children even before they get to school.
- 3.34 At the West End/Station Road/Haynes Road junction, is the local doctor's surgery. The turning is so tight that articulated lorry trailer units usually overhang the footway, which is particularly dangerous, especially for pedestrians walking facing away from the approaching lorry. On one occasion,

a car transporter overhung so far as to hit the telegraph pole at the back of the footway. During a television interview at this corner it was necessary to move on a couple of occasions to keep clear of lorries. Further along the A350, on Warminster Road, there is no footway at all in front of the houses, which face directly onto the carriageway. 44 tonne lorries thunder alongside and post and other delivery workers take their lives in their hands. The situation is much the same along most of Chalford. There will never be a solution that keeps everyone happy, but delay is a luxury we cannot afford while people are paying with their health.

*Rebuttal to John Bowley's evidence (SUP/WBN/R/1)*

*Water Source*

- 3.35 The membrane at the Wellhead water source is not the primary protection, only the last line of defence below a positively drained system as described in more detail by WCC. Far from there being "plenty of opportunity" for a traffic accident risking a pollution spillage, the risk would be extremely small. DMRB states "In most circumstances, the acceptable risk of a serious pollution incident occurring will be where the annual probability is predicted to be less than 1%". Here the worse case annual probability of a serious pollution incident is 0.00235% at Madbrook Roundabout; within the groundwater protection zone itself the figures reduce to just 0.000688%. And these calculations do not take account of the other measures such as reinforced earth containment and impermeable membrane, both of which would further reduce any risk within the groundwater protection zone.

*Distances*

- 3.36 The shortest, quickest and most reliable is the Eastern Bypass/Glenmore Link, which compares favourably with the winding, convoluted western link roads understood to be the preference of WHA (SUP/WBN/R/1/Table & Plan 5.1).

*A36 Trunk Road*

- 3.37 Dualling the A36 at Standerwick (in Somerset) would neither be straightforward nor relatively inexpensive. The road is about 11 m wide and straddled by the village where some properties are within 5m of it. The minimum standard width for an all purpose dual carriageway is 26.1m even with no allowance for embankments/cuttings, environmental barriers or noise screening, which would probably raise the overall width to exceed 30-35m. On-line dualling would demolish many properties, leaving only a bypass option.
- 3.38 This would cut through Hooper's Wood, cross 3 watercourses, pass under high voltage cables, pass under the railway, run close to Barber's Wood, sever hedgerows and footpaths, require a roundabout at Berkley Street and also numerous accommodation works (SUP/WBN/R/1/Table 5.2). All this might facilitate connecting a FWR to the existing A36, at a roundabout, but even so visibility would remain problematic without further major works to the railway bridge and embankment. Self evidently the suggestion that the roundabout could also incorporate the B3099 (Marsh Road) is precluded by the railway, and compounding all the difficulties, this locality is prone to flooding
- 3.39 By way of comparison, the southern link of the Chippenham (western) bypass completed in 1999 was similar to works required to construct a Standerwick bypass. The contract price was £7.5m (say £12m at present money value) plus

surveys, design, CPO supervision etc. Of course this does not include for the remainder of the A36 widening – several more million pounds – in addition to the FWR itself, for which WCC estimate about £41m.

- 3.40 It is accepted that the existing A36 at Blackdog Hill is hazardous, and that northbound overtaking should be prohibited, but there is already a "compensatory" overtaking opportunity just 3 km on at the dual carriageway Beckington Bypass.
- 3.41 Vehicular access is poor to Westbury Railway Station, particularly for buses, but a FWR is not a viable response. A link to the suggested Freight Terminal would be straightforward but reaching the railway station entrance would require crossing over one and under another railway line (in quick succession, requiring major earthworks) skirt very close to a fish pond before looping back to the station. Both links would be on flood plains, requiring compensatory measures that could not be executed without seriously compromising the railway lines.

#### *Public Opinion*

- 3.42 The geographic spread of opinion for and against the 2007 application was in fact readily ascertainable in advance of the Regulatory Committee meeting. Before making points about this to the Committee, WBN had carefully analysed the letters of representation received by WCC.

#### *The CPO*

- 3.43 **The CPO** is not, as claimed, deficient with regard to utility diversions. The companies have their own powers to relocate their apparatus without the land necessarily being acquired by WCC.
- 3.44 The massively investigated bypass scheme will end hideous NO<sub>2</sub> emissions, silence deafening massive trucks meandering through the town's narrow streets and end the severance that splits residents from shops and children from schools. Traffic accidents are a travesty. Roads largely unchanged since the horse and cart era cannot continue to carry modern vehicular flows. Crippling traffic volumes are slowly killing our beloved town, which will be cured by nothing less than a full bypass. Everyone should have the right to walk to the town shops from Warminster Road, but this simple aim is a dice with death: front doors open directly onto the A350 carriageway, with no footway. The journey is impossible with a pram; anyone infirm, needing a wheelchair, has become a prisoner in their own home. Westbury needs vibrant businesses, not the exodus of national and local firms to other towns that is so apparent at present. WCC should be applauded for their sensitive, exemplary handling of environmental and wildlife issues. The scheme should be approved and Westbury's traffic nightmare ended.

**United to Protect the Rural Area West of Westbury** (Julia Underwood and Peter Campbell: SUP/UPRAWW/P/1; SUP/UPRAWW/R/1-5; UPRAWW/100-102)

- 3.45 United to Protect the Rural Area West of Westbury (UPRAWW) are a lobby group supporting the scheme. Their purpose at the inquiry is primarily to address popular misconceptions promoted by some who oppose the scheme and to illustrate the lack of alternative route options.
- 3.46 A number of Parish Councils have volunteered support for the scheme, including 2 in Somerset indicating the very substantial implications of any western route. The most quoted poll, one used to illustrate rejection of the scheme, is the 1999

Westbury Town Poll. However, only 22% of the population chose to vote and of these 75% declared against the scheme. This represents only 16% of the Westbury electorate and there was no opportunity for residents outside the town to vote despite those to the west hosting all western route options. The poll illustrates there is no massive groundswell of opinion in Westbury over any bypass route and that percentages can be misleading. A local poll of all 19 houses in the hamlet of Fairwood indicated 100% support for the scheme. (SUP/UPRAWW/A/)

- 3.47 At about 1.4km from the White Horse, claims that the scheme would have a greater impact on that area than the existing B3098, railway, quarry, army firing ranges, air transit corridors and cement works can be discounted. These and recreational activities near the White Horse make it a busy, noisy location, and no activity there would be curtailed by the scheme that far away.
- 3.48 Countryside west of Westbury is less well known than to the east; it has been all too easy to present it as of little ecological value, an industrial wasteland in the shadow of an expanding industrial area. Although the scheme route has been thoroughly surveyed, western alternatives would not be fully understood without a definitive alignment and similar level of detail. However, comparisons that have been undertaken showed that the environmental impact would be similar on both sides of town but with biodiversity increasing to the west where the rural area supports a greater density of flora and fauna (SUP/UPRAWW/A/ Photographs including Google Earth))
- 3.49 Objectors have attempted to mislead the public through "not to scale" diagrams purporting to show western options as being of equal merit, at least in terms of distance. Omitting a scale conceals the fact that on average, WWTE is 3 times further from the A36 than from the A350 (SUP/UPRAWW/A/2H,I,J). Whilst destruction of natural habitat would be regrettable, it must make sense to build the shortest possible bypass.
- 3.50 There was no one option for a western route that even came close to meeting the requirements fulfilled by the scheme. Unlike the scheme, western alternatives would radically change traffic patterns through West Wiltshire and into Somerset. Instead of meeting the A36 at Warminster bypass, A350 traffic would be channelled to join the A36 in the vicinity of Standerwick. This section of the A36 between Beckington and Warminster is already very busy, with an appalling safety record. Such routes would also be likely to increase traffic through Berkley as a short cut to the A361 route to Shepton Mallet.
- 3.51 In this western area after heavy rain there can be extensive flooding around the River Biss tributaries, in extreme conditions closing the A36 at Standerwick. The Environment Agency's flood risk map (SUP/UPRAWW/P/1, UPRAWW/A/3.C) provides a compelling case to restrict, not just road building, but any further development between the western edge of Westbury and the A36.
- 3.52 Whereas there would be an approximate balance between cuttings and embankments on the scheme, western alignments require more extensive embankments to cross the railways and raise the road above flood plain areas. The sheer quantity of material to be transported would result in considerable disruption during construction.
- 3.53 Western alignments and suggested "link roads" have all been shown to have a major impact on the village of Dilton Marsh and the communities of Penleigh or Fairwood. Such routes would also encourage further housing development in

the area leading to the merging of the village of Dilton Marsh with Westbury and the subsequent loss of its identity as a village. UPRAWW's significant amount of work illustrates challenges that any major new route in the west would face; taking account of distance, construction, bio-diversity, hydrology, traffic flows, county boundaries and more, the eastern scheme, convincingly, will always remain the only option for a Westbury bypass.

### *Rebuttals*

- 3.54 Additional to points above, Mr Inwood's estimate for a western bypass (OBJ/INW/P/1) underestimates costs for water issues and he has arbitrarily reduced the cost of upgrading the A36 from over £9m to £3m. He also based his costs on new alignments through Fairwood which would be unattainable due to flooding issues and impacts on a protected wildlife area.
- 3.55 Mr James' evidence (OBJ/WHA/P/3, OBJ/WHA/P/7) shows little personal knowledge of the area, and sources for his conclusions are unclear. He greatly understates the existing rural isolation and tranquillity in the western corridor, where open countryside and peaceful quality would be destroyed to a greater extent than the small such stretch affected by the scheme. The major visual intrusion of the town and cement works on the SLA, and on views from the scarp, has been overlooked. These hugely outweigh the perceived disruptive elements in the western corridor, including the railway and WWTE which impacts only on a small portion at the eastern end.
- 3.56 On biodiversity, the western corridor has not been surveyed to the same degree as the scheme. However, it is likely that such surveys would establish equal or greater diversity and that all western routes would be longer than the scheme. It would be hard for a western route to achieve a degree of landscape fit as the extent of embankments necessary to deal with water issues would make the road extremely intrusive. The selection of a bypass route for Westbury has had no bearing on the provision or not of a bypass for Yarnbrook. There is no evidence that if the decision had been to go west, the western route chosen would have been promoted with provision at Yarnbrook.
- 3.57 Mr James suggested a location for a crossing of the railway at Roundwood. However, the "cutting" he identified is in fact largely approach embankments for a former bridge (UPRAWW/101). The track itself is generally flush with its surroundings; any bypass bridge would require major embanked structures.

### *Closing Submissions (SUP/UPRAWW/103)*

- 3.58 UPRAWW's closing submissions are attached in full. I need to caution that Section 2.4 "The Environment" was not supported by prior evidence from the Association (and has therefore not been subject to cross examination).
- 3.59 Amongst other matters, UPRAWW reinforce WCC's criticism of the fact that no one was prepared to support a FWR, leaving their organisation to counter the concept on the basis of assumptions about the details. In final conclusion, UPRAWW underline what they see as procrastination, and the need for the eastern route if Westbury is to have a future.

### **West Wiltshire Economic Partnership and Wessex Association of Chambers of Commerce (Len Turner: SUP/WWEP/P/1)**

- 3.60 The case was presented jointly by Mr Len Turner, who has lived and worked in West Wiltshire since 1989. He has many years of senior experience in business

and, in particular, brought a small company from West London to West Wiltshire in 1990, where it grew to a £2m per year turnover with 80 staff. For the last 5 years he has been employed as Manager of the West Wiltshire Economic Partnership (WWEP). He also has past experience as an elected Councillor on a London Borough where he was Leader from 1986 to 1990.

- 3.61 WWEP was formed in 1998, bringing together representatives of the District and County Council, Wiltshire Strategic Economic Partnership, Wessex Association of Chambers of Commerce, Job Centre Plus, Institute of Directors, Federation of Small Businesses, Country Land and Business Association, Business Link, Wiltshire College and individual businesses. Key priorities include a commitment to working in Partnership to maintain and enhance a prosperous, dynamic, sustainable economy for the benefit of all those who live, learn or work in West Wiltshire. Wessex Association of Chambers of Commerce comprises some 16 Chambers, mainly in Wiltshire, with approaching 1,500 businesses which collectively have some 100,000 employees. The Association sustains and strengthens the region's Chamber movement and is widely recognised as an authoritative voice for local business opinion.
- 3.62 The year 1998 also inaugurated a countywide Wiltshire and Swindon Economic Partnership. A paper presented that day included a sub-section, The Western Wiltshire Corridor, which stated "This group of towns has the potential to function as a single economy and to provide opportunities for business growth and employment throughout the corridor and surrounding areas. There is currently a mixed economy with relatively high emphasis on the manufacturing sector. It requires major infrastructure improvements to both the roads and public transport to link the towns more closely together and take advantage of their economic potential. The first major benefits of this will be realised in 1999 with the opening of the Chippenham Western Bypass which will significantly improve accessibility for the south of the corridor."
- 3.63 In reality the first such benefit came in 1988 with the Warminster Bypass, which brought great relief and benefits for that town. In 1999 came the Chippenham Bypass and in 2004 the Semington and Melksham Diversion, immediately stimulating serious business interest at the business park, Hampton Park (East & West) Melksham. Traffic has been removed from Semington, leading to renewal and millions of pounds of investment.
- 3.64 A number of businesses are currently looking to relocate or expand within easy reach of the A350 corridor, but from personal experience many are unwilling to look further south than Hampton Park because of journey times. It is imperative to do everything possible to remove this obstacle to business growth and investment south of Melksham.
- 3.65 The EiP Panel Report on the Draft RSS endorsed the status of Trowbridge as a sub-regionally significant centre, with strong functional links with Bradford-on-Avon, Frome, Melksham, Warminster and Westbury. The Panel recommended an increase in the number of new dwellings in West Wiltshire. This means more residents, who need more jobs, and perhaps 10,000 more vehicles on the roads. The Panel also indicate a degree of sympathy with the need for traffic restraint in the Bath area, with a reference to changed views regarding A36/A46 traffic through Bath. Additional restraint on such movements would almost inevitably lead to more on the A350 between Warminster and the M4.

- 3.66 West Wiltshire District Council has been producing a Core Strategy for the Local Development Framework producing an Issues & Options Paper in December 2007. Developers have submitted land in the Westbury area for consideration. The Paper confirms that that Council has worked with the transport authority to improve the A350 corridor as a way of maintaining and enhancing economic prosperity. It is the strategy's principal objective to make West Wiltshire a more accessible location for employers and their customers, seen as making the area more self-sufficient. Options for a spatial strategy reflect the importance of the A350 corridor, and the Westbury bypass package, including town centre improvements and improved access to the trading estates, "forms one part of this strategy." WWEP and WACC have stated their support.
- 3.67 Six letters from businesses evidence continued adverse impacts on the local economy for want of a bypass: low capital values and poor rental performance demonstrate a low level of confidence and are a significant disincentive to investment in and around Westbury town centre. The West Wilts Trading Estate provides evidence of the difficulties the drivers of large vehicles experience on a daily basis when attempting to negotiate the town centre route (SUP/WWEP/A)
- 3.68 Tourism is of major importance to Wiltshire, and Longleat, just a few miles from Westbury, has two of the largest UK destinations: each year it attracts over 750,000 paying visitors, almost all travelling by car or coach, while Center Parcs has more than 250,000 visitors, with change-over days on Monday and Friday. Beyond doubt, potential visitors who have considered travelling down the A350 to reach these attractions have been deterred by delays, particular for day trips.
- 3.69 The WWEP and WACC have strenuously supported a Westbury Bypass; to this end the Association's Chief Executive was part of a delegation to the then Transport Minister. Both organisations gave careful consideration to the consultants' first report, identifying routes to the east and west; none fully met business needs but the organisations responded that a rethought western route was seen as best. There was relief when the consultants were asked to review the options and only with some reluctance did the organisations accept that no acceptable or achievable western route could be identified to their satisfaction. Following reconsideration, both organisations decided that the benefits of a bypass that guaranteed direct links to the WWTE would receive their full support. At no time had the organisations opposed an eastern route, and given the long overdue relief for the town that would result, combined with an essential access route to the trading estates, the scheme is fully supported.

### Evening Session: Supporters' Statements

- 3.70 **Richard Gregory** (SUP/GREG/ST/1) has lived at Fairwood for the last 23 years. The most contentious issue in this whole affair seems to be, should there be any bypass for Westbury and if so, should it go to the east or west? The general view appears to be that a need exists although widely different claims have been made regarding public opinion. Considering which parishes the alternative route corridors pass through, the eastern route passes through just Heywood and Westbury whilst the western alternatives pass through Heywood, North Bradley, Dilton Marsh, Beckington and Berkley. The significant difference between east and west is simply "through Westbury parish or not through Westbury parish". Public opinion was primarily canvassed in Westbury where the preference stated was based on a choice of "a bypass near me or a bypass further away". It is that simple and nothing to do with east or west.



- 3.71 There are real concerns that the voice of the rural west would be swamped by the greater numbers of residents within Westbury. Urban pressure is no way to determine the route for a bypass. The numerical superiority does not give the people of Westbury the automatic right to disregard those residents in the rural west. If Westbury needs a bypass it would seem reasonable that the bypass should be the shortest productive route around Westbury – not dumped as far away as possible to become a problem of those who do not enjoy the benefits. Undue consideration should not be given to the “numbers” argument.
- 3.72 It seems that various parties are still trying to introduce supposed new western routes for consideration. In an 11 year involvement with the issue, a staggering number of routes have been looked at. Nothing genuinely new is forthcoming. There is no new alternative for consideration and the presentation of these as “link roads” or “distributor roads” shouldn’t fool anyone.
- 3.73 **Jennifer Anne Ashen** (statement bound within SUP/WBN/P/1) lives with her disabled husband in a Grade II building on the A350 in Westbury. Her husband requires an electric wheelchair outside of the house, but this cannot be used on the A350 because of the volume of traffic, narrow carriageway and narrow footways. Also vehicle speeds are high, frequently above the 30 mph limit on the downhill approach into town. During 20 years residence there, she has never seen police action to curb speed. Her husband is unable to negotiate crossing this road.
- 3.74 In his chair, her husband needs a minimum of just over 0.8m width (2’8”). In places the footways are just 0.86m and 0.6m wide respectively (2’10” & 2’), and even that is encroached on by overhanging vehicles, creating a very dangerous situation. His only alternative route into town is via Eden Vale and Station Road, but this is a very long way round, which she herself cannot manage because of artificial hips and artificial big toe joints. In practice her husband is a prisoner in his home unless driven by car.
- 3.75 **Keith B Miller** (statement bound within SUP/WBN/P/1) has lived at his home on the existing A350 in Westbury for 24 years. Traffic has grown immensely and dangerously. During this time a Dutch cyclist was killed, dragged under a truck outside his house. At least one motorcyclist suffered a broken leg just by his garden wall. A head on collision between a coach full of children and a heavy truck caused the road to be closed and children requiring treatment. A 10 year old was buried under a brick gatepost opposite his house, as a result of a car crash, causing her to spend a long period in hospital to treat severely injured legs. His own daughter narrowly missed being hit by a caravan that broke loose and hit his gatepost as she was leaving the house. On another occasion, a truck passing his house caught fire, causing its tyres to explode. These are just a few of the incidents close to his front door. There are accidents on an almost weekly basis, but these are recorded only when personal injury is caused.
- 3.76 Multiple cracks have appeared in his front garden wall, which has been hit by trucks on a number of occasions. He works with dyslexic children at his home, but it is not unusual to have to stop because of vibrations from heavy traffic, which frequently shakes this 147 year old building, breaking a window on one occasion.
- 3.77 Warminster Road was originally a local water bound chalk road. Photographs taken about 1900 show that it has changed little since, apart from a tarmac

surface that is unable to take the strain of modern traffic and is constantly having to be patched up. A culvert runs beneath the road, but the drainage is inadequate leading to smells and to pedestrians being soaked from standing water thrown up by passing vehicles.

- 3.78 The narrowness of the pavements has led to him being clipped by wing mirrors on more than one occasion. Narrow as they are, the pavements are further obstructed by vehicles pulled up on them to discharge or pick up people or goods, and also by refuse bins put out for collection. It is almost impossible for disabled people or mothers with prams to avoid going into the carriageway and facing an onslaught of traffic. If he stops his own car at his gate, to unload, a traffic jam immediately builds up. It can take 10 minutes and considerable risk to cross the road, especially if using the buses at tea time. In all, access to his own home has been reduced. Many school children live to the east of the road whereas the schools are on the other side to the west. They therefore face crossing the road as do elderly residents who find the experience terrifying.
- 3.79 Evidence to the inquiry confirms that living on such a road affects health. He is himself asthmatic, needing constant medication, as are others living on the road. His wife has required surgery for cancer. This too applies to others on the road, where everyone constantly inhales exhaust fumes, night and day. It has been acknowledged that air quality from exhaust fumes fails required limits. He understands that monitoring by Lafarge Cement Works has confirmed that the highest pollution is on the A350, arising from traffic. The road twists and turns, and gradients add to noise, exhaust fumes and vibrations (including clanking of manhole covers), and his home is smothered by traffic dust. Lorry break downs cause havoc. It is evident that coaches and heavy lorries from across Europe and the UK use the road. Worryingly, some lorries, civil and military, carry hazardous loads close to the front doors and narrow pavements.
- 3.80 He has for years had to sleep using ear plugs. It is unreasonable to expect families to live under these conditions. The bypass would be much safer and healthier, while protecting Westbury's long standing heritage.
- 3.81 **Douglas Firmager** (statement bound within SUP/WBN/P/1) represents Semington Parish Council in supporting the bypass. He was County Councillor for Semington at the time of the public inquiry into the Melksham to Semington A350 diversion. Since its recent completion, many and varied benefits became apparent at Semington, and villagers are free to walk about. This would be even more so for the town of Westbury. Not least the current two separate parts would be reunited into a single homogenous community with additional factors like safety, clean air, less noise and peace of mind for pedestrians, whose numbers would increase. It is also worth bearing in mind that drivers of left-hand drive continental lorries, going to and from Poole, cannot negotiate Westbury without having to use parts of the opposing traffic lanes at several points.
- 3.82 **Cathy Bugler** (SUP/BULG/ST/1) lives in the centre of Westbury near the Market Place. Pedestrians bear the full brunt of traffic clogging up the streets. Mothers with babies and toddlers, schoolchildren, pensioners, shoppers and people who work in Westbury all have to navigate round horrendous traffic every day, breathing in noxious fumes from cars and heavy vehicles. The damage being done to children's immune systems and lungs has not been measured or quantified but because of their very close proximity to traffic, the traffic density and pollution from the cement works, air quality in the town must

be very suspect. Noise levels are extremely high, trebling in wet weather. It is impossible to avoid getting soaked by the splash back from traffic.

- 3.83 Access to homes by car or taxi is a real problem. A vehicle stopping even for a minute can cause a build up of traffic within seconds, making drivers angry and there is a constant risk of accidents. Houses along the route are weakened by vibrations from the heavy traffic. Black dust has to be regularly scraped from doors and windows and it is hard to listen to the radio or TV without the volume being turned right up. There has been a noticeable increase in traffic in the last 6 months, especially heavy vehicles. These are unsettling at the best of times but become quite menacing when hurtling past less than one metre away.
- 3.84 Nearly everyone now agrees Westbury needs a bypass, and with projected traffic increases it would be foolhardy not to build one. WCC have explored options with independent consultants and put forward the eastern route as the best. The site cannot please everyone but it has taken many years to get to this stage; it is time to put the health and well being of the children of Westbury first. WHA should not imply that they are the guardians of the countryside and wildlife. Most people care very much about wildlife. Local wildlife will easily and quickly adapt as has been demonstrated time and again where road building has taken place. Over 19 times as many trees are being planted as being removed which should attract and provide additional homes for wildlife. Wildlife would have been an issue wherever the bypass was situated.
- 3.85 WHA say that irreversible damage to the environment is irreversible damage to the public interest; but irreversible damage is already being done to children's health and to the town of Westbury. There is a compelling case in the public interest, which can lead only to approval of the eastern route.
- 3.86 **Robert Murray** (SUP/MURR/P/1, SUP/MURR/ST/A & SUP/MURR/ST/2)<sup>15</sup> lives alongside the A350 in Westbury. He cannot understand why it has taken so long to get the bypass underway. Objectors and protestors must be totally unaware what is happening to the town, either that or be so obsessed by the preservation of birds and beasties they simply do not care about the quality of life of their fellow humans who live on the A350. If they lived on that road, they would very quickly change their minds. He recently carried out a survey of the number of vehicles which pass his house and submitted details of his findings to demonstrate the volume of traffic which actually travels through the town is not a figment of his imagination.
- 3.87 He is not convinced by the arguments put forward for the preservation of wildlife. Badgers in particular have reached epidemic proportions in most counties in the West and, since August 2007, he has had to dispose of the bodies of 2 adult badgers struck by vehicles. He has respect for wildlife but when it comes to choosing to preserve his own environment against that of the wildlife, his sympathies lie with the human race. Animals can and do adapt better.
- 3.88 Engineers can solve the water problems on the route. The land is of poor quality and cannot sustain crops of any significance. Objections are being raised purely to further delay the only viable solution to saving the town.

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<sup>15</sup> I summarise here Mr Murray's oral statement. In a further written submission he added to his points regarding conditions in the town, and also criticised western route options.

- 3.89 **Martin Phippard** (SUP/PHIP/ST/1 & SUP/PHIP/ST/A) is a resident of Warminster, a regular user of the A350 and has specialised knowledge of the road transport industry. He is wholly, unashamedly, unreservedly and unrepentantly in favour of a Westbury bypass. Having watched a recent TV news report on the bypass, he considers that environmental issues are about more than the welfare of the countryside and wildlife, but also about reducing noise, pollution, disruption and frustration caused by thousands of cars and heavy vehicles obliged to pass through the centre of Westbury every day.
- 3.90 Westbury is now the only town not bypassed between the M4 and Blandford in Dorset. The Warminster bypass transformed the town and it is time that Westbury is granted the same benefits. The A36 between Bristol and Southampton will not be upgraded because the area of outstanding beauty around Limpley Stoke has to be protected. An announcement was made a decade or more ago that the only viable alternative was to upgrade the A350 between the M4 and Warminster so that HGVs could avoid that section.
- 3.91 The Government forecasts a doubling of road freight by 2015. Without larger vehicles, this would suggest a doubling of HGVs in 7 years time, and it cannot be sensible or advisable to send even more heavy trucks through an already congested town when they could be sailing unimpeded around a bypass. Opponents claim that the bypass would contribute to global warming, but all vehicles use more fuel, with higher emissions, when having to stop and start rather than travel at steady speed. With the escalating price of fuel, and recognition of crude oil as a finite resource, consumption is of utmost importance. A bypass would greatly reduce the stop-start cycle, and modest improvements to fuel consumption would generate significant savings.
- 3.92 Regarding the argument that "building more roads is not the answer", we cannot dis-invent what we already have. Whatever fuel is used now or in the future, we will still be using vehicles and need roads to carry them. Whilst new technology will undoubtedly reduce harmful engine emissions and noise levels, it cannot address problems of congestion. For that, better roads are needed, and locally a Westbury bypass.
- 3.93 It is a tribute to the skill of truck drivers that accidents are and have been, for the most part, avoided in Westbury. While truck drivers are happy to accept responsibilities for the safe operation of their vehicles, they would be a lot happier if they could avoid the town completely. Every driver should have access to a road network that is capable of accommodating their vehicle. The streets of Westbury do not fulfil that bare requirement; there is an obligation to accept the need for a bypass and to build it as soon as possible.
- 3.94 There has been much debate on the effect of any new road on local beauty spots in evocative terms such as scarring the landscape. However, most roads in this country are extremely well hidden. The vantage point from the White Horse shows it is difficult to trace the route of most roads, even those known to be in existence. Scarring the landscape may be an over-used phrase intended to trigger an emotional response but in most instances it is nothing more than a wild exaggeration.
- 3.95 **Dorian Jones** (SUP/JONES/ST/1) is Chairman of "Westbury Bypass Now". In this statement he addressed the inquiry as an owner occupier whose property backs onto the A350. He has lived in Westbury all his life and witnessed increasing traffic passing through at a snail's pace. The A350 is not a fit road to

take the current and rising traffic volumes. Due to the narrowness of the road in strategic areas of the town, HGVs have to stop to give priority to oncoming traffic, causing immediate gridlock.

- 3.96 He lives next to the busy junction of Leighton Green where traffic from Warminster has to wait for a courteous driver from Westbury to allow the right turn into this part of the town. Immediately tailbacks occur, clouding his garden with fumes and making it a "no go" zone. Windows have to remain closed at all times to prevent fumes entering the house; soot has to be cleaned weekly from windows as a direct result of vehicle emissions.
- 3.97 Submissions to the inquiry by WCC and the objectors have been dealt with based on factual information. Nevertheless, statements to the evening session are based on facts and raw emotion and both matter. He contrasts a number of facts with his emotional response. Too few industries wish to come to Westbury until the A350 issues have been addressed – he does not want shop keepers who have invested heavily to leave the town. The A350 is the main arterial road from the M4 to Poole with Westbury the only town traversed by it – why should residents have to endure massive 44 tonne HGVs delivering goods through the town when these could more easily access WWTE from an eastern bypass? Pollution at key areas of Westbury is rising and will not meet Government standards – why should residents have to live with unacceptably high levels of pollution? WCC, the District Council and the Town Council have all voted to accept the eastern bypass – getting on and building it will reflect the views of the majority of residents living in Westbury. Emotion should carry a great deal of weight.
- 3.98 He described disturbance in the early hours of the morning caused by juggernauts and the risk to children crossing the busy road between their homes and schools. He referred to soft options discussed as alternatives to a bypass and considers that present car sharing and bus improvement schemes have not seen a reduction in car traffic. Rural towns like Westbury will not benefit from schemes which arguably work in large cities. With government legislation to improve noise, pollution and road safety, Westbury appears to be breaking all the rules. The town is slowly dying; without urgent remedies, business will continue to fail and people's health will continue to be adversely affected. Very simply, Westbury needs a bypass now.

## VARIATIONS AND ALTERNATIVES TO THE APPLICATION SCHEME

**The Case for Ham Road Residents' Group** (Joyce Smith; Robert Hall; David Sharrocks: SUP/HRRG/P/1, HRRG100-102)

- 4.1 The Ham Road Residents Group (HRRG) supports the construction of the Westbury Bypass and has no objection to it. HRRG also recognizes the need for the Glenmore Link to connect the bypass to the WWTE and Northacre Park/Brook Lane industrial areas. HRRG's specific concerns relate to the Glenmore Roundabout which provides a direct access to The Ham. The roundabout has been added in place of an earlier proposal which had a priority "T" junction between the Glenmore Link and The Ham. However, a roundabout here would encourage more drivers to use The Ham in preference to the Hawkeridge Roundabout for access to the industrial areas.
- 4.2 Development of the industrial areas since the 1960s has considerably increased traffic on The Ham, a predominantly residential road giving access to about 230 dwellings. The new Hawkeridge Link in 2000 led to flows on The Ham significantly higher than forecast, causing physical damage to the road. This led to requests by residents for traffic calming. Two build-outs at the Glenmore end and an interactive speed camera were to be provided in 2004, but were deferred as the road had so deteriorated as to require a major improvement scheme. This was completed by March 2006, but increased traffic speed; the calming measures were ineffective. The current situation is unacceptable and the Glenmore Roundabout would encourage yet more traffic onto The Ham.
- 4.3 Following discussions with WCC and the consultants, a variation was developed for the western section of the Glenmore Link (WCC/R/7 Fig1). This would replace the Glenmore Roundabout with a "T" junction and follow a more northerly alignment passing to the east of the nearby electricity substation. The connecting link from the "T" would rejoin Hawkeridge Road near the entrance to Glenmore Farm. The sharp bend at the junction of The Ham, Shallow Wagon Lane and Hawkeridge Road would be retained as it slows traffic speeds. The layout is very similar to an earlier scheme considered by WCC.
- 4.4 This layout would encourage drivers to use the Hawkeridge Roundabout for access to the industrial areas as they would perceive it as a more direct route than one where they would be likely to lose priority and suffer delay at the "T" junction. This would be reinforced by measures such as direction signing and a weight limit on The Ham. Further measures would be required to discourage non-HGV traffic, such as gateway treatment and further priority narrowing.
- 4.5 Notwithstanding WCC's criticisms, the field affected by the connecting link would be about the combined size of the 2 largest parcels in the application scheme. The variation would follow the line of the old railway. Without underestimating the importance of the environment, the land has been disfigured by tipping of building waste and burning of timber. This brown land would make good use of what is available. Slow-worms affected by the re-alignment could be translocated to the undisturbed railway cutting nearby.
- 4.6 Whilst the application scheme would make use of the existing Hawkeridge Road corridor, it would require complete reconstruction whereas the variation would make physical use of part of the existing road without reconstruction. The construction cost would be similar to the application scheme. The evidence shows that a viable scheme need not affect the substation adversely.

- 4.7 Should the application scheme be refused permission, any subsequent proposal should omit a Glenmore Roundabout. If the scheme is approved, measures should be included to ensure that best use is made of the new road, reducing the use of local residential roads. This could be achieved by conditions requiring signing to direct traffic away from The Ham and Strorridge Road and the imposition of weight limits on The Ham and Brook Lane. Such conditions and further controls should be included whether or not HRRG's variation is accepted.

**The Case for Heywood Parish Council** (Peter Sexton; Francis Morland; OBJ/HPC/P/1; HPC100-108)

*Introduction*

- 4.8 Heywood Parish straddles the A350 north of Westbury and includes the WWTE (HPC/102). A substantial portion of the scheme lies within the Parish, including 3 of the 4 roundabouts, both railway bridges and the only flood plain crossing. That is why, unlike Westbury Town Council, Heywood Parish Council (HPC) were unable to give unqualified support for the scheme. HPC have given broad support but made specific objections to details at each consultation stage, aimed at improving WCC's scheme and mitigating its impact on the Parish. In particular HPC is concerned about the effect of the Glenmore Roundabout on residents of The Ham.

*Glenmore Link Roundabout*

- 4.9 The change from a 3 roundabout scheme (Appendix D, Part A Technical Statement A350: Westbury Bypass Route Study Report Fig 1 June 2001) (CD1.1G) to 4 roundabouts in the current application would increase traffic on The Ham. Although WCC figures indicate an 11% reduction, this is from a baseline of 7,592 vehicles per day (vpd). Prior to opening the Hawkeridge Link, traffic on The Ham was about 3,750vpd. From this baseline there would be an increase of some 80% from the combined effects of the Hawkeridge Link and the current application. The variation (WCC/R/7 Fig 1) developed in response to objections by HRRG is supported. Traffic flow along the variation alignment would be slicker and more attractive. It would be cheaper, with no evidence to the contrary, and meet all technical standards. There would be no additional land severance and around the roundabout, rather less. Whilst the lengths of road to be lit would be broadly the same, the variation does not have a roundabout to light and would save in this respect.
- 4.10 Contrary to WCC's contention, the variation would not pass through about 500m of open land compared with the application scheme's use of the existing road corridor. The open land is only up to the point where the variation would enter the disused railway land and where it would connect to Hawkeridge Road/The Ham across the field where the Glenmore Roundabout would lie. The variation would use less land than the application scheme.
- 4.11 WCC suggest that, counter-intuitively, their proposals would be better in traffic terms but their argument relied almost exclusively on figures from the Westbury traffic model, which later evidence has demonstrated to be exceedingly flawed and which seems to have defeated repeated attempts to debug its numerous errors. Indeed, comparisons with actual counts show that it still does not come up to the minimum level of robustness stipulated by government standards.
- 4.12 Notwithstanding the results of traffic modelling, it is quite possible that its perception that the "T" junction would attract less traffic to The Ham than a

roundabout would be correct. It is not claimed that the variation improves the scheme's visual assessment. The area has been used for dumping uncontrolled waste in the disused railway cutting and self-seeded vegetation has developed. The variation alignment could be easily mitigated or even enhance the area. A reptile habitat is acknowledged, specifically slow-worms, but there would be no difficulty displacing them to adjacent disused and operational railway land. The converted barns at Hawkeridge Farm would screen views of the variation from the dwelling there; Hawkeridge Roundabout would be at the same distance as the application scheme. In short, there is no significant disadvantage to the variation that could not be mitigated.

- 4.13 The only argument against the variation that survived scrutiny was the question of delay. That is unfair since WCC changed the scheme in July 2003 without local consultation; objectors have objected at every opportunity since. No-one suggests that the need for the scheme is any more urgent now than in 1997 when it was conceived, since when there have been repeated delays caused by WCC's, tortuous funding procedures and investigations required by Government ministers. It is hardly objectors' fault that WCC ignored their objections until virtually the start of the inquiry. WCC accept that there are relatively straightforward procedures to change their scheme if required to do so.

#### *Lighting*

- 4.14 In addition to HPC's concern regarding the introduction of the Glenmore Roundabout, there are further specific objections to aspects of the application. Visual intrusion, light and noise pollution would arise from the Glenmore Link, the most intrusive section of the overall scheme. This would lead to a loss of amenity for residents of The Ham and those of Heywood, Norleaze and Hawkeridge settlements. Part B Environmental Statement Volume 2 Figures 8.4H- 8.4N (CD1.1) indicate the estimated visual impact on dwellings in the parish would be mostly "slight" with 4 dwellings around the Cement Works Roundabout and Hawkeridge Farm assessed as "moderate".
- 4.15 WCC propose to derogate from normal lighting standards at Madbrook Roundabout (because of bats) and there is no reason why the same rationale should not be applied, in particular, at the Cement Works and Glenmore Roundabouts. The extent of bat mitigation measures proposed on the Glenmore Link could justify derogation to allow special lighting at these 2 roundabouts as well. If this is not possible, a less attractive compromise would reduce the columns from 10m to 8m, as proposed at the Hawkeridge Roundabout.

#### *Bat mitigation measures*

- 4.16 WCC acknowledged that there would be an increase of about 7 dB at ground floor for properties near the Cement Works Roundabout. (Part B Environmental Statement Volume 2 Figures 12.4 and 12.5 (CD1.1) with the legend corrected) Bat mitigation measures would be disproportionate, experimental and unproven. Four of the 7 gantries and 8 of 15 sets of screens together with, in most cases, low level lighting, would be within the parish. The impact on visual amenity would be substantially adverse and is not fully described in the Environmental and Technical Statements supporting the application. Where the road would be on embankment the impact of gantries and screens would be accentuated and whilst assurances were accepted from WCC that rights of way would not be impeded, nevertheless the need for and extent of the bat



mitigation measures should be re-assessed to take account of the amenity of residents within sight of this section of the scheme.

#### *Traffic in Heywood Parish*

- 4.17 An extension to the scheme to upgrade the existing A350 from the Cement Works Roundabout to Yarnbrook Roundabout is suggested. No details are provided for this but the main point of this proposal would be to improve junctions of the A350 with Church Road and Park Lane within Heywood Parish. WCC's traffic flow figures (WCC/SP/2) show increases of about 9% (up to about 1250vpd) in all traffic and 42% (about 90vpd) in HGVs on this section of the A350. This would add to existing difficulties at these 2 junctions. At Church Road, the difficulty is restricted visibility to the left when turning south towards Westbury. At Park Lane, the first problem is the acute angle of the left turn from the A350 and the second is restricted visibility to the left when turning right out of Park Lane. Although Scheme Layout Plan No 748034 – D048 Rev A (CD1.1) indicates the visibility here would be improved, the necessary land has not been included in the CPO. WCC acknowledge that the existing hedge would be retained outside the area of the planning application.
- 4.18 There is also concern that traffic may increase on Church Road and Dursley Road in Heywood at times of congestion at Yarnbrook Roundabout. This link has not been included in the current traffic model other than as a point where traffic is loaded/unloaded from the network. Previous studies relating to the 2005 application indicated an opening year increase of 38% (about 260vpd). Assurances by WCC during the inquiry that traffic on this link would be monitored following the scheme are acknowledged. The existing traffic signal timings at the railway bridge could be altered to reduce the attractiveness of the route and reduce flows to previous levels. WCC's offer of a condition to keep this under review is welcomed.

#### *Spoil areas*

- 4.19 The use of areas L and M on Scheme Layout Plan No 748034 – D049 Rev A (CD1.1) as spoil disposal areas simply to save cost without any adequate consideration of their adverse effect on archaeology is cause for a strong objection. These areas form part of an Area of Archaeological Significance (AAS) "G" identified for its pre-historic and Romano British deposits and features in the ES (CD1.1 Part B ES Volume 1 paragraph 10.88 and Volume 2 Figure 10.7), characterised as "regionally important" (paragraphs 10.100 and 10.111). The opportunity for subsequent archaeological investigation in these areas containing the remains of the original settlement of Westbury long before the present town came into existence in the Dark Ages should not be jeopardised. Despite the intention to leave the topsoil in place, it is not accepted that a construction strategy to minimise the movement of spoil justifies the use of these areas. The land owner has also objected to the CPO. Neither is it accepted that because these areas have not been designated in the Local Plan (CD2.7) as Areas of Higher Archaeological Potential that their use for spoil disposal can be justified.

#### *HGV restrictions*

- 4.20 Projected traffic flows relating to the 2005 application were criticised previously. It is questionable whether the current model produces credible figures: 802 HGVs on Link 14 on Drawing No 002 Version E in WCC/SP/2 is highlighted as an example. This section of road referred to as the Western Distributor forms part

of the A3098 and is subject to an 18 tonne weight restriction. The model indicates that this link carries about 20% more HGVs than the A350 Haynes Road (Link 3) which observations suggest would be unlikely. Such a discrepancy would put the remainder of the modelled flows in doubt.

- 4.21 HRRG's view is shared that the imposition of a 7.5 tonne weight restriction on The Ham, as indicated at paragraph 4.96 of WCC/P/3 and paragraph 2.8 in WCC/R/7, would remove the attraction of HGVs accessing WWTE and Northacre Park via The Ham and Storridge Road. It should be a "Grampian" condition on any planning approval.
- 4.22 Initially it was felt that a similar restriction on Station Road would complement that on The Ham. However, in closing, it was felt that the last minute proposed 3.0 tonne limit was exceedingly troubling because the information about it is currently so incomplete and frankly contradictory. Before any decision is taken, there needs to be a reliable analysis of the benefits and dis-benefits of the measure, decoupling as far as possible the different factors prayed in favour of it at different times by WCC. Accordingly, any condition to the planning permission requiring a weight limit at this bridge is opposed because it would pre-empt and circumvent the proper debate that still needs to take place on this very complex problem. The case for the bypass is robust enough to stand without artificial additions such as this.
- 4.23 Notwithstanding the adverse impacts on business and employment in and around Westbury, a permanent 18 tonnes weight restriction on the bridge would be supported. An environmental 7.5 tonnes restriction would be more difficult to support because of the effect on the WWTE, wholly within the parish. Other than temporarily, a 3 tonnes or 3.5 tonnes weight restriction would probably be considered wholly unacceptable whatever the benefits claimed for it. However the inquiry is not the right forum to decide that question, either directly or indirectly.

#### **The Case for Francis Morland (OBJ/MOR/P/1; MOR/100&101)**

- 4.24 Mr Morland is a Westbury resident. He is member of several local councils and other organisations but speaks here in a personal capacity. Although broadly supportive of WCC's proposals, he has been disappointed by the County's failure, so far as he is aware, to respond to representations that he has made at each consultation stage. In particular he supports the variation for the Glenmore Link. Notwithstanding constraints imposed by the inquiry process, it ought still to be possible to improve significantly on the application scheme.
- 4.25 Mr Morland's detailed criticisms are set out fully in a series of 14 letters to WCC, (the earlier ones responding to the 2005 application) reproduced in full with his evidence and evidently drafted following detailed research. Briefly summarised the criticisms assert inconsistent and inaccurate historic plot referencing, field survey results, geological information, trial pit locations and geotechnical investigations, amongst other things calling into question the quality of archaeological safeguards, most particularly with respect to regionally important Late Iron Age and Romano-British remains in the vicinity of the proposed Glenmore Roundabout and partial destruction of Prehistoric, Holocene, remains at the proposed Beres Mere Underpass.
- 4.26 It is wholly unsatisfactory that much of the basic archaeological data submitted with the 2005 application was not carried forward with the 2007 application.

- 4.27 The large expenditure on nature conservation measures may be contrasted with hopelessly inadequate archaeological investigations. Spoil disposal areas L and M (by Glenmore Roundabout) are strongly objected to as inhibiting future archaeological investigation, as is the location of flood compensation work alongside the Glenmore Link, which could readily be relocated.
- 4.28 In contrast the expenditure and visual impact of bat mitigation measures, experimental and wholly untried, is a wholly disproportionate and irresponsible use of public funds. These substantial gantries would be very intrusive, spanning some 6 m above the road, which itself would in some cases already be on embankment. Associated 4m high bat screens alongside the road would obstruct rights of way crossing the scheme roads at grade, footpaths Heywood 18, 15 and 24. The Beres Mere Underpass sacrifices archaeological remains just to meet capricious demands by Natural England for a bat crossing.

*(Mr Morland's examination and criticisms of the Side Roads and Compulsory Purchase Orders have been taken into account in the revisions to the Orders, as I address in due course below).*

**The Case for Wiltshire Wildlife Trust** (William Jenman: OBJ/WWT/P/1; WWT/100&101)

- 4.29 The Trust does not oppose the bypass in principle. The bat gantries and dormouse bridges represent an extension of existing techniques. Bat gantries have been shown to work over relatively narrow roads between tree canopies of similar height. Here, some at least involve raising flight paths significantly (in one case over an embankment), through a much more open environment and less obvious flight route than simply hopping between established mature trees at the same altitude. However, in the light of discussions, it is reasonable to build on existing techniques in this way – there is an argument that without such progressive experimentation no new techniques could be developed. Also, there are bat tunnels and routes over green bridges that offer some alternative flight routes. Concerns remain that the exposed gantries may not work, but in the circumstances and given the proposed monitoring, the Trust's objections to the gantries has been withdrawn.
- 4.30 Similarly, although unconvinced about the effectiveness of the long, exposed dormouse bridges, which are not simply connections between existing mature trees or shrubs, it is accepted that roadside planting and green bridges will provide adequate connectivity for dormouse in any event. So objection to the bridges has also been withdrawn.
- 4.31 However, these measures are no more than mitigation. Indeed, the roadside planting includes measures to deter attracting wildlife to the traffic risk: for example pointed tops to fence posts to discourage perching and mown roadside grass to avoid foraging by barn owls.
- 4.32 Beyond these points of detail are more fundamental concerns. As it stands, the scheme fails to make proper provision for biodiversity. The ES records "moderate" or "slight" adverse impacts on various parts of the eco-system after taking account of mitigation. It identifies 16 such "slight adverse" impacts, 2 "neutral" impacts and just one "slight beneficial" impact. This last (ES 9.331) concerns calcareous grassland, but should be tempered by the consideration that this is the hardest sort of grassland to recreate successfully and very dependent on correct on-going management including grazing.

- 4.33 The thrust of modern environmental policy is to provide for biodiversity gains or enhancement. WCC have included significantly greater mitigation than was once typical for similar road schemes and have gone to some lengths to minimise adverse impacts. The scheme meets environmental standards of the 1990s and early 2000s in a way that most schemes of that period in reality failed to do. But just as mitigation standards have at last caught up with previous policy requirements to minimise impacts, the policy agenda and understanding of environmental pressures has also advanced. The scheme is still one step behind what is required.
- 4.34 Roads provide connectivity for humans: Government policy emphasises an ecosystem approach to biodiversity conservation, and requires biodiversity to be enhanced as a result of development. What could be a more appropriate way of achieving that than to provide enhanced habitat connectivity for biodiversity in parallel with the new road?
- 4.35 In the foreword to "Securing a healthy natural environment; an action plan for embedding an ecosystem approach" (Defra 2007) Joan Ruddock, Minister for Climate Change, Biodiversity and Waste, wrote:

*The natural environment is vitally important, both for its intrinsic value and for the wide range of benefits it provides to people and society. It provides us with the essentials for life and underpins our health, wellbeing and prosperity. It is inextricably linked with climate change and can play a key role in both mitigation and adaptation.*

*The importance of the natural environment is reflected in the shape of a new cross-government Public Service Agreement announced as part of the 2007 Comprehensive Spending Review. The PSA sets out the Government's vision for a diverse, healthy and resilient natural environment.*

*...If we are to secure a healthy natural environment, we need to strive constantly to be more effective in delivering the outcomes we want to see. We must stop taking the natural environment for granted and ensure the value of the services it provides is fully taken into account in decision-making.*

*...This Action Plan ... aims to demonstrate the benefits of taking an ecosystems approach; to embed this in policy-making and delivery; to develop better ways to value the natural environment in decision-making; and to develop our strategic evidence base.*

*Embedding an ecosystems approach will require changes to the way we think and work... This Action Plan is intended to build on existing best practice and extend this across policy-making and delivery. Defra and the Defra network must lead the way, but the Action Plan also provides a basis for securing wider engagement across Government and a broad range of partners and stakeholders – recognising that we will all need to work together if we are to secure a healthy natural environment.*

- 4.36 The meaning of the term "An ecosystems approach" is defined in Section 2.2 of the document, but most ecologists would recognise the last bullet point on page 13 as a key concept; "*promoting adaptive management of the natural environment in response to changing pressures, including climate change*". In other words, giving nature the space and the freedom so that ecological processes can enable species to adapt, and habitats to change, rather than trying to impose some predetermined outcome that we have selected.
- 4.37 The Minister has provided a very neat précis of the Trust's position, albeit as the forward to an action plan rather than policy document. Historically the natural environment has suffered from the cumulative effect of many small decisions, often thought (at least at the time) to have only "slight adverse"

effects, but which taken together have resulted in an unparalleled loss of habitats, populations, and species.

- 4.38 The approach of "balancing" the needs of the environment with that of economic development means that each decision is an environmental loss – not always such a big loss as if the environment had not been taken into consideration, but a loss none the less. In contrast development has always won in this "balancing" process; maybe there has not been quite so much tarmac or concrete laid down, maybe what has been built has carried a slightly higher financial cost than if the environment had been utterly disregarded, but development has proceeded none the less.
- 4.39 Development is certainly not the only threat to biodiversity and the natural environment, but it is a major threat and one that often impacts in concert with other influences such as diffuse pollution (eg from the fertilizing effects of nitrogen oxides in car exhausts).
- 4.40 Mitigation has reduced losses to the environment, and standards of mitigation required have steadily risen as the cumulative environmental impacts have become all too obvious, but this has resulted in a slowing of degradation not its reversal. For the natural environment in general, and biodiversity in particular, to recover and rebuild what is required is net gain – taking steps forward at last, not another battle to reduce the size of the steps taken backwards.
- 4.41 Key to rebuilding biodiversity has been the recognition that an ecosystems approach is required – that robust natural processes must be restored. Detailed habitat management and preservation of fragmented "lifeboat" nature reserves are unsustainable, not least financially as well as ecologically. Alongside the growing realisation that simply protecting the last best sites could never be more than a temporary solution has been a growing awareness that climate change threatens to make this spatially fixed site network obsolete. Species will need to be able to move.
- 4.42 Some species now in Wiltshire (and the UK) will probably not be able to live here in 100 years' time. New species will colonise from the south, species like Little Egret for example. "Conserving Biodiversity – The UK Approach" (Defra 2007 - on behalf of the UK Biodiversity Partnership) reports on work done by the Modelling Natural Resource Responses to Climate Change (MONARCH) programme on the likely impacts of climate change on 120 UK Biodiversity Action Plan priority species. It suggests that most are likely to experience changes in the location and/or extent of areas across the UK where the climate will meet their requirements. For most species adaptation or colonisation will not be about colonising new countries or even counties – it will be as simple as starting to grow on cooler, damper north facing slopes as currently favoured south facing slopes get just too hot and dry.
- 4.43 "Conserving Biodiversity – The UK Approach" goes on to state that "The highly fragmented ecosystems typical of much of the UK will be a major constraint for the long-term viability of many species and habitats. Action will, therefore, aim to overcome the fragmentation of priority habitats and to reduce pressures on biodiversity in the wider environment through which species move" and "This illustrates the urgent need to reduce habitat fragmentation to facilitate species dispersal and establishment in new locations as the climate changes".
- 4.44 Dispersal mechanisms vary – birds are clearly highly mobile, colonisation rates for plants can often be measured in metres per century. But they will all need to

be able to move. Habitat connectivity is key. If the landscape remains ecologically disconnected then species lost from changing sites will not be able to colonise new sites. Losses caused by climate change will not be balanced by new arrivals because there is no path by which most new species will be able to arrive. A new wave of biodiversity losses will occur and our national wildlife resource will be further impoverished. Considering just how damaged it already is that outcome is unacceptable. Government has recognised the need for an ecosystem based approach, hence the Defra publications referred to above.

- 4.45 In "Securing a healthy natural environment; an action plan for embedding an ecosystems approach" the Government, through Defra, undertakes to "...review the scope for adapting existing policy and project appraisal tools to incorporate principles of an ecosystems approach" The Department for Transport will "work with Defra on a long-term strategy for the development of environmental valuation in transport appraisal, including the valuation of ecosystem services"
- 4.46 The October 2007 PSA Delivery Agreement 28 entitled: "Secure a healthy natural environment for today and the future" sets out Government's "clear vision" for the natural environment: "To secure a diverse, healthy and resilient natural environment, which provides the basis for everyone's well-being, health and prosperity now and in the future; and where the value of the services provided by the natural environment are reflected in decision-making:
- Biodiversity valued, safeguarded and enhanced
  - Sustainable, living landscapes with best features conserved"
- 4.47 Note the word "enhanced" and the phrase "sustainable, living landscapes". This is a Treasury document – the Trust shares this vision.
- 4.48 "Securing a healthy natural environment; an action plan for embedding an ecosystems approach" goes on to state: "Many of our most acute environmental problems are now caused by diffuse pollution and the cumulative impacts of development, and these problems are exacerbated by climate change. ... In the past, the policy framework for dealing with these issues has been complex and fragmented, which has made it difficult to tackle them in the most efficient way and to reconcile conflicting priorities... Defra has worked with many of our key partners and stakeholders... to identify and agree a number of actions to help us move collectively towards an ecosystems approach to conserving, managing and enhancing the natural environment in England".
- 4.49 "Essentially, this is about adopting a new way of thinking and working, by (inter alia) :
- seeking to ensure that the value of ecosystem services is fully reflected in policy- and decision-making in Defra and across Government at all levels."
- 4.50 The Ecosystems Approach advocated by Defra is based on a number of core principles including
- "• taking decisions at the appropriate spatial scale while recognising the cumulative impacts of decisions and
  - promoting adaptive management of the natural environment to respond to changing pressures, including climate change".

- 4.51 Identified key partners and stakeholders include "Local and Regional Government" and "other Government Departments" Defra states that a number of government Departments' policies have a significant impact on the natural environment, and specifically mentions the Department for Communities and Local Government with responsibilities for housing, land use and planning as well as the Department for Transport, both are formal delivery partners for PSA Delivery Agreement 28.
- 4.52 These Defra publications may not be planning policies in a formal legal sense but they do represent important governmental policy put out by the department responsible for the countryside and the environment.
- 4.53 Firmly founded on law and policy, the scheme should provide a net gain in biodiversity terms, by enhancing populations and habitats. This net gain can be achieved in a number of different ways; it is for WCC, not the Trust, to put forward a scheme. An illustrative suggestion is, briefly, the creation of a continuous corridor habitat for wildlife consisting of a mosaic of habitats, for the most part running outside of the bypass (further from the town) (OBJ/WWLT/P/1/Plan Exhibit WRJ1). These areas need to be sufficiently wide – simply gapping up some existing hedges and planting some new vulnerable linear stretches is not enough. Some 50 m width is preferable, capable of providing not merely wildlife benefits – important in themselves – but also recreational and landscape benefits. The Trust's illustrative proposals take the following into account.
- Connecting the woodlands and grasslands of the scarp slope with the river corridor and high biodiversity area of Pickett's wood to the north
  - Building on the other existing and proposed features such as the green bridges
  - Making the area as multifunctional as possible to achieve best value, for instance by co-incidentally making attractive walking areas close to what will become the edge of town thus discouraging some recreational travel and facilitating a healthier active lifestyle for Westbury residents (See Bird 2004 and 2007).
  - Keeping the bulk of the area outside the bypass on the working assumption that land inside any bypass is likely to be allocated for infill development eventually
  - Rationalising land take so that non-viable field fragments are not left behind by the road or habitat creation schemes (this also minimises costs)
  - Including significant areas that are not adjacent to the road to increase recreational values and minimise wildlife vs. traffic conflicts.
- 4.54 These areas would need to be properly managed and, if managed by a properly funded public body, could be dealt with by a written undertaking without a section 106 obligation or commuted sum. Such a "net gain" is justified by law and policy.

#### **Closing Submissions (Peter Wadsley WWT/101)**

- 4.55 There is no dispute that the illustrative proposals occupy some 29 ha, nor that a net gain in biodiversity would result; WCC assert that this is disproportionate to the degree of impact of the bypass. However, WCC's proposed roadside screening is essentially a standard visual scheme with some additional wildlife benefits. There is no additional response from WCC in light of the latest policy emphasis on net biodiversity gain, simply well designed mitigation aiming to

minimise damage. Mitigation, however good, is not enhancement. Scattered grassland and scrub linkage would benefit the widest range of species, have a more natural feel, have better recreational value, and be more quickly established. It would not be necessary to purchase any such land<sup>16</sup>. It could be dealt with under a management agreement involving grazing with productive long term use of the fields.

- 4.56 The "slight adverse" effect acknowledged by WCC is plainly not enhancement. More than that, the impact is not eliminated but only "moderated". This approach results in a "death by a thousand cuts": individual decisions to permit developments because the benefits are held to outweigh adverse environmental impacts may, individually, appear rational. However, it is always the environment that suffers in such a balance, so that when repeated, cumulatively there is significant loss of biodiversity and even of rare species. This is why it is important not to settle for "slight adverse" impacts but for a degree of enhancement. A good example is a scheme in Swindon where enhancement has been achieved, in accordance with policy guidance, and was therefore a win-win-win outcome. Put another way, if WCC's argument is a legitimate one it can be repeated time and again with the result that overall there is net loss and, importantly, a continual net loss.
- 4.57 WCC's approach is, with respect, wrong. The County contend that even if there are adverse impacts on nature conservation considerations, this is outweighed by the importance of the bypass scheme. For the reasons that follow below, there should be enhancement; even if that were wrong and the correct position legally is simply preservation of the *status quo* it is plain that this is not being preserved. The damage would simply be reduced by the mitigation package leaving a small adverse impact. There is legal and policy justification for a "net gain" for biodiversity or, put another way, for enhancement and not merely conservation or safeguarding:
- 4.58 The Secretary of State's call in letter sets out matters on which she particularly wishes to be informed. These include "Whether the design principles in relation to the scheme and its wider context ... are appropriate in the context and take opportunities available for improving the character and quality of the area and the way it functions, having regard to the advice in paragraphs 33 to 39 of PPS1." The design of habitats, and the way the area functions ecologically are reasonable appropriate considerations in this context and should also be "improved". The call-in letter goes on to address PPS9 *Biodiversity and Geological Conservation*, including a requirement for "conservation and enhancement". (emphasis added)
- 4.59 Defra policy in its "ecosystem approach" (which is intended to be cross-government) seeks to deal with the effect of climate change and to recognise the vital importance of the natural environment both for its intrinsic importance and the wide range of benefits it provides to people and society. It is an approach that is not consistent with one that accepts a scheme with a number of adverse effects – which may be relatively minor in themselves – but which cumulatively can result in an ongoing loss of populations, habitats and species.
- 4.60 The approach that fosters enhancement is particularly important when the issue of climate change is considered and its effect on species and habit. PPS9

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<sup>16</sup> Mr Jenman accepted in cross examination that it would be necessary.



recognises the need to “enhance and restore” the diversity of the country’s wildlife by “sustaining and where possible improving” the quality and extent of natural habitats. PPS9 recognises here and elsewhere the need for enhancement and not merely for preservation of existing species and habitats. In the passage cited the approach is for restoration by enhancement. Self evidently an adverse impact is neither restoration nor enhancement.

- 4.61 WCC suggest that in PPS9 paragraph 1(iv) the reference to “development” is to the red line area and hence the effects outside that area (or presumably mitigation/enhancement outside it) are not covered by PPS9 policy. The Trust contends that the policy applies outside and inside the red line area: it would make no sense so to constrict the policy when considering, for example, bat flight lines. It is trite law that policy is not to be construed as a statute and with a “hard edged” interpretive approach. On the contrary, policies and development plans are drafted by planners for planners and are, inevitably, more loosely drafted<sup>17</sup>. One looks therefore at the intention and effect overall of the document, and the Trust’s approach is correct. The Good Practice Guide supplementing PPS9, at paragraphs 4.4 and 4.30, similarly places emphasis on enhancement or creation of habitats.
- 4.62 In much the same way PPS1, paragraph 19, recognises the need to “enhance” the environment as part of development proposals, and recognises the fact that the environment may not be able to accept further development without irreversible damage.
- 4.63 Emerging RSS policy ENV4 deals with protecting and enhancing biodiversity and importantly, as one of its objectives, requires the maintenance and restoration of ecosystems so that they function in a way that will support the region’s wildlife. The Secretary of State’s recently issued proposed modifications address ENV1, which refers to the objective of “protecting and enhancing” the quality, character, diversity and local distinctiveness of the natural environment. In that sense it is a prelude to the same approach in ENV4. These policy objectives are not achieved where there are adverse impacts on those ecosystems and wildlife: at risk of repetition, adverse does not equate to maintenance or restoration. The adverse effect of a bypass on habitat continuity is to be particularly noted.
- 4.64 Policy ENV1 refers to what might be regarded as a sequential approach to development changes in land use. Thus where these would affect the quality etc of the natural environment local authorities are to:
- first seek to avoid loss of or damage to the assets. Again even a slight or moderate adverse impact after mitigation is plainly avoidable, as illustrated by the Trust.
  - The next step is to mitigate any unavoidable damage and compensate for loss or damage through off-setting actions. Again since damage is avoidable, this does not strictly apply.
  - But on the assumption that any residual impacts are found to be unavoidable, the compensation is inadequate. That is for two reasons. The first is the need, which WCC have failed to take into account, to enhance. The second is that the slight or moderate residual impacts remain. They could be removed through further or

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<sup>17</sup> Cranage PC v FSOS [2004] JPL 1176

better mitigation and certainly removed if a scheme for enhancement was undertaken.

- 4.65 Structure Plan Policy C1 refers to "maintenance and enhancement" of the county's nature conservation resources and even refers to enhancing nature conservation interests. Policy C3 suggests that habitats for protected species and wildlife corridors "should be protected and, where possible, enhanced". WCC accept that enhancement is possible in this case, but assert that it is disproportionate. But that is not the test.
- 4.66 There is a duty on public authorities under the Natural Environment and Rural Communities Act 2006, Section 40, to have regard to the purpose of conserving biodiversity. In accordance with Section 40(3), this means "restoring or enhancing a population or habitat" (emphasis added).
- 4.67 The EU Habitats Directive (92/43/EEC 21 May 1992) (see now the UK Habitats Regulations 1994 and 2007) is important. Directive Article 12(1)(d) prohibits "the deterioration or destruction" of habitat. It is necessary to look at "favourable conservation status" under Article 1. The adverse effect that has been predicted does not square with the need to maintain the favourable conservation status of a species in its natural range as set out in the Regulations at 44(3). That status is not defined in the Regulations, but it is defined at some length in the Directive Article 1.
- 4.68 It first means a "series of measures required to maintain or restore the natural habitats and the populations of species of wild fauna and flora at favourable status ..." The phrase refers also to the species' long term distribution or abundance and adds that conservation status will be taken to be favourable when "the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future". Furthermore the conservation status of a natural habitat will be taken as "favourable" when "its natural range areas it covers within range are stable or increasing" (emphasis added) and two other considerations are fulfilled.
- 4.69 There is likely to be a contravention of that definition where there is an adverse effect on species as predicted in the ES because that effect means that the natural range is likely to be reduced in the foreseeable future. The same would be true if there were an adverse effect on habitats since the habitat would plainly not be increasing nor would it be stable.
- 4.70 The approach set out above by way of interpretation of the Directive is reinforced by consideration of the recitals in the Directive, which refer to the "preservation, protection and improvement" (emphasis added) of the conservation of natural habitats.
- 4.71 In all, the approach taken by the Trust to enhancement is well justified by the Structure Plan, emerging RSS, national planning policy and European law. The SoS should adopt an approach in policy that requires enhancement and not merely mitigation. The current WCC approach does not seek to achieve this, simply asserting that the benefits of the scheme outweigh any adverse effects.

**The Case for Nicholas Brakspear** (OBJ/BRAK/P/1, OBJ/BRAK/A/1, OBJ/BRAK/SP/1, BRAK/100-103)

- 4.72 Mr Brakspear proposed an alternative to deal with through traffic in Westbury. His initial proposal (OBJ/BRAK/P/1 Alternative Route) was superseded in the

main by a development of that proposal in a supplementary proof of evidence (OBJ/BRAK/SP/1 Tunnel Route Part 2) which formed the basis, in part, for his presentation at the inquiry. However, Mr Brakspear had not then seen rebuttal evidence (WCC/R/7) and WCC had not had an opportunity to consider Tunnel Route Part 2 prior to his appearance. Subsequently, he submitted a further development (BRAK/102 Tunnel Route Part 3) in response to points in WCC/R/7. The main feature common to each of his variations is a tunnel between about 400m and 600m long taking the A350 under the town centre essentially between Haynes Road and Fore Street

- 4.73 He proposes for local traffic generally to use existing roads around the perimeter of the town, such as The Mead and Bitham Park in the north and Laverton Road/Leigh Park Way and Mane Way in the south, retaining the A350 as an urban freeway for through traffic, subject to a 30mph limit. This would preserve the town centre intact, quiet, with access from all directions and without interference to the setting of Bratton Camp. The town centre would be able to realise its potential as a really attractive place, worth visiting in its own right.
- 4.74 Increased traffic on the residential roads might prompt objections but the extra flow would at most be half of the commercial traffic currently using B3097 Station Road. His later proposal envisaged a new road link from Mane Way across the railway lines to the west of the station to provide direct access to the industrial areas and The Ham which would form the basis of a western bypass from those areas to Hawkeridge.
- 4.75 WCC's estimated cost of about £60m for the tunnel could be reduced by shortening the tunnel's length and depth so that much of it could be built on the cut and cover principle, with enough left uncovered to gain exemption from some of the tunnel safety requirements. He has considered the potential severance that might arise and identified a number of different ways of providing access to and from different areas of the town.
- 4.76 From his observations, general traffic density in Westbury is much lower than in many other towns. His scheme would remove the bottleneck on the A350 in the Haynes Road area and also provide the flexibility of an alternative route to the west. Although a large increase in the future volume of motor transport is almost inconceivable, his scheme would provide the capacity to deal with it.

## CASES FOR OBJECTORS

### The Case for White Horse Alliance

**Economics and Regeneration Issues** (John Whitelegg; Catherine Le Grice Mack: OBJ/WHA/P/6; OBJ/WHA/R/6; OBJ/WHA/SP/8)

- 5.1 There is ongoing debate regarding the extent to which bypasses, and more generally increases in highway capacity, in practice lead to economic development. The issue was well summarised in the 18<sup>th</sup> Report of the Royal Commission on Environmental Pollution: Transport and the Environment.
- 5.2 *"It has been an assumption ... that investment in transport infrastructure will stimulate the growth of other sectors of the economy ... In the Treasury's view it is not possible to generalise about the importance of transport infrastructure ... in bringing about economic growth in depressed or deprived regions. ... A recent study concluded that road building is not the key to economic growth in the regions. It is clear that ... uncongested motorways in ... Merseyside has not been sufficient to overcome the influence of other factors which inhibit economic growth. Indeed it seems that good roads can sometimes speed the decline of less prosperous areas by allowing their needs to be met conveniently from sources outside the area."*
- 5.3 There is a paucity of evidence on economic benefits that can be rigorously attributed to a new road or bypass; and improved transport infrastructure can trigger the "two way road effect".
- 5.4 Most commentators doubt the simplistic notion of transport investment producing changes in accessibility in a highly developed modern space economy and even more so that these changes can lead to jobs in precise locations or groups of individuals. Fifty years on from the UK's first motorway, we still do not know the socio-economic outcomes of such investment. Writers in the early 1960s foresaw a direct beneficial correlation, but in practice deep seated deprivation remains in various areas well served by motorways. The lack of a clear evidence basis for a positive link is well attested. (OBJ/WHA/P/6 Tables 2.1 & 2.2). The Inquiry Reporter into the proposed M74 in Glasgow came to such conclusions (Table 2.3), and they are apt at Westbury too.
- 5.5 Relevant concerns in the Draft RSS are addressed in WHA policy evidence.

### *Eddington and Towards a Sustainable Transport System*

- 5.6 Eddington's findings and recommendations are incorporated in the DfT *Towards a sustainable transport system: supporting economic growth in a low carbon world* (TSTS). We do not need to think of "new links" as a default option but are encouraged to develop other interventions based on price signals and making the most of our existing networks. Similarly we should not "seek dramatic reductions in journey times between cities" and that whilst increases in road capacity will sometimes be needed, other options should be explored. Sending the right price signals to transport users is critical. (CD.13.1 paras 5, 31, 1.18, 2.15-2.18)
- 5.7 Insufficient regard has been had to these points at Westbury, not even those described as "critical". The other options have not been explored in anything like the detail needed to assess their potential for solving transport problems

without a bypass. This exploration should have been done under NATA, considerably pre dating Eddington and TSTS.

*Commission on Environmental Markets and Economic Performance Report (CEMEP)*

- 5.8 The UK Government is committed to building a low carbon economy, based on a "social transformation of the way we live" (Building a low carbon economy. Unlocking innovations and skills (Defra May 2008)). It is reasonable to assume that this includes transport: a successful economy based on different ways of dealing with transport problems. The Westbury Bypass is inconsistent: it is 1960s style expansion of highway capacity, encouraging more and longer car trips and more deeply entrenched car use and carbon producing methods of transport into economic and social behaviour.

*The Westbury Bypass Economic Aims*

- 5.9 The scheme objectives include one "to facilitate economic regeneration". The stated objectives make no mention of the "smarter choices" agenda and the extensive menu of possibilities in WebTAG. There is no discussion of road pricing, congestion charging, urban logistics, travel plans and other documented measures that are able to provide solutions. Rather, for the "Do minimum" "There is little scope for further improvements to the existing A350 route through the town, and for comparison purposes the scheme assessments have been made against the existing conditions" (OBJ/WHA/P/6/para5.4).
- 5.10 The essence of NATA and WebTAG is that comparisons are made between "do-something" options and a do-minimum scenario incorporating the successes of interventions over the years leading to the opening of the scheme. An accurate do-minimum is not an extrapolation of existing trends but a forecast of where we will be after the serious progression of travel plans, bus strategies, cycle strategies and land use planning based on PPG13 and reduced car usage.
- 5.11 The statement that this highway scheme would increase "the area's attractiveness for new investment and job creation" contrast starkly with the literature conclusions referred to above. There is no hard evidence that highway schemes bring unalloyed economic benefits though there is evidence in the RSS (5.5.1) that they can increase long distance commuting by car. There is also SACTRA evidence that new roads can drain economic activity from a target area.
- 5.12 West Wiltshire District is one of the more prosperous, better off than about 75% of English local authority areas, and is moving up the rankings. It is puzzling that WCC describe the Alliance's evidence as some form of "denunciation" of the District; it is they who refer to under-performance and a need for regeneration. Within the South West, the sub region containing Wiltshire is described as the most productive, economically strong and functioning well. Wiltshire also performs well on productivity measures. (OBJ/WHA/P/6 p 12 – 13). There does not appear to be an economic problem in the sense that would be understood on Merseyside or in the North East.

*Congestion*

- 5.13 WCC describe problems in Westbury as characterised by "severe traffic congestion through the town centre". There is no supporting evidence; an unacceptable basis for substantial expenditure. DfT statistics for the ten largest

English conurbations confirm that for all except one, congestion has declined with only a slight increase in the other (OBJ/WHA/P/6/p14).

### *Low Carbon Improvements*

- 5.14 A bypass does not lead towards a low carbon economy. NATA as summarised and expressed in WebTAG confirms that many other options are available, emphasising a temporal sequence based on: problem definition; identification of options that can solve the problem; appraisal; identification of the preferred option. PPG13 (Annex C) makes clear that non road building options should be explored, and WebTAG puts a strong emphasis on option generation.
- 5.15 This sequence has not been followed at Westbury and there is no documentation describing the careful identification and evaluation of the 60 policy option suggestions in WebTAG. It is not possible to do so now at the inquiry, but it is important to identify the flaws and weaknesses in what has been done to generate and test options. Westbury has been short changed by a deeply flawed procedure that has side stepped a careful assessment of the WebTAG suggestions.
- 5.16 Widening these considerations, the HA has made a substantial contribution to corridor-level traffic management directly relevant to the A350. In brief, the HA Influencing Travel Behaviour programme promotes sustainable travel and reduced congestion by influencing behaviour, information to assist "smarter travel choices" and selective demand management measures. The strategy aims to balance travel needs with road capacity, supporting the economy while addressing the environment: reducing traffic and in particular the demand for private car journeys. Congestion will be reduced by road improvements but not solved alone by road building (OBJ/WHA/P/6/p17).
- 5.17 The HA has developed travel plans (cars and HGVs) at a number of locations; this approach should be used at the WWTE, delivering economic benefits with reduced traffic at this employment and economic growth location. The HA has a corridor strategy for the A45 (Northampton) to cope with large traffic generators and reduce traffic generation from key sites. Again, a similar approach ought to be adopted on the A350 corridor.
- 5.18 The DfT provides a full list of specific "smarter choices" (OBJ/WHA/p/6/p18). The approach brings results: "within approximately 10 years such measures have the potential to reduce national traffic levels by about 11%, with reductions of up to 21% in peak period urban traffic. They represent relatively good value for money, potentially generating benefit-cost ratios in excess of 10:1".
- 5.19 Between the WebTAG options, HA demand management work and smarter choices agenda there is a great deal on offer for Westbury. Regrettably they have not been pursued effectively and appraised in a clearly audited way to see how they perform in comparison to the bypass.

### *WCC's Evidence on Economic Regeneration*

- 5.20 WCC suggest that in terms of connectivity to key elements of road network [West Wiltshire] does not feature well, but none of these terms is defined, nor in what way Wiltshire's "innate potential" might be held back, nor is there evidence that locations held to be more favourably linked to a motorway in practice have stronger economies than this area. Evidence of below average

incomes in West Wiltshire does not demonstrate how these would be improved by the Bypass. Similarly, evidence of out-commuting from the county has not been shown to be any greater than might be expected – commuting is an established employment feature – and it is implausible to suggest that this small bypass would bring about a reduction. It might tend to the opposite effect. The assertion that “distribution networks and links to primary routes and the national motorway network are of major importance for local businesses” ignores all the other potential factors, such as skilled staff, highly rated schools and much else. Again there is no evidence for the statement that the road system makes it difficult for Westbury to promote itself as a tourist destination: there is nothing about the many initiatives nationally to encourage tourism based on public transport or cycling; the bypass through tranquil landscape at the foot of The White Horse might damage tourism prospects.

- 5.21 How would a bypass assist Westbury shops and businesses, as people drive past the town? And what evidence is there of a perception that residents currently would rather look to alternatives and travel to adjacent towns by car? No consideration is given to the possibility of substantial improvements for pedestrians and cyclists without a bypass. Retail distribution is a complex matter and there is nothing to say that a bypass would increase shopping in Westbury. Many improvements could be made without a bypass.
- 5.22 There is no evidence showing an imbalance between the growth of housing and jobs; or of “significant local concerns” that traffic impacts are holding back overall economic development. “Concerns” in any event would not mean that there is such an effect. Guildford combines a successful economy with substantial traffic congestion. Views attributed to the West Wiltshire Economic Partnership and Wessex Association of Chambers of Commerce, assertions of below expectation returns on property and rejection of Westbury as a business location all require hard facts, which are lacking in WCC’s evidence.
- 5.23 Contrary to WCC’s evidence, there is no support in the Eddington Report for the scheme as a selective measure; Westbury is neither congested nor a bottleneck. And although the WHA do not claim that road pricing and charging measures are universally applicable, their existence in places as different as Durham and London confirms that they can have wide application.

#### *Rural Economy Impacts*

- 5.24 WCC’s land use evidence is based on the loss of farmland. The 2001 Foot and Mouth crisis highlighted the importance of accessibility and quality of landscape to rural economies. An evaluation of the bypass’s impact requires more than farming considerations but also the direct and multiplier effects on farm based rural infrastructure businesses, farm tourism and leisure based businesses dependent on the natural and historic landscape.
- 5.25 Also, WCC’s evidence that severance has less impact on an arable rather than livestock farm is not accepted. From personal experience as a farmer, it is these days easier to relocate livestock than large items of machinery. It is arable farms that need larger fields.

#### **HGV Impact and Alternatives** (Jenny Raggett; Anne Lock: OBJ/WHA/P/10; OBJ/WHA/W/10; OBJ/WHA/W/10.1; OBJ/WHA/R/16; OBJ/WHA/R/17)

- 5.26 HGVs are likely to be the main concern of West Wiltshire residents looking for a Westbury bypass, rather than the volume of cars or the congestion, neither of

which is high for a town of this size. WHA does not advocate a specific alternative to the scheme but more should be done to investigate a wider range of measures not requiring major road construction. Part of coming to the right decision is to look at HGVs and their impact locally and regionally.

- 5.27 Communities particularly affected by HGVs in the Westbury-Trowbridge area are: Trowbridge, Southwick, North Bradley, Rode, Yarnbrook/West Ashton, Bradford on Avon and Westbury. WCC explain that the scheme reduces the number of HGVs<sup>18</sup> in Westbury but results in a 7% increase in Southwick and North Bradley, where there are already 2-3 times more HGVs than in Westbury. Relief from the scheme at Berkley and Rudge is tempered by the fact that the present impact is indirect, the number of houses very few, and Berkley is now protected by a weight limit.
- 5.28 A FWR reduces HGVs by 73% and 91% respectively on Frome Road and Wunsome Street in Southwick. It reduces twice as many HGVs as the scheme on Fore Street in Westbury (-66% and -34% respectively) although it is acknowledged that the scheme performs better on Haynes Road and Warminster Road. It is questionable whether any bypass should be built, but if the aim is to relieve communities of HGVs then a FWR benefits more in the sense that everyone gains and no-one loses. Regional policies point to a reduction of the impact of HGVs on communities and it would seem that such aims are met *locally* by a FWR but not by the scheme. A FWR would carry over 3 times as many HGVs as the scheme, rising to over 4 times at its northernmost end. If a bypass is to be built, a FWR removes far more HGVs from other less appropriate roads and very much outdoes the scheme in this respect.
- 5.29 In the context of new and existing employment areas in the sub-region, the scheme is not necessarily the best choice of route. It inadequately factors in existing or future HGV movements associated with the development of new employment and industrial areas in the sub-region.
- 5.30 The sub-regional perspective needs to take account of the consequences on the A350 and on the scheme of an HGV ban in Bath and the recommendations<sup>19</sup> in the Panel Report on the Draft RSS (CD2.4) concerning the scheme and regional transport. An HGV ban in Bath would increase traffic on the A350, unfairly so for communities on the A350/A361 where a series of new bypasses would be needed. WCC are understood to have entered an agreement with Bath & North East Somerset Council implying that WCC would not object to the A350 carrying Bath's HGVs subject to the bypass and certain other "environmental improvements". If a ban were to be progressed, further modelling, proper consultation and negotiations are needed, and a FWR to catch east/west movements for Somerset as well as north/south movements.
- 5.31 If the scheme is of regional significance, it needs to be examined at least in a sub-regional context. It is not included in the list of Key Infrastructure improvements for the West England Area<sup>20</sup>. From a sub-regional point of view, there are a number of implications arising from the Panel Report which make it

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<sup>18</sup> The evidence in OBJ/WHA/P/10 was based on WCC's Traffic and Economic Assessment Report before the understatement of the number of HGVs was revealed. Nevertheless, Mr Helps confirmed in WCC/SP/2 that percentage reductions remained valid.

<sup>19</sup> The evidence was given before the issue of the Draft Revised RSS incorporating the Secretary of State's Proposed Changes (CD2.4.1).

<sup>20</sup> The Draft RSS including the Secretary of State's Proposed Changes deletes this list and provides a replacement section on transport.



seem premature to build the scheme without further study of the corridor including HGV movements, modal shift considerations and functionality of the A350 with respect to the A36.

- 5.32 A350 journey reliability is reported in WCC's 2007 LTP Annual Progress Report to be "on track" and "green", and seemingly not a current problem for the authority. The Eddington Report and the Greater Bristol Strategic Transport Study provide a wider perspective and the A350 through Westbury is not flagged as problematic in the context of congestion or future traffic growth (OBJ/WHA/P/10/Appendix 1). From a sub-regional perspective, it is hard to see why the scheme is a good investment of scarce regional money in view of stated aims to improve journey reliability or journey times for HGVs. If built, it is quite possible that parts of the A350 to the north of the town will increase in congestion as traffic is induced and there will be pressure on the region for more bypasses.
- 5.33 The BB2SC Study (CD4.1) assembled traffic data (including HGVs) for the A36/A46/A350 and related roads. Many communities "upstream" on the A350/A361/A363 north of Westbury and "downstream" on the A350 and A36 already get more HGVs than does Westbury itself. Every community would like the HGVs removed; none want more. Many people some distance away are concerned that with the building of the bypass, HGVs will be induced onto the A350/A36 and that they will consequently suffer.
- 5.34 It is hard to establish origins and destinations of HGVs from WCC data. Sampling points were positioned to capture through traffic on the A350 rather than traffic to WWTE. The A36 and A361/A363/C234 routes were neglected. This very limited sampling (OBJ/WHA/R/17 Appendix 1) cannot be sufficient to gain a true understanding of HGV origins and destinations in the modelled area. BB2SCS clearly showed that east-west HGV movements were more prominent than those from north-south. It concluded that the A350 catered primarily for local traffic whereas the A36 carried a high percentage of HGVs for the south coast ports.
- 5.35 BB2SCS recommended that such long distance HGVs should be redirected to motorways and trunk roads as more fuel efficient even though the A350 route is shorter. Upgrading the A350 between the M4 and Warminster into a strategic HGV route would be very difficult, requiring a sequence of bypasses and complex junction improvements. Improvement of the A350 in Wiltshire will encourage Dorset to put pressure on the region for the improvement of the road further south with a series of bypasses. Any bypass for Westbury will have to make sure that no other community gets more HGVs as a result. A solution which does not induce traffic is essential.

#### *Alternatives to a Full Bypass*

- 5.36 A full bypass is inappropriate: unsustainable and environmentally damaging. An alternative which would help to reduce the impact of HGVs on the communities could take the form of a road to the west of Westbury built to a lower standard to function as a distributor road to lessen its environmental impact. Such a road could eventually tie in with the proposed series of distributor roads around south east Trowbridge. The construction of a new – possibly developer funded – smaller service road from the A36 into the western end of Brook Lane would be a simpler alternative that would also reduce the number of HGVs going

through Westbury, Rode, Southwick and North Bradley. It would be less environmentally damaging and cheaper than a full bypass.

- 5.37 Strategic re-direction of HGVs as recommended by BB2SC might reduce the number of HGVs through Westbury by 15-20%, but given the paucity of data an accurate estimate is not possible. Trowbridge as an SSCT needs a proper package of transport measures to support its growth. The scheme as proposed represents an isolated intervention. A solution for Westbury can be part of the package but needs to be integrated with the rest and take account of the aspiration for a rail freight terminal near Westbury Station. A solution is needed for Yarnbrook in the form of a short link road rather than an expensive bypass and could form part of the same package of measures for Trowbridge.
- 5.38 The WWSTS comprises many elements; most have never been delivered. The delivery of the road elements, whilst so many non-road elements have been put to one side, will only exacerbate congestion on the A350 and in consequence lower journey time reliability. The predicted unrestricted 22% growth of traffic between 1997 and 2001 in WWSTS has proved quite wrong: WCC data for Haynes Road shows flows have remained more or less the same between 1996 and 2006. Guidance in LTP1 and government policy today expects alternatives to a full bypass to have been investigated properly and this has not been done. A list of some of the elements that might be combined on a "mix and match" basis to produce a modern, cheaper and more integrated transport package is provided in OBJ/WHA/R/16.
- 5.39 Given the broad sweep of objectives and claimed benefits for the scheme at both local and regional levels, it is surprising that WCC evidence on alternatives concentrates so much on COBA rather than the perspective of modern planning, transport and social considerations, stakeholder input and environmental objectives. Studies referred to by WCC were completed before the cancellation of the West Wilts Bypass which would have improved east/west links and to which the scheme was seen as complementary.
- 5.40 WCC have explained why variants of the western routes were discarded but there is little as to why the scheme was chosen instead. Consultations indicated that Westbury Town Council, the Wessex Chambers of Commerce and West Wilts Economic Partnership and the majority of Parish Councils thought that the scheme was not the best route. The voice of stakeholders is important and more explanation that addressed the concerns of the local economy, business community and representatives of Westbury would have been expected.
- 5.41 WCC evidence on alternatives provides no commentary or analysis of HGV traffic, commuter patterns, less expensive alternatives to a major road and congestion pinch points on the A350/A36/A361 and related routes or the opportunities for public transport integration between different routes. The effects of new weight limits being progressed by WCC on A3098 and A362 which will move HGVs to the north and put even more pressure on the A361 are not considered. Nor is there analysis of how the scheme would fit with other interventions recommended in the Greater Bristol Strategic Transport Study and the West of England Partnership's LTP or how alternatives interact with other road schemes on the horizon.
- 5.42 The claim that the A36 needs 7km of dualling consequent on a FWR has not been subject to modern quantitative analysis, and is not understood since a FWR would reduce traffic between Beckington and Standerwick (traffic turns off

earlier to go east-west). The remaining section between Standerwick and the A36/A350 roundabout does not take much traffic for a trunk road. WHA is not aware that the HA has pronounced that dualling would be necessary.

*Further Comment*

- 5.43 WHA commented in a later written representation on the revised traffic assignments, with and without weight bans. The scheme is put forward in large part as a means of delivering better access to WWTE and the delivery of economic regeneration by better transport links to employment areas. It is therefore quite extraordinary that the closure of one of the 2 entrances to the WWTE area to vans and HGVs of all sizes should never have been consulted widely upon. These areas are set for expansion westwards and businesses would face a substantial detour were the southern entrance from Station Road closed, even with the scheme. In this situation then surely a new western entrance to the WWTE would be more useful.
- 5.44 Coloured maps (OBJ/WHA/W/10) have been produced to show WCC HGV flows graphically. It was intended that the new assignments would also have been presented in this way but inconsistencies identified in WCC data meant this task could not be completed in any logical or meaningful way. Notwithstanding these reservations, the new assignments do indicate that a FWR takes very much more traffic off other roads compared to the scheme, with or without weight bans. However, the underlying traffic model does not appear to be sufficiently robust to provide a basis for judging the merits of the scheme or a FWR or the effects of the proposed weight limits on the complete network.

**Climate Change** (John Whitelegg: OBJ/WHA/P/5; OBJ/WHA/S/5; OBJ/A/5; OBJ/WHA/A/5.1; OBJ/WHA/R/5; OBJ/WHA/W/5)

- 5.45 Climate change is at or near the top of the national and regional policy agenda with numerous policy commitments to reduce greenhouse gases. Examples include the Climate Change Bill, PPS1 and the Climate Change Supplement to PPS1, PPS23, Stern Report, Towards a Sustainable Transport System (TSTS) and the Draft RSS. The Inspector at the Thames Gateway Bridge inquiry referred to greenhouse gases in his report recommending against the scheme. It seemed to him that even a small increase offered no assistance in achieving a reduction to which the Government has made a commitment (OBJ/WHA/A/5.1).
- 5.46 Information on greenhouse gases associated with the Westbury scheme is scant and late in the day, showing a highly implausible quantity on an even more implausible assertion that there is no induced traffic. The calculations do not follow guidance, are unreliable and should be validated by a reputable external organisation familiar with carbon foot-printing and transport. The methodology underpinning comparison with the Do minimum scenario is not accepted. This scenario should reflect energetic implementation of the full range of demand management measures/smarter choices interventions as well as spatial planning to reduce the need to travel as required by PPG13. This will produce a Do minimum CO<sub>2</sub> forecast lower than that used by WCC.
- 5.47 The emphasis in TSTS (CD13.1 para 20) on "robust emissions reduction pathways for transport" indicates a significant shift in emphasis away from expanding highway capacity as the default option and towards sophisticated packages of measures including demand management, road pricing, walking, cycling and public transport.

- 5.48 The scheme is a "1960s solution", not modified to take account of advances in climate change policy stretching back many years. It is an example of "delivering a specific scheme or solution", worked up within a world view that infrastructure is the way forward. The message of Eddington is that road pricing has far more to offer than most other solutions and that planning should "look at a wide range of possible actions, not just at investment in infrastructure". Option generation has not promoted low carbon alternatives and the scheme has not been assessed against such alternatives. It has effectively ignored the strengthening of climate change policy, and chosen to add rather than reduce greenhouse gases, making things worse not better and frustrating national policy.
- 5.49 The Draft RSS foreword confirms the commitment to deliver CO<sub>2</sub> reductions. These targets are on a statutory basis in the Climate Change Bill and therefore the RSS commitment to "have taken on board the government's targets" carries with it the implication that all those matters under its control will be scrutinised and shaped to deliver these reductions. Nevertheless, the Draft RSS ignored important policy areas that demonstrate the impact of new highway infrastructure (including bypasses) on encouraging car use and encouraging the lengthening of trip distances by car. The impact of new road schemes is to generate new traffic and add to car dependent life styles such that there is a knock on effect on greenhouse gas emissions. The Strategic Sustainability Assessment refers to the transport content of the Draft RSS and the likelihood that it will increase CO<sub>2</sub> emissions.
- 5.50 The South West Climate Action Plan is "owned" by the Regional Assembly. It identifies transport, responsible for 31% of greenhouse gas emissions, as a key concern, stating that local authority response to transport interventions that could reduce emissions have been implemented at "low intensity".
- 5.51 The RA commissioned Levett-Therivel consultancy report on the Draft RSS identified serious difficulties with the transport component and its lack of fit with government ambitions to reduce greenhouse gases and make cuts of at least 60% by 2050. The assessment is clear that the Draft RSS proposals "are not robust enough to deliver reduction in greenhouse gases".
- 5.52 WebTAG (the recognised guidance on the New Approach to Appraisal) identifies how transport proposals should be assessed. Specific guidance on detailed assessment of climate change and greenhouse gas emissions (WebTAG 3.3.5) has not been followed in this case. The assessment falls far short. The scheme fails the test of consistency with transport and sustainability policy, and will add to the very difficult problem of climate change. A national failure to reduce greenhouse gases in conformity with statutory obligations will result from the failure of hundreds of projects going through the planning process to make a contribution. It is impossible to deliver committed reduction targets on the back of numerous projects that increase emissions. The scheme should be rejected on these grounds alone. Policy now aims for a low carbon transport system. There are many solutions in the Westbury area that fit this description but the scheme is not one of them.
- 5.53 WCC's supplementary evidence on air quality (WCC/SP/8) concludes there would be an 8.4% increase in carbon equivalent (CO<sub>2</sub>e) in 2009 (previously indicated as a reduction -0.6% in CO<sub>2</sub>) based on a Do Something minus Do minimum of 300 tonnes CO<sub>2</sub>e. An 8.4% increase is in itself significant in the sense that it is in the wrong direction. Anything that adds to CO<sub>2</sub>e emissions by

a deliberate act of public policy makes it far more difficult for the legally binding target to be achieved. WHA remain sceptical of the calculations without a detailed exposition of the assumptions that went into them.

- 5.54 The existence of induced traffic would feed directly into increased levels of traffic on the network as a whole especially over the 60 year time frame of appraisal and would feed through into additional CO<sub>2</sub> values. It is not plausible that induced traffic will not occur and a more detailed and independent analysis of induced traffic is needed in order to get the CO<sub>2</sub> calculations right. The evidence for this assertion of implausibility is the original SACTRA (1994) report "Trunk Roads and the Generation of Traffic" which revealed the tendency to underestimate traffic especially on new motorways and bypass schemes.
- 5.55 The urgency of the historic duty to deliver government commitments to a low carbon economy and to produce outcomes that reduce carbon emissions has been underlined and amplified by James Hansen in a speech on 23 June 2008. This makes the point that the climate change problems facing all governments are now worse than was previously thought.
- 5.56 WCC/SP/8.1 was issued to address the understatement of HGVs output from the traffic modelling. It increased carbon emissions in the 2009 opening year to 385 tonnes, a figure confirmed in WCC/112 but which cannot be checked on the information provided. Responding in writing to WCC/112: the absence of induced traffic calculations is still a significant weakness in WCC's case. It is now clear that induced traffic will be much larger than they estimate; on published data, it could be about 20%, with a corresponding increase in carbon. Consequently, WCC's estimate of carbon emissions in the Do Something scenario is artificially low, distorting the whole environmental appraisal and the calculation of the benefit cost ratio.
- 5.57 The addition of the 3 tonne weight limit into the mixture creates another layer of confusion, adding extra distances to be travelled by HGVs which will produce higher levels of carbon emissions. These emissions need to be specifically calculated and made explicit in the supporting information for the weight limit.

#### **Public Transport Issues (Gordon Edwards: OBJ/WHA/P/9; OBJ/WHA/W/9)**

- 5.58 Westbury is served by 6 bus routes; the most frequent being the 264/5 Bath to Warminster service via Trowbridge and Westbury. Following substantial monitoring, a revised timetable was implemented for this service earlier in 2008. All Monday to Saturday daytime journeys in Westbury urban area, with one exception, are allocated an identical running time. From observation, the additional running time is to allow for the boarding of a substantial number of students travelling from Westbury to Trowbridge College. The remaining bus services provided by Bodman Coaches and Frome Minibuses have all journeys with identical running times between timing points. This approach would indicate that there are minimal variations in actual journey times in the Westbury urban area, irrespective of the time of day on Monday to Saturday.
- 5.59 An analysis of the 264/5 timetable reveals average bus speeds in Westbury urban area in the range 36.9 to 48kph compared with Trowbridge urban area, 12.2 to 22kph, and Bath urban area, 10.6 to 20.2kph. Other buses operating in the Westbury urban area on Monday to Saturday daytime have an average speed of 33.3kph. Bus speeds in the Westbury urban area are comparatively high, with operators not required to adopt differential running times in peak periods. It can be concluded that Westbury has minimal predictable congestion

on a daily basis. The construction of a bypass is likely to have little impact on bus speeds in the urban area which are already high.

- 5.60 Westbury railway station is a very busy junction, at the intersection of the main line from London to the West of England and the South Wales to South Coast route (service details are in OBJ/WHA/P/9). A significant volume of freight also passes through Westbury, with its numerous sidings. The station is directly served by 3 bus routes and by 264/5 on Station Road about 440m to 500m away. The town centre is between about 960m and 1300m away. Following a recent extension, the station car park has about 227 spaces.
- 5.61 In the year to 31 March 2006, 306,329 passengers commenced and completed journeys and about 159,699 changed trains. In view of the service frequencies, journey times, range of destination and number of residents in the area, the operating companies are disappointed with numbers beginning and finishing journeys by rail at the station. They consider that if more customers are to be attracted then the solution is not initially increased train services, but better access by public transport and by car, particularly from the A36 and A361.
- 5.62 The scheme does not improve access to the station either for residents or for people living within the large catchment. A road linking the A36 with the station and WWTE would be able to deliver very good access and would be beneficial if the rail freight terminal were established next to the station. Such a link would facilitate the development of a new public transport interchange and assist modal shift by enabling much easier access to the very good services available.
- 5.63 In a written response to WCC's intention to impose a 3 tonne weight limit on Station Road bridge: if made without exemptions for buses, it would have a severely detrimental impact on local services in West Wiltshire. It would cause major accessibility problems and severe inconvenience for thousands of residents of and visitors to West Wiltshire and East Somerset.

#### **Variable Demand Modelling (Phil Goodwin: WHA/127)**

- 5.64 During the inquiry recess, WCC issued a revised report "Variable Demand Modelling – Preliminary Assessment" 2 May 2008 (Revision 1 to the MSBC Annex 7 (CD9.8D)). Responding in writing, Professor Phil Goodwin concludes that the indication from the sensitivity test reported is that a full scale variable demand appraisal would have a very substantial impact, certainly reducing the net present value (NPV) very considerably and perhaps making the benefits less than the cost. There are 4 features of the results of the test which lead to an opposite conclusion to that drawn by WCC.
- 5.65 Firstly, the benefits are highly sensitive to small changes in traffic. The text suggests a very small difference in traffic levels overall, as between the fixed and variable demand assumptions. However, the 1% to 2% difference in trips makes a 7% to 16% difference in benefits. In such cases there is a need to be especially cautious since a small difference in one factor makes a disproportionately large difference to another. Warning bells should ring.
- 5.66 Secondly, net benefits are even more sensitive than gross benefits. Although the results in WCC's Traffic Data and Economic Assessment report are not expressed on the same basis, nevertheless if 7% is taken off the benefits for the scheme, the NPV goes down by 8%. If 16% is taken off, NPV goes down by 21%. Thus a 1% to 2% difference in traffic flow, hardly noticeable, causes a

reduction in gross benefit of 7% to 16% and this would be magnified to a reduction in NPV of 8% to 25%.

- 5.67 Thirdly, the choice of -0.2 for the travel time elasticity is excessively optimistic. The value chosen is the lowest mentioned in DMRB guidance and assumes that there is no mode choice and that time switching is "reflected adequately" in the model. However, the model being based on an average hour does not allow any time switching at all. It therefore underestimates any shift between the peak and off peak periods which might happen as a result of differences in congestion levels. A better test would have been to take a greater figure: -0.3 or -0.4 would be easily justified. The traffic difference between fixed and variable demand will, to a first approximation, be proportional to the elasticity chosen. Thus if -0.3 had been chosen, the traffic differences would have been 50% higher and in that case the benefit differences would have been far over the threshold for a full variable assessment.
- 5.68 Fourthly, assessment of the empirical evidence based on work in 4 areas of travel behavioural response to policy, projects and costs suggests that if a full variable demand appraisal had been carried out, it would probably have produced a model which corresponds with a time elasticity of about -0.9. Since the effect on traffic volumes will be approximately proportional to the elasticity, it follows that a full variable demand appraisal would have led to a much greater reduction in the estimated net benefit of the scheme. In these circumstances it is not possible to claim that there is a robust justification in not carrying out a full variable demand appraisal.

**Landscape and Townscape** (Alan James: OBJ/WHA/P/3; OBJ/WHA/A; OBJ/WHA/SP/3)

- 5.69 The scheme length of greatest concern is between the railway by the cement works and Madbrook Farm, with increasing severity from Bratton Road southwards and acute impacts in Wellhead Valley. South of Bratton Road the route lies within the SLA designated by the Structure and District Plans, while north of Bratton Road to the railway it would still be prominent in middle-distance views from the SLA, in particular from the Salisbury Plain escarpment around the Westbury White Horse and Bratton Camp.
- 5.70 WCC rate the landscape impact of both the scheme and FWR as "moderate adverse" on the respective routes. In the 2001 Parkman Report (WCC/A/1/AppB), quantitative impacts are similar for both: reasonable landscape fit but with loss of tranquillity, with minor variations on prominence and degree of loss of tranquillity, which may or may not be intended to be meaningful. The 2007 comparison tables (Pt A Technical Statement Appendix E) using WebTAG landscape categories, repeats the 2001 impact summaries, and the impact assessment is the same for both schemes for all categories. Townscape impact for the scheme (ES appendix 8.3) is assessed "moderate/large beneficial" but with no equivalent for the FWR.
- 5.71 WCC understate the scheme's impact; a strong case can be made for a "large adverse" impact on the SLA; but even "moderate adverse" describes a serious level of impact. It is also untenable to equate the landscape impacts for the scheme and FWR, and townscape benefits are overstated, because traffic reductions have been exaggerated and the impacts do not extend much beyond the existing A350 route through Westbury. Areas of possible disagreement

with WCC are not examined here in the detail of their appraisal; three major issues are considered in turn.

- 5.72 Regardless of planning designation, Salisbury Plain chalk upland landscape is nationally significant, a part of southern England's distinctive character and having national resonance. Its escarpments are spectacular, enhanced by historic features such as the White Horse, iron-age and other settlements, and terraces which are such a strong feature at Wellhead Valley. The Salisbury Plain SLA upland chalk landscape equals those of the North Wessex Downs AONB and Cranborne Chase and West Wiltshire Downs AONB. Recent research (OBJ/WHA/SP/3 and map extract) confirms that the locality was an early candidate for National Park or AONB designation.
- 5.73 In any event, SLA status remains the development plan policy basis, affording protection (WHA planning evidence refers) and affirming the landscape's very special character and quality. The shift towards criteria based landscape policies referred to by WCC merely alters the planning tools for non nationally designated landscapes, not the underlying objectives.
- 5.74 WCC's evidence that "the greensand area is enclosed by the high ground of the chalk downland and the urban edge of Westbury" does not accord with the geology map (Fig 4.1 Part A Appendix A of the application). This shows "Lower Chalk" as far as the urban edge other than along the south side of Bratton Road. The significance is that WCC argue the SLA should have finished at the chalk boundary. The Wiltshire landscape character assessment is inconsistent in this regard with the national and the West Wiltshire character assessments and the geology map. The Wiltshire document describes the area below the scarp as part of Type 6: Greensand Terrace, rather than correctly as Lower Chalk.
- 5.75 This is evident in the differences in landscape character between the Wellhead Valley and the actual greensand area west of the A350. The Wellhead Valley above the Springs is particularly distinctive and unusual: an enclosed valley running *along* the scarp base, imparting an exceptional level of enclosed tranquillity, without roads or dwellings, and enhanced by being close to the town edge. The cement works is visible only from Newtown ridge northwards, not from the valley.
- 5.76 Contrary to WCC evidence, chalk downland landscape is arguably at its strongest at the escarpments. Beachy Head for example compared with the downland behind it. The SLA boundary broadly follows national character area 132, taking in the Lower Chalk geology and this seems eminently rational. There is nothing in the Structure Plan to suggest that the SLA aims only to protect the downland plain and it would be untenable to suggest that the scarp could be protected by a boundary drawn tight along its foot. The Wiltshire LCA is on too coarse a scale to distinguish between the wider area type as "less rural and more fragmented" and the Wellhead Valley, which is deeply rural and a strong discrete landscape unit. The West Wiltshire LCA includes a "Management Strategy and Objectives" (WCC/P/5/Appendix H) covering this area (presumably the type of criteria approach that could in time replace the SLA) and these do not support the scheme.
- 5.77 Even on a wider scale, it can be questioned why the Wiltshire Landscape Character Assessment (LCA) area Type 6A Warminster Terrace is in "moderate landscape condition" whereas Type 11 Trowbridge Rolling Clay Lowland is



described as in "good condition". This becomes absurd if used to conclude that landscape north of Bratton Road is in better condition than the SLA to its south.

- 5.78 The West Wiltshire LCA calls the area G2: Westbury Greensand and Chalk Terrace, which is apt west of the A350 but misleading for the scheme route in the *rural* landscape to the east where the greensand element is largely absent. The greensand ridge goes through the urban area and has little influence on the Wellhead Valley. It is misleading for WCC to characterise the scheme route landscape here as "bisected" by the A350 or suffering visual intrusion from existing roads.
- 5.79 Recreational use of the SLA is also important: the White Horse and Bratton Camp comprise one obvious focus, but so too is the Wessex Ridgeway long distance path, following the break of slope above the escarpment and intimately bound with the Wellhead Valley landscape. The bridleway along the Valley (understood to be an old drove road) is also an important asset close to the town and serving more local usage.
- 5.80 In line with WebTAG principles, the level of impact varies with the "importance" of the receptor and magnitude of the impact. A "low negative" impact on a "high importance" environmental asset (or vice versa) could be classed as "moderate adverse" impact, but a higher adverse impact level would imply more than "moderate" impact assessment. As the scheme impact on the Wellhead Valley is worse than "low negative", the overall "moderate adverse" assessment is difficult to sustain in the face of the special landscape character of the escarpment area.
- 5.81 TAG Unit 3.3.7 sets out descriptive criteria.

*Moderate adverse (negative) effect*

The proposals are:

Out of scale with the landscape, or at odds with the local pattern and landform

Visually intrusive and will adversely impact on the landscape

Not possible to fully mitigate for, that is, mitigation will not prevent the scheme from scarring the landscape in the longer term as some features of interest will be partly destroyed or their setting reduced or removed

Certain to have an adverse impact on a landscape of recognised quality or on vulnerable and important characteristic features or elements

In conflict with local and national policies to protect open land and nationally recognised countryside as set out in PPG7<sup>21</sup> and PPG2

*Large adverse (negative) effect:*

The proposals are very damaging to the landscape in that they:

Are at considerable variance with the landform, scale and pattern of the landscape

Are visually intrusive and would disrupt fine and valued views of the area

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<sup>21</sup> Logically this would now refer to PPS7

Are likely to degrade, diminish or even destroy the integrity of a range of characteristic features and elements and their setting

Will be substantially damaging to a high quality or highly vulnerable landscape, causing it to be changed and be considerably diminished in quality

Cannot be adequately mitigated for

Are in serious conflict with government policy for the protection of nationally recognised countryside as set out in PPG7<sup>22</sup>

- 5.82 The guidance permits some flexibility but for a proposal to qualify for a particular score, most of the statements relating to that score must apply. (TAG 3.3.7 para 1.2.17 & 18). Under most criteria there is an evident incremental step change between moderate and large adverse impact, but "moderate" already describes significant degradation of landscape with valuable characteristics. "Moderate" may be a misnomer. South of Bratton Road the scheme fits all but the final criteria for "large adverse" and should be scored accordingly. Indeed the ES (para 8.53) refers here to "large adverse". This undermines WCC's "moderate adverse" assessment for the scheme, because WebTAG requires that the most adverse category for any element of the scheme should determine the assessment for the scheme as a whole. Lesser adverse impacts elsewhere do not dilute or mask the most severe impact (TAG Unit 3.3.6 para 1.5.8).
- 5.83 The correct assessment for the scheme is "large adverse" (not "moderate"): over half has this degree of impact; almost all the "large adverse" criteria apply; and the "most adverse category" rule.
- 5.84 WCC's TAG worksheet summarises landscape impact as: "This route, although it avoids direct impact on many key features, will be visible from a number of locations as it cuts across a visually prominent hillside. This includes the Westbury White Horse in which it will appear as a distant feature in a panoramic view over Westbury and the Avon Vales. The proposed bypass achieves a reasonable landscape fit in a visually prominent location but with a loss of some rural tranquillity" (ES appendix 8.2).
- 5.85 In reality the scheme would directly impact on most key local landscape features by its very presence: the presence or absence of a road is far more significant than details of landscape fit and mitigation. The route is below and barely 1 km from the White Horse, where noise would add to visual intrusion. There would be no reasonable landscape fit through most of the SLA. The road would sit on embankment in a valley for much of this section; slice through the Newtown ridge in deep cutting, creating a notch because of the fairly straight alignment; sit in cutting most of the way down to Bratton Road; require considerable earthworks at Bratton Road (including Bratton Road in an 8.7m deep cutting and several false cuttings); rise over the railway, which is already on an embankment, on a 9m embankment in what is generally a flat terrain. It would lead to intense loss of tranquillity in Wellhead Valley and along the escarpment above on which is the well used long distance footpath
- 5.86 The ES reliance on mitigation measures is untenable. Planting, mainly along the roadside, would in time create a belt of trees through largely open countryside

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<sup>22</sup> As previously, this would logically now refer to PPS7

that would be no less discordant than the road. This would be especially so in Wellhead Valley where, with the exception of the woodland block at Wellhead Springs, the existing pattern is predominantly woodland on the escarpment above large open fields. WCC's consistent reduction of impact by one point throughout the route as mitigation matures calls into question whether longer term impacts have in fact been rigorously analysed.

- 5.87 WCC's photomontages present a benign impression somewhat at odds with "large" or "moderate" adverse impact assessments. The views are largely across the line of the road, the easiest to screen, with at most a few static vehicles. Even so the photomontages do give some impression of an incongruous almost continuous tree belt (assuming these reach maturity). There are few examples of UK road schemes where such an effect has been achieved after 15 years or even longer, partly because such planting can fail but more because it is rarely sought in roadside design.
- 5.88 WCC's own landscape officer similarly responded to the application as it affects the SLA: "Although the ES demonstrates a substantial effort to minimise landscape effects ... the road will remain highly intrusive within this quiet rural landscape character area. I believe that it will be a significant intrusion sufficient to spoil the enjoyment of those people using local footpaths, bridle ways and open access land" (OBJ/WHA/P/3/Appendix 1).
- 5.89 In absolute terms the impact of a FWR should not be understated. WCC's assessment of "moderate adverse" is agreed and is again subject to the qualification that "moderate" is something of a misnomer. But WCC's suggestion, since at least the 2001 Parkman report, that there is an equivalence of landscape impacts between the two routes is not correct. The problem is resolved if, as above, the eastern route impact is assessed as "large adverse" and the FWR retained as "moderate adverse". There are three main grounds for saying that the FWR landscape is of lesser status to that on the eastern route, additional to the fact that very little of the FWR passes through a designated SLA.
- 5.90 The clay vale is pleasantly rural but lacks the Salisbury Plain escarpment's distinctiveness and significant landmarks; it lacks even regional distinctiveness as its basic character crosses a swathe of lowland England.
- 5.91 That area is considerably disrupted by the railway line and overhead high voltage cables; its eastern part is dominated by the Trading Estate, sitting within the local topography. (The cement works has a lesser impact on the eastern landscape, sitting outside and below the chalk upland). South of the railway, the area is surprisingly noisy from the B3099 (AADT around 4000). Tranquillity is considerably less than in Wellhead Valley: the ES nuanced distinction between "loss of some rural tranquillity" with the eastern route and "loss of rural isolation and tranquillity" with the FWR is difficult to understand.
- 5.92 The FWR corridor is relatively flat with more random tree cover, offering scope for a degree of landscape fit, although again "presence" or "absence" of a bypass is more significant. Bridging the railway could be just as intrusive as by the cement works, though there could be opportunities to cross at a railway cutting.
- 5.93 A FWR scheme has never been optimised and that used for comparison purposes is not the best that could be achieved, especially in its impact on scattered dwellings. In principle a route following the railway as closely as

possible along its northern side would have least landscape impact, duplicating an intrusive linear feature, but this is no more than a preliminary observation.

- 5.94 The ES assesses the eastern scheme's overall townscape impact as "moderate/large beneficial" (Appendix 8.3). The worksheet comments: "Westbury is an historic market town experiencing an increasing traffic growth. The greater pressure on the town centre has resulted in the usual problems associated with traffic conflict". The argument developed is broadly:

there is "increased pressure from rising traffic volume on narrow streets and built up historic core of Westbury";

reduced A350 flow will reduce "the claustrophobic nature of the main street"; remove "the greatest density of traffic from the smallest scale townscape environment"; "creating a more pedestrian friendly environment in the centre of the town" improving the historic character;

the greatest benefit is to the historic core represented by the conservation area, upon which the A350 impinges directly;

part of the benefit is through increased vitality because local movement around the town will be easier.

- 5.95 Traffic does cause a negative townscape impact, though not exceptionally so compared with many similar towns; traffic flow is actually quite low for a main road in an urban area, the proportion of HGVs<sup>23</sup> very low. Photographs illustrate the real extent of the impact (OBJ/WHA/A/3/appendix 2). In any event benefits from the scheme are overstated in degree and geographical spread. The impact is on the through routes, and those routes for which relief is claimed are the A350 and Station Road (HGVs only). However, the impact hardly extends beyond these streets; there is virtually no perception of A350 traffic within the town centre core where most shops, public buildings and areas of historic character are found (for example around the church). The scheme is forecast to increase traffic on other main roads, for example around Westbury Leigh, but this has not been evaluated. Current flows do not significantly hinder pedestrian movement (as distinct from the perception of the quality of the pedestrian environment). Many towns would be delighted to have AADT of at most 15,000 on their busiest road; the main problem is poor pedestrian facilities. Problems with forecast HGV reductions are discussed elsewhere.

- 5.96 The traffic relief forecast is insufficient to turn the existing A350 into quiet streets. Long established research (OBJ/WHA/P/3/Appendix 3) indicates that urban flow has to be below 2000 vehicles per day for pedestrians not to perceive streets as traffic dominated, and above 5000 per day neighbourhood cohesion breaks down. With the scheme, 2009 12 hour forecasts are:

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<sup>23</sup> Subject to subsequent correction to WCC data

Fore Street  $\approx$  6,800

Haynes Road  $\approx$  7,000

Warminster Road  $\approx$  4,500 to 5,200

- 5.97 Station Road would still have 7,000 to 10,000 /12 hours. Noise levels along the existing A350 would remain largely above 60 dB(A). Traffic impacts may shift a little but not across any meaningful threshold of change.
- 5.98 Traffic flow through Westbury has been static for several years, and the picture of increased pressure on the narrow streets of the historic core is misleading for this reason alone. And Fore Street is the only narrow length of the A350 within the historic core, ironically the length with the least forecast HGV reduction with the scheme. Most of the historic core with narrow streets is lightly trafficked and difficult to navigate by car.
- 5.99 The assessment of impact on historic buildings (ES Table 8.3) is similarly suspect. It is said that the townscape value of Grade I and II\* buildings is high and scale of change to them "moderate" but it is not clear that any of these buildings are on streets where there is even a "moderate" change in traffic impact. For example the Grade I parish church, cited in the ES, experiences no traffic impact from the existing A350.
- 5.100 The overall assessment of "moderate/large" beneficial is not understood, partly because it does not exist as a TAG outcome, which requires one or other category. Further, individually all the "scale of proposed changes" are "moderate" or "minor" and all but the listed buildings discussed above have a "moderate" or "low" townscape value. It is unclear and unexplained how this all translates into a "moderate/large" benefit.
- 5.101 Finally, comparison could and should have been with a "Do minimum" scenario including all town centre measures achievable without a bypass. This could include walking and cycle routes using quiet streets, more pedestrian priority crossing points on the A350, traffic calming to reduce speed and possibly cause some trips to reassign to more suitable routes, travel plans for local schools and places of employment. It is imperative in modern sustainable transport strategies to establish how much can be achieved with non-road solutions before embarking on the justification for new road construction.
- 5.102 The scheme's townscape benefits nowhere near match its adverse landscape impacts.

**Further Evidence on Landscape and Related Issues** (Jenny Raggett: OBJ/WHA/P/11; OBJ/WHA/R/11)

- 5.103 Evidence by Mrs Raggett with a series of annotated photographs along the route elaborated on Mr James' critique of WCC's photomontages. A less "academic" approach to landscape assessment is advocated, envisaging the experiences of people using the countryside and combining aural with visual impacts. In particular, WCC underestimate impacts at the White Horse. This is a popular recreational spot and the economic benefits to the town from tourism need to be taken into account. The bypass would be clearly visible from there, and as people make their way to this landmark. The viewing point on Bratton Road would have the bypass on embankment just behind it. A climb up Cley Hill, about the same distance from the A36 near Warminster as the White Horse

is from the bypass route, reveals that lorries on the road can often be heard and can be clearly seen.

- 5.104 WCC's landscape evidence pays insufficient regard to RPG10. Policy ENV1 for example includes "the quality, character, diversity and local distinctiveness of the natural and historic environment of the South West will be protected and enhanced". ENV2 sets similar aims with regard to the region's landscape. How can this bypass "enhance" the locality, notwithstanding camouflaging with planting, the landscape would be irreversibly changed. Landscape gardening is not the exercise: regional policy and local sentiment are for preserving this splendid and distinctive landscape as it is.
- 5.105 This is in line with RPG10 key objectives and with its section 4, which identifies the environment of the South West as a key strength while the consequent attractiveness for residents and tourists add to its competitiveness as a business location. On this last point, the Westbury White Horse features in many logos and advertisements; it is what Westbury is known for

**Planning Policy, Guidance and Alternatives** (Alan James: OBJ/WHA/A/7; OBJ/WAH/R7, 7.1&7.2; OBJ/WHA/SP7)

*Development Plan Issues*

- 5.106 RPG10 does not support the scheme. A Westbury bypass or any explicit reference to improving the A350 do not feature in RPG10; its reference to improving north south links (Table 6) cannot be assumed to indicate such support given the general emphasis promoting sustainable choices, and the contrast with several other entries that expressly identify other classified routes. The bypass is weak on all the key objectives (para 8.5) except possibly safety. WCC refer to TRAN 2, but this is about strategic inter-urban and inter-regional routes, and the Draft RSS confirms the A350 as intra-regional. The bypass also scores poorly on the investment priorities in TRAN 4, as illustrated by the RFA Stage 2 evaluation (OBJ/WHA/A/7 Appendix 1 & 6). It scored 2 out of a possible 14 for "Regional Objectives" and 4 out of 28 for the scored criteria, and was not short-listed. WCC's reference to Policy SS3 is selective: the final bullet point is equally important, to "Conserve and enhance important environmental assets."
- 5.107 WCC's claim of self-containment of the West Wiltshire towns is unsubstantiated. Aside from the question of whether marginal differences in journey times and reliability would lead to inward investment, there is the "two way road effect" referred to above. The Draft RSS Panel (CD.2.4 para 5.20), having noted the Regional Assembly's view that "the draft RSS cannot require people to live close to where they work" went on to say that "In transportation terms we would be concerned if too much reliance was placed on self containment. We are aware that considerable commuting can still be generated between two well-balanced communities."
- 5.108 At the time WCC adopted an eastern route, the then extant Structure Plan (CD2.5) merely supported a bypass, not a route. The current Structure Plan (CD2.6) was approved subsequently: the scheme led the Plan on an outdated understanding of being safeguarded in the District Plan. This is why WCC treated the present application as a departure from the development plan.
- 5.109 The scheme is also in conflict with Policy C9, which seeks to maintain and enhance SLAs. The Policy recognises that some developments, such as road

schemes, may need to be located in an SLA but subject to "all non essential development in the open countryside should be avoided". An eastern bypass cannot be essential, since the scheme objectives could be met by a FWR avoiding SLAs. The current Structure Plan also aims to improve the A350 at Yarnbrook, but this is not in the application scheme nor in RFA Tables and, given budget constraints, further funding, separate from a Westbury Bypass, is unlikely for many years. In short, the eastern bypass does not fully conform to the Structure Plan.

- 5.110 District Plan (CD2.12) Policy T1a safeguarded the route but with a caveat (paragraph 3.4.3) that this is conditional on the scheme being successful in the 2003 LTP funding bid. Briefly, the Inspector considering objections to the District Plan recommended against safeguarding (OBJ/WHA/P/7 Appendix 2) but WCC submitted the bid soon after and required that the DP supported it. Policy T1a and its caveat appears to be a negotiated compromise between the two councils. However, when the bid was unsuccessful the safeguarding was withdrawn. (OBJ/WHA/A/8/Appendix 20). The scheme application committee report (CD5.3 paras 85-91) addresses the approach, concluding that it be treated as a departure.
- 5.111 The BB2SC study is not part of the development plan, and did not support an eastern bypass (CD.4.1 para 4.22). The study did not consider or recommend a specific route and did not evaluate recognised disbenefits, recognising that a full environmental impact appraisal would be required, before (para 6.20) recommending that "a" (not "the") bypass be approved as a local improvement measure.

#### *Emerging SW RSS*

- 5.112 WHA evidence on the Draft RSS and its EiP report is at OBJ/WHA/P/7 paragraphs 4.4.1-4.4.6, but this topic has moved on with publication of the Secretary of State's Proposed Modifications (the "revised Draft") which rewrote the transport section. Other relevant changes include a Core Spatial Strategy, transport outcomes in Housing Market Areas and withdrawal of specific infrastructure proposals following consideration of the adequacy of appraisal processes. There could be further changes but the revised Draft and schedule of reasons are specific, with little scope for interpretation, and represent present thinking (CD2.4/1-3)
- 5.113 The revised Draft distinguishes between corridors of national and regional importance (RTS1 and Picture 5.1), according them different priorities, which refutes and supersedes suggestions for WCC that the EiP report (CD2.4) conferred equal status to the A350 and M4 corridors. The SoS expressly excludes the "A350 SE Dorset to M4" as an intra-regional route, and defines the regional corridor as Bristol/Bath-South Hampshire, expressly including the A4/A36 and the Cardiff to Southampton rail link. The exclusion is explicit in the schedule of reasons (p193). The Secretary of State does not accord regional importance to the A350 at Westbury: the corridor roads are named and the BB2SC study (CD4.1) affirmed that even as a dual carriageway the A350 would not attract traffic between Bristol/Bath and South Hampshire.
- 5.114 RTS4 and supporting text clarifies that the national Primary Route Network is preferred for use by HGV routes, but confers no more than priority for maintenance on those parts of the network (such as the A350) which are not otherwise part of a national or regional corridor.

- 5.115 RTS1 looks to demand management even on the identified corridors, listing eight types of measure of which only the final one refers to capacity enhancement with a specific reference to rail passenger services. These measures are not expressly ranked but, read in context, and even were the A350 treated as part of an identified corridor, road capacity enhancement is seen as a last resort.
- 5.116 The Secretary of State expresses concern about the analysis leading to infrastructure investment priorities, concluding that the RSS should not at this stage include specific provision, and these have been deleted (revised Draft Section 4; schedule of changes pp 79-81). Although not specifically directed at the transport RFA, the Secretary of State's covering letter indicates the need for the whole process to fit with wider RSS needs. Implicitly it does not achieve that currently.
- 5.117 The revised Draft Housing Market Area HMA1 (West of England) centres on Bristol but extends to West Wiltshire and certainly Trowbridge. (There is an inconsistency regarding Westbury between Picture 4.2 and the diagram at paragraph 4.1). None of the associated transport outcomes aimed for support a Westbury Bypass, and even where they do apply "targeted new infrastructure investment to unlock pinch points" is only "if necessary" after demand management and sustainable travel measures.

#### *Regional Funding*

- 5.118 Regional Funding Allocation (RFA) is not part of the development plan but offers an indication of conformity. The 2004 LTP settlement (WCC/A/1/C) did not merely defer a decision, it turned the scheme down: "Whilst recognising the benefits of this proposal, Ministers have decided that it does not present a sufficiently high priority for approval at this stage".
- 5.119 The 2006 DfT (WCC/A/1/C) expectation of funding "during the next three years" was subject to securing statutory powers, demonstrating value for money and presentation of a full business case, none of which has been concluded. In any event, the environmental assessment had neglected to take account of then extant objection from statutory bodies; the scheme's value for money was "unknown"; and its "deliverability" was overstated. Westbury Bypass was originally an RFA Table 2 scheme (potential funding inclusion subject to further work) but was one of several such entries added to Table 1 (strong case for inclusion) without the required further work being undertaken. DfT's settlement letter confusingly listed these in Annexe A (expect to fund in next 3 years) while emphasising that they were without funding approval. It meant, *if* DfT agrees to fund these schemes they expect this to happen in the (then) next three years. It was not a commitment to funding.
- 5.120 WCC's claims that there is no funding impediment should be treated with caution. Funding is not yet in place, and remains subject to DfT assessment.

#### *Guidance*

- 5.121 PPG13 (Annex C para 4) requires that the approach to the bypass be compatible with NATA. It has not been, not least in failing to explore alternatives including non road solutions. WebTAG (Unit 1.2.1) advises that NATA is a complete process, not to be adopted in parts. WCC defend their partial application by claiming that the process is mandatory only for funding



bids, but this does not accord with PPG13 or LTP Major Scheme Guidance 2007 (CD10.1).

- 5.122 WebTAG (Unit 1.1) and LTP Major Scheme Guidance set out a systematic approach to option appraisal. In contrast, the process followed by WCC was: the 1997 conference moved quickly to concluding that a bypass was required, with strong public support; for obscure reasons an eastern route became preferred, wrongly informed as to public opinion; a western bypass was rejected though a FWR remained in contention; the 1999 route review between an eastern and FWR was ambivalent (and lukewarm about the need for any bypass); the 2001 review favoured the eastern, which has been the preferred option ever since; all subsequent reviews started from this preference (WCC/A/1 Appendix B; CD1.1b Appendix C).
- 5.123 The 1997 conference predated NATA by one year and, despite the 1999 review recommending a NATA appraisal, none has been done from first principles only partial comparisons between an eastern and FWR. There is not even an appraisal of how the "front runner" FWR emerged. The 2003 funding bid ought to have included a full NATA appraisal but the Annual Progress Report (Annex 2) shows only limited option comparisons. There has been no fundamental reappraisal since 1999 of a scheme conceived in its essentials over 10 years ago.
- 5.124 There is a range of possible transport interventions not adequately assessed by WCC (OBJ/WHA/P/7 para 6.4.1) a number of which have been referred to by WHA elsewhere. Of these, WCC decry "soft measures" as being unable to reduce HGVs in the town.

*Alternatives: Eastern v Far Western Comparison*

- 5.125 At this stage in scheme development, WCC's comparison of a detailed eastern scheme with a generalised FWR is unacceptable. NATA requires equivalent levels of detail for the preferred and next-best options. It is doubtful whether WCC's current comparison FWR is the optimum one. Three variations were considered in 1999: joining the A36 at Beckington, Standerwick and Hooper's Wood respectively. The case against the Beckington option is accepted, but comparisons between the other two, or a junction intermediate between them, are relatively minor. In landscape terms a route running close to the railway to the maximum extent possible between the WWTE and A36 would in principle be advantageous. WCC's generalised route is in principle far more disruptive, and apparently selected solely so as to aim towards Hoopers Wood.
- 5.126 Assessed against the scheme objectives, the FWR unquestionably wins compared with the eastern scheme.
- 5.127 Economic regeneration: the draft RSS discounts this as a meaningful objective, but to the extent that benefits would accrue they would be greater with the FWR, which would improve connectivity along two routes, attracting over 3 times more HGVs.
- 5.128 Access to WWTE: undoubtedly better, improving access to and from all directions.
- 5.129 Relief to Westbury: claimed higher benefits from the eastern scheme, particularly with respect to HGVs, is not true for all roads. The FWR would generally achieve between 70 – 90% of reductions on the main town centre

streets compared with the eastern scheme. The FWR would therefore reduce noise levels at buildings by not much less than the small reduction of 3-5 dB(A) forecast with the eastern route. In some parts of the town, particularly in its south west, the FWR would outperform the eastern scheme in traffic reduction; it would outperform significantly with respect to HGV reduction on Fore Street and the A350 into town from the north, where the eastern scheme would perform poorly. Finally, unlike the FWR the eastern scheme has been modelled with a weight ban on Station Road, an important issue that has distorted comparison<sup>24</sup>.

- 5.130 As well as matching the eastern route with respect to the three stated scheme objectives, the FWR offers additional benefits to North Bradley, Southwick, Rode and possibly parts of Trowbridge. This is a more heavily trafficked HGV route, and forecast reductions with the FWR are substantial. The consultants' 2001 study (WCC/A/1 Appendix B) found that compared with the eastern route: 3 times more properties would experience lower noise levels; 727 more properties would experience better air quality and 12 more would experience worse; and double the accident savings were forecast.
- 5.131 Landscape comparison is set out more fully within WHA's landscape evidence, but in short it is untenable to equate the FWR area with the Wellhead Valley. Biodiversity evidence is similarly more fully set out elsewhere, but there are at least 12 species of bat (including 4 of the rarest) potentially affected by the eastern scheme, compared with 5 species referred to in the ES with respect to the FWR (although information there is more limited).
- 5.132 WCC emphasise that the A36 would need to be upgraded with a FWR, at its most lurid the whole route from Beckington to Warminster was said to justify dualling. In fact dualling could be "justified" now under economic flow threshold rules. (TA 46/97 Table 2.1: D2AP economic flow range 11,000 – 39,000 AADT; S2 upper threshold 13,000 AADT, already exceeded on most of the A36). Forecast flows on the A36 with a FWR are unexceptional for an improved A road, and no greater than existing flows on the A350 between West Ashton and Yarnbrook. The "need" to improve the A36 with the FWR is no different from the "need" to improve the A350 through Yarnbrook: each has a similar order of increased traffic in their respective scenarios.
- 5.133 A FWR would facilitate measures at Yarnbrook: WCC recognise that Picket Wood SSSI makes an eastern bypass there unacceptable; the "spider" scheme is unacceptable to local people; leaving just a northern option, which would link better with a FWR than the eastern scheme.
- 5.134 The main reason WCC appear to be set on the eastern route is its higher BCR, perhaps combined with speculation that a lower cost would help funding. But BCR is only one assessment criterion of many, and a FWR had an acceptable BCR of 3.5 at the time that the eastern route was selected. NATA requires appraisals across all key transport objectives.

### *Public Opinion*

- 5.135 PPS1 and NATA highlight the role of public involvement and acceptance in decision making as did the District Plan Inspector recommending against the eastern route. The ES (Table 2.1) refers to support for a bypass established by

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<sup>24</sup> Like for like comparisons were subsequently requested and provided.

1998 public consultation in conjunction with the conference, but fails to explain steps between this and adoption of an eastern route in September 1998. What was the purpose of the subsequent review (which reported in July 1999, confirming that the FWR was viable) as the eastern route had already been decided? The committee resolved to undertake further public consultation but “indicating that an Eastern Bypass is the preferred route and **that other routes are not considered to be viable alternatives**” (emphasis added).

- 5.136 The 2003 funding bid (Annex 2 APR) shows that only the FWR had net positive support: 753 (61%) for; 484 (39%) against. An eastern route received 441 (41%) for; 623 (59%) against. An inner western route was decisively rejected but an outer western was better supported than an eastern: 46% for; 54% against. 312 more people voted for the far western option than for the eastern; 139 more voted against the eastern than against the far western. Even allowing for the fact that there were 3 western options, there was a decisive split against the eastern and in favour of a far western.
- 5.137 The 1999 Westbury town poll between “eastern” or “western” was even more decisive: eastern 271 (20%) for and 1357 (80%) against; western 1409 (86%) for and 223 (14%) against. Also, 8 parish/town councils (including Westbury), Mendip Council, Somerset CC and the Wessex Chamber of Commerce all preferred the western option compared with 4 parish councils supporting the eastern. West Wiltshire DC did not state a preference but opined that “There is no point in having an eastern bypass without solving traffic problems at Yarnbrook”, which does not support the present scheme. The 1999 consultants’ report (CD1.1b Appendix C para 7.28) concluded that it would be difficult to promote an eastern bypass when there appears to be strong local opposition. But their 2001 report went on to opt for the eastern on economic grounds (WCC/A/1 Appendix B).
- 5.138 Even when asked to choose between an eastern bypass then or a western subsequently, around 75% of respondents preferred to wait. The 2005 application attracted over 600 letters of objection, the current one over 700, while the Westbury Bypass Alliance reportedly has over 1000 members. Of note, supporters are in favour of a bypass (not necessarily an eastern) while opponents are against an eastern bypass. Supporters of the scheme have nothing else on offer, while opposition is undiminished since 1998. The 89% who wanted a bypass in 1998 have been poorly served by WCC’s failure to heed public opinion on the route.

#### **Planning Policy (Jenny Raggett: OBJ/WHA/R15)**

- 5.139 There is no evidence to support WCC’s claim that the scheme promotes sustainable transport or sustainable development. The Chippenham Bypass has attracted development away from more sustainable locations. Research by WHA found no evidence of reduced travel at Chippenham; growing congestion suggests otherwise and news of investigation to re-invigorate the town centre is a worry. In the 1990s, the Frome Bypass attracted development from that town, creating a need for regeneration. Natural England are sceptical about the sustainability of a transport strategy based around the A350 corridor (OBJ/WHA/R15/Appendices 1 & 2).
- 5.140 WCC’s arguments about self containment and reduced out-commuting fail because (perhaps other than Trowbridge) the West Wiltshire towns are small and close to the M4 leading shortly to Bath, Bristol and Swindon. Regional

Assembly commuter maps (OBJ/WHA/P/10/Appendices 11 & 12) confirm complex movements leading the RSS EiP panel to promote improved commuter rail services. Academic research (OBJ/WHA/R15 Appendix 3) confirms that easy access from small towns to high capacity roads leads to more, not less, travel. Residents associate less with their "home town" and expect to travel to services that suit them.

- 5.141 It is questionable whether West Wiltshire needs "regeneration" (as distinct from urban renewals) and the bypass will locate employment and even retail and services out of town, undermining urban renewal initiatives. Little of the WWSTS has been implemented apart from the road building elements.
- 5.142 There is little congestion through Westbury and so journey reliability will not be improved by a bypass when the delays are elsewhere on the corridor. LTP targets on journey time reliability are "on track" but might be hampered by misplaced increased capacity around Westbury. WCC, in agreement with BANES, will continue to object to the redirection of HGVs from Bath to the A350 until the Bypass has been built and other "environmental improvements" are in place. A willingness to accept additional HGVs suggests that journey time reliability is not WCC's priority.
- 5.143 WCC appear to equate policies to reduce traffic impacts on the environment to mean the town rather than natural environment. On that interpretation, the FWR is far superior. Moreover, the eastern bypass increases HGVs through communities where these are already higher than through Westbury: North Bradley, Southwick, Rode and Yarnbrook. Induced traffic might also increase HGVs past homes in Melksham and Beanacre.
- 5.144 Westbury town is already convenient for cycling and walking, with limited need to use the A350, with over 80 shops and small businesses, 2/3 on quiet streets. A bypass will do little to encourage modal shift whereas other measures would.

#### **Regional Issues** (Catherine Le Grice-Mack: OBJ/WHA/P/8)

- 5.145 Mrs Le Grice Mack was an elected councillor, holding senior posts, on Mendip District and Somerset County Councils. Attempts were made during 1996/7, to set up joint working with WCC regarding transport issues. At SCC's request a meeting was held with WCC to discuss ways to meet the needs of Westbury, development needs west of the town and relief to Rode and Southwick. Subsequently Mendip and Somerset Councils made similar representations to WCC in response to consultations on the Westbury proposals, but were not invited back to discuss any further joint working. (OBJ/WHA/P/8 Appendix).
- 5.146 She serves on the Regional Assembly as a Social, Economic and Environmental Partner, currently as Chair. In 2006-7 she sat on the Assembly's steering group for the transport elements of the RFA. Early on the group's priorities reflected emerging policies of RSS/RTS, particularly for integrated transport. RPG10 monitoring revealed disproportionate investment in rural road schemes: despite urban focus in RPG10, the rate of house and road building in rural areas was disproportionately high. The group was encouraged to find schemes to counter this, such as integrated rail connections. But the LTP process meant that capital projects were much further advanced than integrated schemes, which are more complex to execute. Consequently there was shortfall in the list, and GOSW advised that this should be made up to avoid funding being taken away.

- 5.147 Westbury Bypass was not in the original Table 1, Priority list (OBJ/WHA/P/8/ Appendix). The group viewed it as a local scheme, inappropriate for the regional process, mainly to relieve a run-down and neglected town centre and enable its regeneration. Muddle between local and regional schemes was constantly revisited by the Assembly. DCC has long had a goal to develop the A350 south of Warminster as a sub-regional principal lorry route, but there are immense obstacles. A Westbury eastern bypass appeared to be neither a relief road facilitating modal change (planned bus routes, rail interchange, improved walking and cycling) nor part of a greater strategic consideration of the needs of the West Wiltshire/East Somerset corridor.
- 5.148 A peer review group of regional and local authority transport officers conducted a 2006-7 RFA "refresh" in which the Westbury bypass appeared in a table of potential schemes. Information in response to "questions from the panel" (ref OBJ/WHA/P/8 Appendix 19) is not borne out by the facts. Subsequently the scheme was considered through a "conformity" process, to which statements about it did not accord with the RFA scoring and steering group advice, or with the initial inclusion on Table 2b. (references from OBJ/WHA/SP/8 Appendices & SP/8A)
- 5.149 The current scheme fails to meet: traffic relief for Westbury and genuine travel alternatives; sub-regional needs around Westbury including HGV relief; any as yet unidentified need for relief for Bath or linkage to the Dorset ports.

**Noise, Airborne Particulates and Vibration** (Jim Goss: OBJ/WHA/P/14; OBJ/WHA/SP14; OBJ/WHA/14A; OBJ/WHA/W/14)

- 5.150 WHA commissioned a report on prevailing ambient noise, airborne particulate and ground borne vibration conditions in the vicinity of Westbury to provide a baseline for further work to predict the environmental effects on areas close to the scheme (OBJ/WHA/P/14).
- 5.151 With regard to noise, monitored  $L_{Aeq,T}$  levels are a measure of the effect of human noise generating activities. In this case, the noise is generated from road traffic. The World Health Organisation (WHO) publication "Guidelines for Community Noise" (CD11.1) recommends a limit of 55dB  $L_{Aeq,T}$  to prevent serious annoyance and 50dB  $L_{Aeq,T}$  to prevent moderate annoyance. Of the 5 locations monitored, 2 have daytime  $L_{Aeq,T}$  in excess of 55dB, 2 between 50dB and 55dB with only Beggars' Knoll subject to less than 50dB  $L_{Aeq,T}$ . The preliminary findings of a WHO Working Group on the Noise Environmental Burden of Disease suggest that the long term exposure to traffic noise accounts for up to 3% of heart disease in the European Union. New guidelines are likely to result from the findings with a concentration on night time noise.
- 5.152 With regard to particulate concentrations, measured levels at 52 Westbury Road, Yarnbrook expressed as an annual mean suggest that these concentrations will fall within the "low" ( $50\mu\text{g},\text{m}^{-3}$ ) or "standard threshold/moderate" ( $50\text{--}74\mu\text{g},\text{m}^{-3}$ ) "bands" as reported nationally on a daily basis. The effects of "low" emissions are stated to be unlikely to be noticed "even by individuals who know they are sensitive to air pollutants" whilst "moderate" emissions are stated to have "mild effects, unlikely to require action, (but) may be noticed amongst sensitive individuals."
- 5.153 Vibration monitoring at 112 Westbury Road, North Bradley shows an absence of significant ground borne movement and vibration, which is not likely to worsen, provided that traffic levels do not markedly increase.

- 5.154 In summary it may be concluded that the area scheduled for the scheme currently enjoys reasonable ambient environmental conditions compared with national standards. If the scheme is constructed, its use will unavoidably have a deleterious effect on those conditions.
- 5.155 A written representation following the issue of revised noise levels by WCC to account for the understatement of HGV numbers commented that it is plain that the predicted increase (doubling) in HGVs will have a greater environmental impact than envisaged above. This will affect neighbouring land including the built up eastern area of Westbury and a study of the ambient noise climate currently prevailing in that area should be commissioned to determine accurately the effect of the noise from the scheme.

**Noise Impact** (Jenny Raggett: OBJ/WHA/P/12; OBJ/WHA/R/12; OBJ/WHA/W/12)

- 5.156 Comparisons of the Do Minimum and Do Something noise contours from the 2005 planning application (OBJ/WHA/P/12) show that many households previously in tranquil suburbs would get a substantial increase in noise. For example, they would hear the continual drone of traffic in the background in their gardens. The main road through Westbury would be quieter but not very much. Where the countryside is modelled, you can see just how noisy it would be, for example in the Wellhead Valley. Walking in the area would not be pleasant. Some houses would get a very substantial increase in noise.
- 5.157 A rough indication of the extent of Ministry of Defence land is also given in OBJ/WHA/P/12. This shows that the area of Wellhead and the White Horse is hemmed in, in the sense of being walking constrained. The impact of noise on the countryside needs to be considered from this perspective – much of the best walking area would be accompanied by traffic noise.
- 5.158 The date WCC took additional noise readings in non-residential areas was while HGVs and other traffic was redirected from the A36 to along the A350 in Westbury, when traffic conditions were unusual and noisier. Readings in residential areas were over a period of 3 hours, which may be insufficient to take account of traffic variations during the day. Readings sampled in non-residential areas for periods of 15 minutes to deduce levels for 18 hours may not achieve a true measure of the tranquillity of the area. Furthermore, there is no qualitative description of what you would hear in the way of traffic noise at the White Horse view point on Bratton Road, at the Newtown crossing near the equestrian centre where people stop to look at the White Horse, at the White Horse itself or indeed on popular footpaths and bridleways.
- 5.159 The practical implications of road noise at the White Horse are not explained nor how loud it would be at the view point. It is likely the latter would be dominated by loud traffic noise from the road just behind on an embankment, and would surely detract from the enjoyment of coming to look at the landmark. There is no assessment of the impact of noise on the fishing pond and recreational area by the cement works which would be close to the road and an area where a new community sports club may be developed.
- 5.160 Responding in writing to revised noise information in WCC/112, an attempt has been made to assess the effect of the doubling of HGVs on the noise contour maps provided in WCC's original evidence (Figures 2 & 3 in WCC/A/9). The assumption is made that doubling of HGVs would roughly result in a doubling of

noise – that is up to 3dB more noise than before for each noise contour band<sup>25</sup>. The resulting plans in OBJ/WHA/W/12 retain the colours but have a higher dB range allocated to them. Comparing the do-minimum with the Do Somethingmap, many suburbs and the whole of the Wellhead Valley and a large area of the White Horse Escarpment would receive a substantial road noise increase. The Wellhead Valley and its public rights of way would be dominated by traffic noise right up to the Wessex Ridgeway.

- 5.161 Figure 12.5 in WCC/112 does not appear to tally with the original noise contour maps. The latter show much more disturbance from the road in suburban streets and in the countryside than Figure 12.5, partly because this plan studiously avoids giving a before and after noise figure for streets most affected by the scheme in the east and southern part of the town. Figure 12.5 does not show increases on walking routes that would be really adversely affected by the sound of traffic. Nonetheless, even where noise has been estimated at a particular point, it is considered to be an underestimation.

#### **Bat Ecology and Mitigation** (John Altringham: OBJ/WHA/P/1; OBJ/WHA/S/1)

- 5.162 The scheme would have a severe adverse effect on a nationally and internationally important assemblage of bats that includes at least 12 of the UK's resident species and all 4 Annex II species afforded special protection by the Habitats Directive. A number of important flight lines would be severed with the likely primary consequences being firstly, increased mortality through road kills by fast and heavy traffic and secondly, fragmentation of foraging and roosting areas resulting in less and poorer quality habitat. Alone or in combination these are likely to lower the size of local bat populations, potentially to unsustainable levels for some species.
- 5.163 Under Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 (CD8.2), if a proposed scheme is considered likely to have a significant impact upon a SAC, an Appropriate Assessment is required to assess whether it would have an adverse impact on the *integrity* of the site. There are two nearby SACs: Bath and Bradford on Avon, and Mells Valley. These hold an estimated 27% of the UK greater horseshoe bat population and bats from one were captured during the surveys. It is likely that bats from the second are also in the vicinity. Although the number of bats positively linked to the SAC is small, they represent a significant proportion of the bats caught. There is therefore a strong possibility that many more bats from the SACs use the habitat around the scheme. An Appropriate Assessment would therefore seem desirable unless it can be confidently shown that the bypass would have no effect on local bats. The argument that there would be no significant effect on the SACs therefore rests largely on the success of mitigation.
- 5.164 WCC accept that foraging and commuting habitats of bats would be disturbed and that without effective mitigation the effects would be sufficient to recommend refusal of the scheme. It can be interpreted under the Habitats Directive that even where no roost is destroyed a licence is required from Natural England where development causes disturbance to foraging or commuting. Protection of roosts alone would not work: foraging sites and the

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<sup>25</sup> This is not accepted by WCC. The correct adjustments for noise levels experienced by walkers and horse riders would be an increase of about 0.6dB  $L_{A10,18hr}$  on routes adjacent to the bypass and about 1.5dB  $L_{A10,18hr}$  on routes near the Glenmore Link.

commuting routes must also be protected. Protecting habitat, the whole habitat, is what protects species.

- 5.165 It is now widely acknowledged that roads have profound effects on wildlife. There is a rapidly growing scientific research field of "road ecology and mitigation" which aims to investigate the interactions between roads and the natural world and minimise the adverse effects roads have on our environment.
- 5.166 All documented evidence relating to mitigation for bats on road schemes has been reviewed. Since there are few such studies, the more abundant scientific literature on the effects of roads and mitigation for other wildlife, particularly that on birds and mammals that was likely to be relevant to bats, was also reviewed. The literature on other wildlife strongly supports the view that roads would have major adverse effects on bats.
- 5.167 The behavioural traits of bats make them highly vulnerable to traffic when either foraging along or attempting to cross roads on commuting flights. They can easily be pulled into the slipstreams of passing vehicles. Data on bat casualties from a 2 lane road in Poland may well be an underestimate by as much as 12-16 fold as another study found scavengers remove corpses within 30 minutes in the hours just before and after dawn. The evidence on other wildlife indicates that collisions increase with increases in vehicle speed and traffic volume and with the proximity of wildlife habitat and wildlife movement corridors. Populations of animal species with low reproductive rates and high intrinsic mobility (such as bats) are more susceptible to decline and ultimately extinction by the additional mortality caused by roads.
- 5.168 Roads may act as barriers to flight between roosts and foraging sites, between different foraging sites and between summer, mating and winter roosts. Habitat fragmentation lowers sustainable population sizes and is widely recognised as one of the major causes of biodiversity loss across the world. Reducing gene flow between populations increases inbreeding, leading to greater risk of local extinction. Barriers may slow recovery from local population crashes because recruitment from neighbouring populations is slowed. Such factors are only likely to be relevant to rare species such as horseshoe, Bechstein's and barbastelle bats. Indeed their rarity is likely to be due in large measure to their susceptibility to these and other anthropogenic pressures. Whilst the effects of habitat loss and reduced habitat quality will usually be seen quickly, collision mortality, unless very high, does not have a significant effect for several generations and the barrier effect also may take several generations to show itself.
- 5.169 There are few peer reviewed papers on bats and roads in scientific journals and none describing robust studies that give strong support for the effectiveness or otherwise of bat mitigation structures. Few reliable conclusions can be drawn from these reports. There is weak evidence that bat activity around schemes declined after road-building. Although some bats appear to use mitigation features, the numbers are generally low and many continue to use dangerous flight lines over new roads.
- 5.170 Underpasses and "green bridges" appear to have some potential as mitigation features for bats but use by an ill-defined number of individuals does not equate with effectiveness at maintaining populations in favourable conservation status. Early indications suggest that "bat gantries" are ineffective, since many



of the bats that appear to fly near them do so at heights that can lead to traffic collisions.

- 5.171 It is acknowledged that considerable thought and effort has gone into the design of the mitigation features and given the current very poor level of understanding, there is little room for changes that would lead to an assured improvement in their effectiveness. Weak evidence from earlier schemes in the UK points to reduced, post-construction bat activity and poor adoption of all forms of mitigation feature. There is no objective support for the view that these features will adequately mitigate against or significantly diminish the "severe adverse" effects of the road on local bat populations.
- 5.172 The description of the proposed during and post-construction monitoring is brief, vague and wholly inadequate. What little detail there is suggests it will not be effective and improved monitoring standards and resources are essential if mitigation is to have any objective basis. As it presently stands, the monitoring is unlikely to be able to convincingly assess the effectiveness of the mitigation and another opportunity to promote and practice evidence-based conservation will be lost.

**Dormouse Ecology and Mitigation** (Michael Woods: OBJ/WHA/S/2; OBJ/WHA/P/2; OBJ/WHA/A/2; OBJ/WHA/R/2)

- 5.173 The common or hazel dormouse is a small, specialist, nocturnal rodent which lives at low densities, reproduces slowly, enjoys a specific diet and an arboreal lifestyle. Consequently it can be hard to detect because it is rarely seen and leaves few field signs. In the case of development, its legal protection under the Habitats Regulations means that significant mitigation must be put in place in order to ensure "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".
- 5.174 A number of surveys of questionable accuracy were carried out for WCC by RPS during 2004, 2005 & 2006. A more competent survey was then undertaken by Nicholas Pearson Associates (NPA) during 2006. Despite warnings that lack of evidence does not mean the absence of dormice, NPA concluded that dormice were not present and the record, previously found by Penny Lewns, was dismissed as the last throes of a now extinct population. A visit to the hedgerow south of Bere's Mere farm in January 2007 provided incontrovertible evidence that dormice are present on the route of the scheme. Their habitat in Wellhead Springs Wood and White Scar Hanging would be fragmented by the road's construction.
- 5.175 The mitigation is inadequate. There is no evidence that dormice will use rope bridges and underpasses. Even if the rope bridges are rejected in favour of "net tubes filled with small branches and twigs", such measures are likely to be no better than the already discredited aerial ropeways and this is no place for experimentation. The green bridge would be about 800m away from the site where the population was found. Dormice are sedentary and live at low populations. They also make patchy use of their habitat and it is entirely possible that without management work to this habitat in favour of dormice, they might never reach the bridge. A green bridge should be built at Bere's Mere Farm crossing.
- 5.176 Furthermore, some of the roadside planting proposed to provide connectivity amounts to just a narrow hedgerow, a riskily slight provision. Unless made up

from trans-located hedgerow species or particularly large replacement stock, new planting takes a number of years to reach a size and maturity suitable for the animals to use for feeding and commuting. The claim by WCC that the connectivity of the hedgerow network as wildlife corridors would be maintained and enhanced is clearly impossible to achieve during the construction period and for some time afterwards.

- 5.177 WHA fundamentally disagree with WCC's conclusion that the impact on dormice as a result of the scheme would be "slight adverse". This population of dormice is an important one. The area available to it is conservatively estimated to be at least 18ha and in truth closer to the 20ha necessary to sustain a permanently secure population. Very many dormouse populations have less available habitat and are consequently much more open to chance extinction or "3 bad years". This site should be considered a regionally important site with limited potential for substitution. Without a green bridge in the most appropriate location, the splitting of the population would render it liable to extinction from chance events so the impact will be "major negative". Such an impact on species of "high" conservation value is "very large adverse" and this more truly reflects the impact on this population of dormice.

**Badger Ecology and Mitigation/Amphibian Surveys** (Penny Lewns: OBJ/WHA/P/13; OBJ/WHA/R/13)

- 5.178 New roads can have a direct impact on badgers through loss or damage to setts and a range of indirect impacts through increased mortality, interruption of paths, loss of access to and loss of foraging sites, fragmentation of territories and isolation of social groups. Collisions with vehicles are a major cause of badger mortality. Road deaths can have a significant impact in those situations where there is insufficient attention to mitigation or a significant off-line component to the scheme which can result in large numbers of badger road deaths in the first few years of opening. This could adversely affect the short or longer term viability of the species in particular areas. Many are not killed outright in collisions which has severe implications for their welfare and there is evidence that badgers crossing roads cause road traffic accidents.
- 5.179 Surveys for WCC in 2004 identified 18 setts. Extrapolation of the results gave nearest neighbour distances which equate to very low density populations found in such areas as East Anglia or Scotland. As a consequence of a series of dormouse surveys carried out between 2003 and 2007 within the Wellhead Valley by The Badger Consultancy, a number of other mammals were noted and at least one additional main badger sett was discovered (near Bere's Mere). During March/April 2008, a bait marking survey by the Consultancy in the Wellhead Valley identified 4 main setts, 2 of which were previously recorded. The nearest neighbour distances would equate to a medium to high density badger population, within the normal range for badgers in the south west of Britain. The survey also identified additional pathways to those shown in the 2004 survey.
- 5.180 The 2008 survey shows that the 2004 survey is an underestimate with 4 rather than 2 social groups in the Wellhead Valley. It is unlikely (though not impossible) that the additional main setts have appeared since 2004. The implication of this under-recording of setts is that there may be others overlooked elsewhere on the route. The nearest neighbour distances identified in 2008 suggest there may be further social groups in the Wellhead Valley and that between Bratton Road and the cement works railway there are likely to be

2 not one social groups. The total number of groups affected is likely to be at least 9, possibly 10, compared with the 5 identified in 2004.

- 5.181 In the Wellhead Valley the scheme would sever and fragment at least 4, possibly 6, territories, with a consequently larger impact on loss of foraging. Whilst the whole bypass would be fenced, each group would have just one crossing point instead of the minimum of 2 recommended in DMRB. Some would have none as the crossing would lie within another group's territory. This would severely restrict badgers within their range, foraging being further reduced by some parts of the range being abandoned. The lack of safe crossing points would increase the rate of mortality in certain social groups and risk human road safety. If there are 9 social groups, the shortfall of crossing points is 4 and 6 if there are 10 groups. Therefore, the cost of the scheme is underestimated. Also, the new public right of way in the Wellhead Valley could result in damage or disturbance to a main sett.

*Other Ecological Matters: Amphibian Surveys (OBJ/WHA/R/13)*

- 5.182 In respect of amphibian surveys, all that has been carried out is a presence or absence assessment and a preliminary population size assessment. DMRB recommends undertaking a Field Habitat Survey of ponds, lakes, wet ditches and water courses within 1km of the scheme. Any habitat likely to be suitable for use by amphibians should then be investigated in more detail. The WCC survey focused on potential breeding ponds within the immediate locality of the proposed road and no assessment on the impacts on migration routes or terrestrial habitats was carried out.
- 5.183 The potential impact of a road scheme is on the population scale, rather than the local. In order to maintain favourable conservation status of great crested newts and counteract chance events such as ponds drying up and becoming unsuitable, the assessment of impact needs to consider the potential adverse effects on the meta-population (OBJ/WHA/R/13 Appendix 1C). Although it is listed in WCC's evidence as a species of interest on Salisbury Plain, there is no consideration of the potential impact on the wider newt population in the ES.

**Groundwater and Flood Risk (Robert Sargent: OBJ/WHA/P/4)**

*Groundwater*

- 5.184 Groundwater is protected by the European Groundwater Directive administered by the EA. The Directive specifies potentially hazardous materials that must not be released into groundwater, including oils, heavy metals and other pollutants found in highway runoff. Source Protection Zones accord further protection to public water supplies. The Bypass crosses an SPZ for Wessex Water's Wellhead supply, including its inner protection zone, where substances released into groundwater take at most 50 days to reach the abstraction point and overlying soils are insufficient to safeguard the aquifer. As acknowledged in the ES (Ch 7 p110) current guidance is that no development should take place within an inner SPZ.
- 5.185 It is essential that the protective liner proposed by WCC works faultlessly over the lifetime of the scheme. But liners have been developed largely for waste disposal sites where it is acknowledged that no installation can be guaranteed leakproof. Second, it is common practice to install a secondary layer of impermeable material such as engineered clay to prevent rapid leakage through any small hole in the fabric. None is proposed here, rather the liner is to be

laid on sand, which would rapidly transmit any leakage into the underlying aquifer. Third, it is good practice to install leak detection and again none is intended. The proposals here do not follow best practice and pollution would be detected only on abstraction by Wessex Water, when remediation would be prolonged and expensive while the water source is lost.

- 5.186 Notwithstanding the liner, there remains residual risk and the potential impact is not "neutral" as claimed in the ES but "slight adverse". DMRB advises that a slight adverse impact on a feature of very high importance results in an impact of moderate adverse significance, including "potential low risk ... of pollution to a major aquifer providing a regionally important source" (DMRB vol 11 pt 3 ch 5 p 17). This describes the situation at Wellhead perfectly.

#### *Flood risk*

- 5.187 The Glenmore Link passes over the Bitham Brook flood plain, designated by the EA as Zone 3 with a "high probability" flood risk (more than 1% in any year). PPS25 states that other than "water compatible" development, only essential infrastructure should be permitted in a Zone 3 and then only if all three requirements of an exceptions test are met: it must provide wider sustainability benefits, be on previously developed land (unless none is possible) and be developable in a safe manner. Leaving aside in this evidence whether the link is in fact essential infrastructure, there is no assessment by WCC of an alternative on lower flood risk land.
- 5.188 As to mitigation, the three bridges over the water courses have been designed to no more than a 1% flood event. Moreover the flood storage compensation is proposed below the level of the road embankment, whereas it should be "level for level" to be effective, and widening of the water courses may not endure as deposition is likely in time to return them to their pre existing condition.

#### **Closing Submissions** (Charlie Hopkins: WHA/130)

- 5.189 The White Horse Alliance (WHA) comprise a coalition of environmental and transport organisations established in August 2007 with the common aims of opposing plans by WCC for the construction of a Westbury eastern bypass and seeking alternative solutions to meet the transport, environmental, social and economic needs of the town and surrounding communities. WHA represent local, regional and national bodies, and the Alliance's evidence has chronicled the long history of strong local opposition to an eastern bypass.
- 5.190 The first objective was to oppose the planning application at this public inquiry, raising funds to support a professional case with expert witnesses and legal representation. The strength of local opposition can be judged from the fact that most of the funding – tens of thousands of pounds - has been raised in Westbury and surrounding communities. The strength of local opposition was acknowledged by: the 1997 Planning Conference, the District Plan Inspector in his reasons for recommending against safeguarding the eastern route, and the EiP panel in inviting WBA to give evidence at a session devoted to the role of the Westbury bypass in relation to regional transport strategy. The strength of local opposition was clearly an influential factor in persuading the Secretary of State to call in this application; finally it would appear that the human rights case, made on behalf of the local community by WHA, was influential in the decision to defer opening the inquiry to allow proper time for the Alliance to prepare their case and instruct expert witnesses.

- 5.191 WCC resisted any delay and at the first PIM opposed a deferral on the grounds that their evidence was complete and WHA had had ample time to prepare. This inquiry revealed it was WCC who were unprepared. As early as May 2007 WCC were put on notice that the ES was defective, so to proceed with the grant of planning permission could be "unlawful". That letter was not placed before the Council's regulatory committee, which resolved to make a conditional grant of planning permission. It is now clear that WCC were not ready to subject their flagship scheme to scrutiny at a full planning inquiry, as opposed to their regulatory committee or the CPO inquiry they had expected in the summer of 2007. That is why this inquiry extended over almost exactly four months. Between midsummer and autumn, the scheme's transport case became a moving target; WCC and their consultants were forced to produce new, revised or corrected information on traffic modelling, weight limits, HGV routeings, and route comparisons as more of their case failed to stand scrutiny.
- 5.192 On the 2<sup>nd</sup> inquiry day the traffic model began to unravel. On the last day before the final adjournment, 11 September, WCC produced a document (WCC/136) that was itself a response-to-responses-to-further-information issued by them following their correction of an error in traffic modelling that required HGV numbers to be doubled. Even this last document had to be withdrawn after examination by the Inspectors revealed errors that WCC were unable to clarify. (Corrected document: WCC/136A). At the end of this muddle, we are still left speculating as to precisely what is the scheme for which planning permission is sought and precisely what purpose it would serve.
- 5.193 In one important respect the scope of the scheme that has emerged differs from that placed before the people of Westbury in the planning application. In the supporting ES a weight limit on the Station Road rail bridge was presented as an intended measure, to follow construction of a bypass, along with £1.3m worth of town centre improvements made possible by the scheme and conditional upon it. By the end of the inquiry this weight limit had become essential for structural reasons and - simultaneously and more significantly for present purposes - essential and integral to the bypass itself and to the transport case for it.
- 5.194 While the consequences of this mandatory ban do not appear to have been quantified in terms of traffic movements through Westbury or the extra mileage and extra carbon emissions that would be expected to result, the ban represents a major change to the scheme that was put before the public in February 2007.
- 5.195 The emergence of a lorry ban as an integral part of the bypass is one element in the "shifting ground" beneath the case for this road, referred to by Professor Whitelegg (para 6.2, OBJ/WHA/W/5): "In 20 years or more of taking part in public inquiries I have never seen so many recalculations of basic numbers and I remain very concerned about the reliability of the information supplied by Wiltshire County Council to this inquiry. I fear we are in a never ending "do-loop" of error, recalculation and shifting ground."
- 5.196 His doubts about the reliability of data underlying WCC's evidence on traffic modelling, induced traffic and emissions of climate change gases apply equally to assumptions and methodology in their analysis of the scheme's economic value. If cost-benefit analysis is to play any part in deciding the application, Professor Goodwin's doubts on the claimed economic benefits are a material consideration, as is the lack of convincing rebuttal from WCC.

- 5.197 As regards the CPOs, there has to be a compelling case in the public interest, the burden of proof being with the Acquiring Authority. The Secretary of State must be sure that the purposes for which these Orders are sought sufficiently justify interfering with the human rights of those affected: there must be clear evidence that the public benefit will outweigh the private loss (ODPM Circular 06/2004). For the SROs the question is whether the public benefit claimed outweighs the acknowledged loss to the public. Those objecting to these Orders have no case to prove: they do not have to disprove the need for the scheme facilitated by the Orders, or provide fully worked up alternatives. The Alliance submit that there is no basis for confirming the Orders and it would not be in the public interest for the scheme to be further progressed.
- 5.198 WHA addressed landscape, biodiversity, noise, community, economic development and transport issues. Sustainability has been central, as too carbon emissions and alternatives to building this road. On each of these, objections on numerous aspects of planning policy are overwhelming. As Mr James said: "at a basic level, it must be asked whether it makes planning sense to build a road which damages a pristine landscape along the escarpment of Salisbury Plain - an area of national iconic status - , for an opening year traffic flow of barely 10,000 (AADT) with only 3% HGVs [now 6%], for a journey time saving of two minutes".
- 5.199 National and regional policies increasingly emphasise using existing infrastructure, traffic management, modal shift and social inclusion. Major road construction is increasingly limited to congestion pinch points on important parts of the national network. The A350 through Westbury is neither a pinch point – it is very lightly congested even at peak times – nor is it strategically important in the region. The A350 no longer even features on the Key Diagram recently drawn up by the Secretary of State in Proposed Modifications to the draft RSS. It is not in the list of strategically important corridors.
- 5.200 While acknowledging that a FWR would represent a much better choice if major road construction were to take place (OBJ/WHA/P/3), WHA's main case is that alternatives to major new road building have not been sufficiently investigated, nor, as importantly, implemented. Building a major new road should be a last resort when all alternatives have been tried and failed. New road building which threatens the conservation status of internationally protected species, which would cause damage to a valued and protected landscape, and flies in the face of adopted and emerging policy at national, regional and local level is wholly unacceptable.
- 5.201 Even in its own limited terms, the application scheme fails to satisfy a number of important criteria. Prof Goodwin (WHA/127) examined WCC's consultants' methodology, concluding that "a full scale variable demand appraisal would have a very substantial impact on the appraisal, certainly reducing the net present value of the scheme very considerably, and perhaps even making the benefits less than the cost." Were this road to be appraised in the way that this international expert on induced traffic suggests that it should be, it could end up costing more than it would pay back in the notional dividends offered by the COBA - seconds shaved off millions of journeys over the next 60 years.
- 5.202 This timescale brought Professor Goodwin to a deeper question: "The appraisal is based on uninterrupted traffic growth apparently at least for 39 of the 60 years of the appraisal period, and continued presumption of fuel prices at a level which seems to be less than the current level. Lower traffic growth as a

result of either circumstances or policy would both affect the robustness of the scheme. It seems that a very high proportion of the net benefits of the scheme are assumed to arise in a distant future - far beyond the horizon which can reliably be modelled - when there will be substantial reasons for reducing traffic volumes rather than encouraging them to grow."

- 5.203 This scheme, when the veneer of the transport "package", is stripped away, is just a bypass. It would increase carbon emissions; cut through an SLA (which arguably shares landscape characteristics with an AONB); adversely affect European protected species and their habitats despite a panoply of untested mitigation measures; and threaten a public water supply. It is a bypass that the people of Westbury have had foisted upon them, despite years of opposition, which has been pushed for over a decade despite a clear preference for a FWR by nearly all stakeholders including the local Chambers of Commerce and Economic Partnership. It is inappropriate, unpopular, unsustainable.
- 5.204 Whereas a planning application is determined by a balancing process, compulsory purchase requires a far higher standard of proof. If there is doubt that the scheme is compliant with planning policies, doubt that the scheme would achieve its stated objectives, uncertainty over its likely effects, or doubt over deliverability, then the benefit of the doubt must be given to those who are the subject of the compulsory purchase orders. A precautionary approach is essential to protect and preserve both private and public interests.
- 5.205 WCC assert that the scheme is needed for the area's economic well-being and to facilitate economic regeneration, but with little supporting evidence, for as Professor Whitelegg explained, West Wiltshire is in the top fifth most affluent areas in the UK. WWTE brochure (WHA/101) states that vacancies have never been so low in ten years, and does not imply that access to the estate is an impediment to further planned expansion.
- 5.206 With a 3-tonne weight limit (later revised to 3.5 tonne)<sup>26</sup> on one of two entrances into WWTE as an integral part of the scheme, and in consideration of newly allocated and existing strategic employment land between Westbury and Trowbridge (WCC/104), the potential contribution of the Eastern Bypass to the economy becomes even less clear. As Jenny Raggett commented (OBJ/WHA/W/10) "Considering that the bypass is put forward in large part as a means of delivering better access to the West Wilts Trading Estate and also the delivery of economic regeneration of West Wiltshire by better transport links to employment areas, it is to us quite extraordinary that the closure of one of the two entrances to the WWTE area to vans and lorries of all sizes should never have been consulted widely upon."
- 5.207 WCC have failed to demonstrate any need, compelling or otherwise, for this scheme. The repeated assertion of a need does not demonstrate that there is one; on the evidence, tests for the grant of planning permission and confirmation of the Orders have not been remotely met.

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<sup>26</sup> At the conclusion of the inquiry, Network Rail was seeking 3 tonnes, the Police 3.5 tonnes as more readily identifiable for enforcement purposes. WCC expressed confidence that they could meet Network Rail's structural concerns with a 3.5 tonne ban. However, the issue had not been fully resolved.

*Call-in matters upon which the Secretary of State wishes to be particularly informed*

*(a) Regarding the development plan*

*Regional Planning Guidance for the South West (RPG 10) (CD2.1)*

- 5.208 WCC have not produced evidence of a direct reference to the scheme in RPG10. (WCC/P/6 3.18). The key aims and objectives include "safeguarding and enhancing the quality and diversity of the natural, cultural and built environment across the region" and "...ensuring that patterns of future development reduce the need to travel and encourage access by walking, cycling and public transport."
- 5.209 Specific RPG 10 development and transport policies are consistent with objectives in PPG13 (CD7.1). There is no specific development or transport policy support for the scheme to be found in RPG10. WCC claim support in Policy SS3, which refers to "...strengthening the roles of the Principal Urban Areas (PUAs)", to "develop and improve sustainable urban and inter-urban transport networks", and to "conserve and enhance important environmental assets." Mr Simkins accepted that the nearest PUA to Westbury is Bath, that there was no evidence of significant out-commuting to Bath and that the SPA is an important environmental asset (XX).
- 5.210 WCC made no specific mention in evidence of Policy TRAN1: that "Local Authorities, developers and other agencies should work towards reducing the need to travel by private motor vehicle through the appropriate location of new development". Mr Simkins accepted that TRAN1 should be regarded as an overarching policy, and that relevant indicative targets are to reduce the growth of traffic and increase ridership on public transport (XX). It is clear that there is no support here for the scheme. But there is a TRAN1 aim to encourage new development to be situated conveniently for developing sustainable transport services rather than to encourage car commuting.
- 5.211 Policies TRAN 2 and TRAN 4: are equally unhelpful to WCC. Mr Simkins agreed that TRAN 4 refers to "sustainable transport systems in and around PUAs", and that Westbury could not be considered to be either in or around a PUA (XX). Whilst the policy makes specific reference to "...economic growth and regeneration in areas of special need", there is no evidence that Westbury is an area in special need of regeneration. Moreover TRAN 4 refers to Table 6 where the region's seventeen specific priorities for transport infrastructure and investment are listed. The Westbury bypass is not among them. The text of the Policy states that development plans, LTP policies, operators and agencies should deliver the investment detailed in Table 6 in accordance with a number of priorities, subject to successful feasibility testing, satisfaction of statutory processes and availability of finance.
- 5.212 Policy TRAN5: is ignored in WCC evidence although Mr Simkins acknowledged its relevance (XX). It states that "Highway authorities, local authorities and other agencies should actively manage urban car parking and make more efficient use of highway space to achieve a modal shift towards more sustainable transport." Again, no support here. Mr Helps accepted that WCC had produced no evidence that the scheme would result in modal shifts from private car to more sustainable forms of transport, and Mr Turner agreed that the Warminster by pass had produced no marked modal shifts (XX).



- 5.213 Policy TRAN10, again not referred to in evidence by WCC, states "Local authorities, transport operators and other agencies should have regard to the sustainable transport hierarchy, giving priority to walking, cycling and public transport. They should aim to increase the share of total travel by these modes and ensure that they provide attractive and reliable alternatives to the private car". No support. Rather the weight of evidence suggests that the objectives will be hindered, not helped. (for example TAG Table WHA/107 page 43).

*Draft Regional Spatial Strategy (Draft RSS) for the South West 2006 – 2026 (CD2.2) and EiP Panel Report (CD2.4)*

- 5.214 Policies on Sustainable Development (SD1 to SD4) and those concerning the Environment (ENV1 to ENV4) remain largely unaltered in the Proposed Modifications and are referred to here as in the Draft. Transport policies have undergone fundamental revision and therefore the Modifications are relied upon.
- 5.215 Policies SD1 to SD4 are cornerstones of the Draft RSS, but WCC make no reference to them. No transport planner objectively examining local issues and paying due attention to these policies could produce a scheme that would increase road capacity, increase traffic in the area and encourage more distant commuting by car as roads become faster, and work against the objective of modal shift. WHA witnesses cited a number of approaches, which ought to have been worked up, assessed and consulted upon as part of a modern and systematic option-scoping of transport solutions, taking into account regional policy on sustainable development and the environment. This has never taken place; had it been, an Eastern Bypass would not have been progressed.
- 5.216 Going through the SD and ENV policies in turn: SD1 seeks to stabilise and then reduce the ecological footprint by, inter alia, "minimising the need to travel and securing a shift to use of more sustainable modes of travel". WCC failed to provide any evidence that the scheme would secure modal shift, and appear to accept that it would not contribute to minimising the need to travel. On the contrary, WHA cited evidence by Oxford Brookes University that locating new development near faster roads encourages more distant commuting by car (OBJ/WHA/W/9).
- 5.217 Policy SD2 seeks a reduction in greenhouse gases "at least in line with current national targets of 30% by 2026". The evidence that this scheme will, even on WCC's figures, result in an increase in carbon emissions speaks for itself.
- 5.218 Policy SD3 aims to protect and enhance the environment by "Reducing the environmental impact of the economy, transport and development", by "Planning and design of development to reduce pollution and contamination and to maintain tranquillity", and to contribute to regional biodiversity targets through the restoration, creation, improvement and management of habitats. As the evidence has shown, the scheme may reduce to some extent the impact of HGVs through particular streets in Westbury, although much of the shopping area and core of the town centre are already on lightly trafficked streets. This relatively small benefit is more than outweighed by the impact on tranquillity, loss and severance in a favoured outdoor recreational area, and also the impact of induced traffic as it impinges on other communities on the A361 and A350. The scheme fails to maintain tranquillity, and cannot be regarded as making a positive contribution towards biodiversity targets.

- 5.219 Policy SD4 includes an objective of "Promoting a step change in public transport, taking steps to manage demand for travel, and promoting public transport", together with "making the best use of existing infrastructure". There is no evidence that the scheme would promote public transport, nor does there appear to be any element of demand management. A new road cannot, on any basis, be regarded as making the best use of existing infrastructure but is highly likely to frustrate these objectives.
- 5.220 Of particular relevance is new supporting text to Policy ENV1, specifically concerned with the region's "Natura 2000" (N2K) sites. The text identifies the Bath and Bradford on Avon Bats SAC as a site of particular concern where development of housing, employment and transport infrastructure has the potential to affect adversely bat foraging and commuting habitat. The Modifications put even more emphasis on the sanctity of N2K sites.
- 5.221 Policy ENV1: "Any development that could have any negative effect on the integrity and conservation objectives of a N2K site would not be in accordance with the development plan". Although evidence in respect of adverse impacts on bats and the Bath and Bradford on Avon Bats SAC is discussed in greater detail in the context of PPS9 below, Professor Altringham's evidence cast serious doubt on whether there is sufficient evidence to conclude that there would be no negative effect on the SAC and that the test of no reasonable scientific doubt had not been met. (OBJ/WHA/P/1 and XinC). Furthermore, he advised that an Appropriate Assessment was desirable and would be a sensible precaution, and only not required if it could be confidently shown that there would be no effect on local bats. In the absence of sufficient evidence regarding the highly experimental mitigation proposed, there can be no such confidence in the scheme, which is therefore clearly in conflict with Policy ENV1 and not in accordance with the development plan.
- 5.222 Policy ENV4 reinforces Policy ENV1, requiring that distinctive habitats and species be "maintained and enhanced in line with national targets and the SW Biodiversity Action Plan". The scheme does nothing to contribute to this policy and conflicts with its requirement.
- 5.223 Policy ENV2: "The distinctive qualities and features of the South West's landscape will be sustained and enhanced....". Noise and visual intrusion of a major road, with a climbing lane, through the Wellhead Valley, close to the Westbury White Horse, passing only metres from its viewing point on the Bratton Road, cannot be in accordance.

*Regional Transport Policy – revised Draft RSS (incorporating Secretary of State's Proposed Modifications)*

- 5.224 The Proposed Modifications completely re-wrote the transport section, with a further shift from new road building and increased emphasis on multimodal transport, demand management, making urban areas work effectively, a consideration of transport in the context of climate change, corridor management and reducing the rate of road traffic growth. The text in the Modifications explains that the main aim of the RTS is to support the Regional Spatial Strategy and reduce the rate of traffic growth through the following:
- supporting economic development (identified in the RES) by maintaining and improving the reliability and resilience of links from the region's major areas to other regions (particularly the South East and London), international markets and connectivity within the region;

- addressing social exclusion by improving accessibility to jobs and services;
- making urban areas work effectively and creating attractive places to live by developing the transport network to support the strategy to concentrate growth and development in the Strategic Significant Cities and Towns; and
- reducing any negative impact of transport on the environment including climate change.

5.225 There is a new RTS Key Diagram that illustrates:

- the SSCTs
- corridors of national importance identified in RTS1
- corridors of regional importance identified in RTS1
- ports identified in RTS5
- airports and heliports covered by RTS6

5.226 The text explains that in order to improve reliability and resilience of journey times, develop opportunities to facilitate modal shift and support growth at the SSCTs, provision will be made to manage the demand for long distance journeys and reduce the impacts of local trips on these corridors. Measures are then listed as:

- demand management measures and improvements to the local transport networks serving the SSCTs along the corridors (particularly walking, cycling, public transport and interchange facilities) that will reduce the rate of road traffic congestion on the corridors of national and regional importance;
- developers managing down the impacts of their developments on the corridors of national and regional importance;
- access control measures on the corridors of national and regional importance;
- improvements to road junctions that will reduce the rate of road traffic growth and congestion on the corridors of national and regional importance;
- proposals that will make the best use of the existing infrastructure;
- improvements in information management, including the timetabling of rail services;
- engineering measures to enable increasing frequency of rail services; and
- capacity enhancements to the corridors, including rail passenger services.

5.227 The Westbury Bypass represents a clear deviation to this list, and in many cases runs counter to the thrust of Regional Transport Strategy, as Mr James in his supplementary proof (OBJ/WHA/SP/7) made clear. The A350 is not a road featured in the corridors of Regional Importance in the Regional Transport Key Diagram, or referred to in policy RTS1. Westbury meanwhile is not an SSCT – the nearest one is Trowbridge – and, although the Regional Assembly may still maintain that the scheme is a “regional priority” (WCC/135) no convincing evidence has been presented to show why this local road should retain any regional significance.

- 5.228 As highlighted by Cate Mack the case for the road fails to address sub-regional needs around Westbury, towards Frome and Trowbridge, for relief from HGVs. No proposal for a longer distance relief road for Bath or linkage to the Dorset ports have been approved by the Regional Transport Strategy or as part of the RSS. Mr Simkins (WCC/SP/6) fails to grasp properly that West Wiltshire is part of the West of England Housing Management Area – it has been all along – and WHA witnesses have given evidence that WCC failed completely to look at the bypass in the context of the growth of Bath, Bristol and its environs despite the stated links between West Wiltshire and those centres, as set out in Section 4 of the RSS, on Housing.
- 5.229 Mrs Le Grice-Mack highlighted (OBJ/WHA/P/8 and OBJ/WHA/A/8) the historic reluctance of WCC to work with Mendip District Council on the route of the bypass, or other transport solution to problems associated with the impact of HGVs on communities – a lack of the cross-boundary approach essential for regional progress. She also explained the history of the scheme in terms of regional funding, showing how the Westbury Bypass as an original low-priority was manoeuvred at a late stage to a position where it commanded a position as a potential regional “priority”.
- 5.230 Returning to the transport Proposed Modifications, Policy RTS2 focusses on demand management and sustainable travel measures at SSCTs to “... reduce the growth of road traffic levels and congestion”, through the promotion of sustainable travel behaviour, improved public transport and other “soft” measures. Wholly absent is any support for new road building or increasing network capacity. Of note, whereas a bypass is proposed for Westbury, Gordon Edwards showed that, although traffic in Westbury is too light to hold up buses, in Trowbridge the inter-urban buses are unable to meet timetables because of congestion. The scheme would contribute nothing to modal shift in Trowbridge and can in no way be construed to be in accordance with the regional agenda to promote sustainable growth of the town.
- 5.231 As Mrs Raggett pointed out (OBJ/WHA/R/15) “The risk is that the new bypass will locate employment and even retail and services out of town, which is counterproductive to urban renewal initiatives such as the very good “Transforming Trowbridge”, a large and dynamic project which Mr Simkins surprisingly does not mention.”

*Wiltshire and Swindon Structure Plan (CD2.6)*

- 5.232 The Structure Plan was adopted in 2006, by when the EBP had long been identified as the preferred route for a Westbury bypass by the County Council. The SP conforms to the scheme rather than vice versa. Policy T12, specifically identifying the scheme, comes with the caveat of environmental acceptability; Mr Simkins accepted that if the scheme were shown to be environmentally unacceptable then it would not only conflict with Policy T12 but with a number of other SP policies (XX).
- 5.233 Policy C9 on SLAs is one such, requiring regard to had to the need to protect landscape character and scenic quality in such designated areas. Supporting text establishes “... a need to maintain and enhance all aspects of the landscape” (para 6.37), and sets out a requirement that “... all non-essential development in the open countryside should be avoided”.
- 5.234 Alternatives to the scheme – non-road building or an FWR which could meet the scheme objectives – casts significant doubt on whether the proposal is

"essential", whilst acknowledged adverse impacts on the SLA, neither maintaining nor enhancing the landscape, sets the scheme at odds with Policies C9 and T12.

*West Wiltshire District Plan (CD2.12)*

- 5.235 It is common ground<sup>27</sup> that the scheme is a departure from the development plan as it is not supported by the District Plan. Mr Khansari accepted that this application is a departure application (XX), Mr Simkins accepted that the WWDP does not include an EBP (XX), and also accepted that there was no District Council resolution in support of the proposed scheme. WCC's own legal advice was that the mere safeguarding of a route did not mean that the route was "proposed" in the Plan, and that the application should therefore be regarded as a departure application, advertised accordingly and the Secretary of State consulted (CD5.3 paras 88-91 and OBJ/WHA/P/7 para 4.3.3 – 4.3.5)
- 5.236 Perhaps most telling is the District Council's decision not to participate in this inquiry. Despite reported views of a representative of WCC that if this scheme were not to proceed the "town could be waiting for a very long time for a bypass", that it was "Westbury's last chance", that "the town centre improvements will also fall through if the bypass does" and that if the plan were rejected money for the scheme would not be available "for decades" (WHA 123), the District Council appears to have been unable, or unwilling to support WCC at the inquiry. Like the dog that didn't bark, the silence speaks volumes.
- 5.237 As far back as 1999 WCC were advised by their own consultants that a bypass for Westbury could not be justified within Government policies at that time. (Parkman Report Oct 1999 ES Part A App C) Since then the thrust of government policy has had the effect, as has been generally agreed at this inquiry, of pushing new road building to the bottom of the agenda, to be permitted only as a last resort.
- 5.238 In summary, this proposal fails to accord with the current RSS (RPG10) and the Proposed Modifications to the draft RSS, is in conflict with the County's own Structure Plan, and is unsupported by the District Plan and the District Council<sup>28</sup>.

*(b) Regarding PPS1*

- 5.239 PPS1 states that "Plans should be drawn up with community involvement and present a shared vision and strategy of how the area should develop to achieve more sustainable patterns of development." Alliance witnesses showed that the eastern route was developed in isolation rather than as part of a wider planning view and that where community involvement was elicited in route choice, or indeed in deciding if road building was the correct use of transport capital resources, such involvement served no purpose as WCC had already decided on a preferred course of action: an eastern bypass.
- 5.240 The road has been consistently promoted in the face of well-documented unpopularity, contrary to government policies on sustainable communities and "community buy-in". The history of the bypass presented by WHA (OBJ/WHA/A/8) shows that for over a decade a clear public majority has been

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<sup>27</sup> This assertion was not accepted by WCC

<sup>28</sup> Mr Randle drew attention to WWDC's written submission on the application (in CD1.2)

opposed. Opposition continues even though there is now no alternative on offer from WCC. On every consultation on route selection, the eastern was unpopular and a FWR thought by the vast majority to be better. The business community still says that it would have preferred a western route. In the West Wiltshire Economic Partnership (WWEP) and the Wessex Association of Chambers of Commerce (WACC) joint submission (SUP/WWEP/P/1) Len Turner admitted that "It was with some reluctance that we had to accept that no acceptable or achievable route could be identified to our satisfaction to the west of the town".

- 5.241 Cross-examination of Mr. Boyle on Alternatives by Mrs Lynne Fish showed that at no stage during the past 10 years did WCC look at a hybrid package of smaller road(s), public transport, route management and other soft measures. Local people had no possibility of participating in modern option scoping to choose a sustainable transport solution – the County had no intention of listening, let alone acting according to the wishes of the community it purportedly served – a bypass, and for that matter an eastern bypass, was all that was ever going to be on offer.
- 5.242 In order to work up the transport case for an eastern route over a FWR, WCC did not disclose to the public that the former had been assessed in terms of its effectiveness at removing lorries from the A350 in Westbury, by imposing a restriction on HGVs going through the southerly entrance to the WWTE. The FWR had not been assessed with such a restriction. This lack of transparency and unfair comparison came to light only during the course of the inquiry in response to questions.
- 5.243 Until comparatively recently Westbury Town Council (OBJ/WHA/8 Appendix 15) had been against an eastern bypass because of environmental, economic and transport reasons. The Town Council later supported an eastern bypass, but it seems that even this was a fraught process: Cllr Hawkins admitted that many councillors had effectively been barred from voting over the years as a result of either living, or having relatives living, in the "wrong" part of town.
- 5.244 The report to WCC's Regulatory Committee (CD 5.3) records objections from 5 local Parish Councils, local branches of CPRE, FOE, Transport 2000 (now the Campaign for Better Transport), as well as local groups established to oppose the scheme, such as the Westbury Bypass Alliance.
- 5.245 Additionally, the proposals fail to meet the four key objectives of PPS1. The scheme fails to achieve social progress which recognises the needs of everyone, fails effectively to protect the environment, is a singularly imprudent use of natural resources and, as Prof Whitelegg showed, there is no firm evidence that road building delivers economic growth and employment. On the contrary as he explained, West Wiltshire is an affluent area with low unemployment. Other WHA witnesses cited research showing that the construction of a faster road would facilitate more car-borne commuting (in and out) rather than self-containment.
- 5.246 Since the call in letter, the PPS Supplement has been published, "Planning and Climate Change". Professor Whitelegg showed that climate change is at or near the very top of the national policy agenda, and this scheme is wholly contrary. On the evidence, it would increase carbon emissions by at least 385 tonnes per year; on these grounds alone there is no case for it to proceed. PPS23 (predating the PPS1 Supplement) requires that greenhouse gas emissions be

limited and, where possible reduced. Prof Whitlegg's view that the Supplement strengthens this guidance is correct; in any event, as he stated, by definition this scheme cannot limit greenhouse gas emissions in any way (ReX).

*(c) Regarding PPS7*

- 5.247 Those key principles include and reiterate those of sustainable development found in PPS1 paragraph 4: social inclusion, effective protection and enhancement of the environment, the prudent use of natural resources and maintenance of high levels of economic growth and employment.
- 5.248 In addition, and of most relevance, PPS7 paragraph 1 (iv): "the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all". Further, (v) requires that priority be given to the re-use of previously developed sites, and (vi) requires that all development should be in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

*Landscape*

- 5.249 Some 3,000m of the route runs through an SLA, whereas an FWR would at most run through about 300m, and which could easily be avoided. A non-road build alternative would have no effect at all on the SLA. WCC's expert accepts that all impacts of the proposed scheme within the SLA would be adverse to some degree even after landscaping mitigation, and that the overall impact on landscape after 15 years would still be "moderate adverse". Ms Betts arrived at a similar conclusion in respect of visual impacts, assessing the overall impact, after mitigation and after 15 years as moderate adverse (WCC/P/5 para 7.11 & 8.34)
- 5.250 Moderate adverse effects in the context of landscape impact assessment (Ms Betts' Appendix B) include the following: "out of scale with the landscape or at odds with the local pattern and landform; are visually intrusive and will adversely impact on the landscape; not possible to fully mitigate for, that is, mitigation will not prevent the scheme from scarring the landscape in the longer term as some feature of interest will be partly destroyed or their setting reduced or removed; will have an adverse impact on a landscape of recognised quality or on vulnerable and important characteristic features or elements; in conflict with local and national policies to protect open land and nationally recognised countryside set out in PPS7 and PPG2".
- 5.251 Large adverse effects, which Ms Betts accepts would be experienced at Wellhead Valley between Years 1 and 15 are defined and also described in her Appendix B. TAG Unit 3.3.7 describes proposals having large adverse effects as being "very damaging to the landscape in that they:
- Are at considerable variance with the landform, scale and pattern of the landscape
  - Are visually intrusive and would disrupt fine and valued views of the area
  - Are likely to degrade, diminish or even destroy the integrity of a range of characteristic features and elements in their setting
  - Will be substantially damaging to a high quality or highly vulnerable landscape, causing it to change and be considerably diminished in quality

- Cannot be adequately mitigated for
  - Are in serious conflict with government policy for the protection of nationally recognised countryside as set out in PPG7"
- 5.252 Definitions of visual impact assessment are set out in Appendix E, where moderate impact is described as "where the scheme would cause a noticeable deterioration".
- 5.253 Despite these overall assessments, Ms Betts nevertheless asserts that these impacts should not be regarded as detrimental in any way, but rather as an "enhancement of the area". (WCC/P/5 para 5.51)
- 5.254 The West Wiltshire District Landscape Character Assessment (WCC/A/5 Appendix H) describes the G2 character area, the Greensand and Chalk Terrace through which much of the route passes: it has a strong sense of tranquillity throughout, has open views to the "dramatic Chalk Downland Edge" and open views to the Westbury White Horse as a dramatic landscape feature. The White Horse itself is a "visible landmark within views eastwards and contributes to a strongly recognisable sense of place". The overall strategy is to "conserve the existing landscape pattern and dramatic open views to the adjacent Chalk Downland Edge and enhance the landscape setting of Westbury". Specific management objectives are to "seek to resist any development that would affect the open views across the terrace to the chalk uplands, to conserve the open views to the Westbury White Horse as a distinctive landmark and to .... avoid large developments that would be out of scale and character within the existing situation".
- 5.255 By contrast, the E8 area, Heywood Rolling Clay Lowland, through which the northern section of either an Eastern or Far Western bypass would pass exhibits the following characteristics; strongly visible human influence in the form of the WWTE and junction of two major railway corridors, rural character disturbed by noise and visual intrusion associated with the railway corridors, roads and WWTE and generally a low level of tranquillity throughout the area. The remaining character area through which a FWR would be likely to pass is E3, North Bradley Rolling Clay Lowland, where pylons are a dominant vertical element, and no direct reference is made to either levels of tranquillity nor sense of place.
- 5.256 Various comparison tables assess the likely landscape impact of either the scheme or FWR as being "moderate adverse", although Ms Betts acknowledged that she had not been instructed by WCC to provide either advice or a detailed assessment of the FWR. (XX) If an eastern route is capable of enhancing the setting of a designated SLA with all its inherent landscape sensitivities, then it is reasonable to suggest that even greater enhancement could be achieved in an area of less sensitivity.
- 5.257 As regards public rights of way, Dr Ireland's evidence accepts that changes in amenity on a number of bridleways (W37, W35, W51, Heyw12 and Heyw6) would be either substantial adverse, defined in the DMRB as "where the scheme would cause a significant deterioration in the existing view", or moderate adverse (W36, Heyw28), where the scheme would cause a noticeable deterioration.
- 5.258 Jenny Raggett's evidence on Noise includes two maps produced for WCC with their 2005 planning application, showing noise contours before and after the



bypass. It is plain that the Wellhead Valley would be affected by traffic noise to the extent that walkers and riders would never again enjoy its tranquillity and recreational amenity. Additional noise contour maps produced by WCC confirmed the situation, and with the late doubling of HGV figures, noise in the valley would be increased and the countryside beneath the White Horse, if not the White Horse itself, would be subject to higher levels of noise pollution.

- 5.259 Although WCC undertook a rights of way survey in 2002 to establish levels of use of various footpaths and bridleways likely to be affected, it is surprising that no survey was undertaken to establish either use or likely impact on the Wessex Ridgeway, a national long distance route running from Lyme Regis to Avebury. Dr Ireland advised that no data existed for the Ridgeway (XX), but apparently did not see fit to carry out surveys similar to those on the local network. Similarly there are no survey data available for the White Horse itself, making it impossible to assess the scheme's effects on public amenity at two of what are likely to be the most highly used elements of the network. This is all the more surprising given that one of the claimed scheme benefits is encouragement of tourism in Westbury and surrounding area.

### *Townscape*

- 5.260 The suggestion by the County that the limited benefits that the scheme would bring to residents along existing stretches of the A350 in some way outweighs the accepted harm to the SLA, resulting in overall enhancement, is barely worth comment. The A350 does not run through the town's historic core, only a small part of the Conservation Area. Away from the A350, the town centre is largely unaffected. Traffic levels are comparatively low, and there has been no significant growth over recent years. Also, no assessment has been made of the beneficial effects of town centre management measures which could be undertaken without a bypass, so no comparison is available in terms of positive impacts on townscape of non-road building measures (WHA/P/3).

### *Rural economy*

- 5.261 The scheme would result in the permanent loss of almost 19ha of best and most versatile agricultural land. With just one exception, all impacts on farm holdings range from slight to moderate adverse (WCC/P/15). Although moderate adverse is defined as "...likely to have a notable effect on the net farm income" (WCC/P/15 Table 5.4), no attempt has been made to quantify impacts in financial terms, nor has an attempt been made to assess any benefits to the rural economy that might be provided by the scheme. It is therefore not possible to assess what contribution, if any, the scheme would make to support "strong, diverse economic activity" (PPS7 para 5).
- 5.262 Mrs Tindale acknowledged that she had not undertaken an assessment of any FWR at a similar level to that carried out for the eastern route, but suggested that as land to the west of Westbury is predominantly livestock, severance effects would be greater than to the east (WCC/P/15 para 6.6). Mrs Le Grice-Mack, from personal experience running a farm, countered that splitting fields would be likely to have a greater effect on arable farming than livestock, as stock tended to be easier to move than heavy machinery. (XiC)
- 5.263 In summary, it is clear that a non road build solution would not involve the loss of any best quality agricultural land, and it is not possible from the evidence produced by WCC either in the ES or by individual witnesses to make any informed comparison between the eastern route and a FWR.

*(d) Regarding PPS9*

- 5.264 Evidence of Professor Altringham, Michael Woods and Penny Lewns demonstrated that the scheme would fail to meet national and international obligations to safeguard and improve the conservation status of species which are afforded protection at a European level.
- 5.265 When set in the context of PPS9 and the Circular, *Biodiversity and Geological conservation - Statutory obligations and their impact within the planning system* (ODPM 06/2005, Defra 01/2005) (CD 8.9), the underlying legislation referred to in those documents, including the European Habitats Directive 1992 (Council Directive 92/43/EEC) (CD 8.7), the Conservation Regulations 1994 (CD 8.2) and the EIA Regulations 1999, this scheme has been shown to be inappropriate, unacceptable and incapable of meeting the rigorous tests for derogation.

*Guidance on the Habitats Directive (CD 8.7a) and ODPM Circular 06/2005 (CD8.9).*

- 5.266 It is accepted that several European protected species are present in the vicinity of the route. These include some 12 species of bat, including 4 Annex II species (Billington XX), otter, dormice and great crested newts (Jones XX).
- 5.267 It is also agreed that surveys indicate that bats present have been traced back to the Bath and Bradford on Avon Bats SAC (Billington XX), but that the statutory consultees took the view that an Appropriate Assessment was not required, as the scheme was unlikely to have a significant effect on the SAC.
- 5.268 Circular 06/2005 paragraph 20 emphasises that it is for the decision-taker to ascertain that the proposal will not have an adverse effect on the integrity of a European site. The Circular, referring to the Waddenzee judgement of the ECJ further emphasises that a proposal may only be authorised where it is **certain** (original emphasis) that the proposal will not affect the integrity of the site, and that such certainty, citing the judgement, is defined as being the case "*where no reasonable scientific doubt remains as to the absence of such effects.*" (original italics). Competent national authorities must be "convinced" that there will not be an adverse effect, and where doubt remains the project must not be authorised, subject to derogation procedures set out in Article 6(4) of the Directive.
- 5.269 Prof Altringham's evidence was unequivocal. He was unsatisfied that there was enough evidence to support the conclusion of Natural England that there would be no significant effects on the Bath and Bradford on Avon Bats SAC, and that the test of no reasonable scientific doubt had not been met at all (XiC). Although the number of bats positively linked to the SAC was small they nevertheless represented a significant proportion of bats caught (OBJ/WHA/P/1 para 3.5), and that whatever survey techniques were used, nets caught only a small proportion, were not adequate, (Billington XX) and those caught were likely to be the tip of the iceberg (Altringham XiC). In the absence of an Appropriate Assessment, when placed in the context of evidence of inadequate surveys, the Secretary of State cannot reasonably conclude that this proposal will not have significant effects on the integrity of the Bath and Bradford on Avon SAC, and cannot permit this proposal to proceed unless the derogation tests of Article 6(4) are met.
- 5.270 Dr Jones agreed that the primary aim of the Directive is to maintain or restore protected species at favourable conservation status (FCS) (XX). He further

agreed that there is no evidence that dormice are currently at FCS, defined in the guidance as where "species populations are doing well with good prospects for the future" (CD 8.7a page 11). Professor Altringham's evidence on bats was that the scheme would have a severe adverse effect on them, and that some species could be reduced to unsustainable levels, and that even were the proposed mitigation successful, the killing of relatively small numbers could be enough to have a significant effect on populations (XiC).

- 5.271 As the Guidance points out, Article 6 of the Directive is concerned with the protection of sites and habitat conservation, whereas Article 12 is concerned with protecting individuals of the listed species and their breeding and resting places (CD 8.7a para 38). Article 12 requires Member States to take requisite measures to establish a strict system of protection of Annex IV (including Annex II) species, and these measures must contribute to maintaining or restoring a FCS (CD8.7a page 28).
- 5.272 The derogation applicable to protected sites is similar in many respects to the derogation applicable to protected species. Article 6 (4) allows for derogation where there is an absence of alternative solutions and imperative reasons of overriding public interest. Article 16 applying to protected species, allows derogation where 3 tests are satisfied.
- 5.273 First, one of the reasons set out in Article 16 (1) (a) to (e) must be met. Dr Jones agreed that the only one likely to be relevant here was (c) "In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment." (CD 8.7a page 55) As the Guidance states, the "overriding" character of this public interest must be underlined, and as the Circular points out, "There will be few cases where it can be judged that imperative reasons of overriding public interest will allow a development to proceed which may have a potentially negative effect on the integrity of a European site" (CD8.9 para 28).
- 5.274 What is the evidence that this proposal could meet the first test of derogation under Article 16? There is no evidence at all of overriding public interest. It is accepted that this is a "local improvement scheme", that there is nothing exceptional about Westbury in terms of levels of congestion or accidents. The A350 is not a trunk road, and Mr Khansari's evidence was that Westbury was not in need of congestion solving (XX). There is no overriding case to be made for regeneration, and nothing to suggest that this is capable of being one of the "very few cases" referred to in the Circular.
- 5.275 The second test is that the Member State has to be "certain" that there is no satisfactory alternative before allowing the derogation, and that this is "an overarching condition that all derogations must satisfy" (CD8.7a para III.2.2 page 58). The Guidance goes on to suggest that, based on ECJ case law, this test may be considered as having 3 parts. What is the problem or specific situation that needs to be addressed? Are there any other solutions? Will these resolve the problem for which the derogation is sought? As the Guidance states (para 37) the analysis of whether there is no satisfactory alternative presumes that a specific problem exists. Even at the close of the inquiry, it remains difficult to ascertain precisely what the problem in Westbury is, to which the bypass is supposedly the solution.

- 5.276 The Guidance continues (para 37) that "competent national authorities are called upon to solve this problem or situation by choosing, among the possible alternatives, the most appropriate that will ensure the best protection of the species while solving the problem/situation." Alternative solutions could involve "alternative locations (or routes), different development scales or designs or alternative activities, processes or methods."
- 5.277 Alternatives to the scheme are discussed in greater detail below, but in the context of species protection it is clear that alternatives to the derogation exist, such as a package of non-road build measures (which Dr Jones accepted would have no impact on protected species (XX)), or a route to the west of the town, which on the basis of available survey evidence would be unlikely to have the same impacts on protected species, although it is accepted that a direct comparison is not possible because of the inadequacy of information on protected species that may be present there. Dr Jones described the ecological appraisal of the FWR as "brief" (XX).
- 5.278 The Guidance, citing the Advocate General's Opinion in case C-10/96, takes the view that derogations must be a "**last resort**" (original emphasis) (para 38), and that the requirement seriously to consider other alternatives is of "primary importance" (para 41).
- 5.279 Mr. Boyle agreed that the obligation seriously to consider alternatives was very different from the requirement to provide "an outline of main alternatives studied" pursuant to Part II of Schedule 4 of the EIA Regulations 1999 (XX). There is no evidence to suggest that the Council have considered the "satisfactory alternative" test set out in the Directive and Conservation Regulations, and nothing to suggest that this test has been satisfied.
- 5.280 As the Guidance goes on to state, "it should be stressed that another solution cannot be deemed unsatisfactory merely because it would cause greater inconvenience to or compel a change in behaviour by the beneficiaries of the derogation" (para 41 page 59). The scheme, at best, would result in journey time savings of a little in excess of 2 minutes between the A350/A36 roundabout and West Ashton Crossroads (Table 5.2 WCC/P/2). No comparison calculations have been provided for a non-road "do something" alternative, or for a smaller road building alternative such as new distributor road and integrated transport package, and, in any event, given the stringent and rigorous nature of the test, the proposed scheme cannot remotely meet the criterion.
- 5.281 The third test to be satisfied is the impact of a derogation on conservation status, which requires that if granted, derogations must not be "detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range". The Guidance advises that "An appropriate assessment of the impact of a specific derogation will normally have to be at a lower level (e.g. site, population level) in order to be meaningful in the specific context of the derogation (CD8.7a page 61). No such assessment has been undertaken by the Council, save in the most general, qualitative manner, following TAG criteria, eg Mr Billington's assessment of the impact on the bat assemblage, with mitigation, as "minor negative" and "slight adverse" (WCC/P/11 para 4.39).
- 5.282 Mr Billington accepted (XX) that he had not undertaken an estimate of likely numbers of bats that would be killed as a result of the scheme, yet accepted

that many of the bat species were listed as vulnerable, which he took to mean as being at risk of population decline.

- 5.283 The Guidance advises that two things have to be distinguished in applying the third test: first what is the actual conservation status at a biogeographic and local level? Second, what is the impact of the derogation? (CD8.7a para 49)
- 5.284 However "slight" or "minor" the impacts (and the assessment presumes that mitigation will be successful) as the Guidance points out, "the less favourable the conservation status and trends, the less likely will the granting of derogations be justified apart from in the most exceptional circumstances. The net result of a derogation should be neutral or positive for a species; detrimental effects should not occur" (CD 8.7a page 65). Mr Billington's evidence (XX) was that he would never remove the slight adverse assessment of impacts as there was always a risk despite mitigation.
- 5.285 As with WCC's landscape evidence, it is difficult in the extreme to interpret the terms "adverse" or "negative" as equivalent to "neutral" or "positive", and in these circumstances it is impossible to see how the third test for derogation could be satisfied.
- 5.286 The success of the mitigation proposed for both bats and dormice is clearly of vital importance, particularly in respect of the bat assemblage which Mr Billington describes as of national and international importance. The maintenance of flight lines is vital (WCC/P/11 para 4.38). The mitigation proposed is described by Mr Billington as "cutting edge"; he emphasises in his evidence that "there is no other road scheme reported in the world that this level of bat mitigation has ever been proposed" (WCC/P/11 para 5.3) He accepts that without successful mitigation the scheme would prove "disastrous" and "major adverse" for the bat assemblage (XX).
- 5.287 At the same time, Mr Billington accepted that there is very little available to show what numbers or percentages of bats will actually use the new routes proposed in the scheme, that there is very little information on the effectiveness of tunnels and bridges, that the gantry design is "unproven" and "terrible from a data point of view". (XX) He further accepted that there is, to date, no post-construction monitoring plan available for examination and assessment.
- 5.288 As regards the assessment of alternatives, he accepts that the information on bats is "incomparably more detailed" for the preferred route than the FWR, where the desk studies are variable in quality and mostly incomplete (XX).
- 5.289 In contrast to Mr Billington's evidence, Professor Altringham and Michael Woods highlighted the highly experimental nature of the proposed mitigation and cast serious doubt over the likelihood of its success in practice. For Professor Altringham the evidence relied on by Mr Billington showed that only small numbers of bat populations use the mitigation methods proposed; further research is needed into the effectiveness of underpasses and green bridges, and bat gantries appeared to be ineffective. (XiC) Responding to a suggestion that perhaps the scheme offered an opportunity for good quality monitoring of mitigation measures, he questioned whether the importance of the assemblage made this appropriate.
- 5.290 This was echoed by Mr Woods, who saw no case for experimentation here; only proven methods of mitigation. There is no scientific evidence that dormice use

aerial ropeways, no evidence that dormice use underpasses. Only green bridges of the type proposed at Chalford have been shown to be effective, but that this was likely to be of least use as it was the furthest removed from the affected population. (OBJ/WHA/P/2) He reiterated that unproven experimental mitigation should not be used where a population is as at risk as that here; failure would fragment an already at risk population with a very real risk of extinction. (XX)

- 5.291 Consequently, he disagreed strongly that the impact on dormice following mitigation would be "slight adverse"; as the magnitude of the potential impact was "major negative" on a species of high conservation value, "very large adverse" was a more appropriate assessment. Accordingly, he stated explicitly that the only possible conclusion is that the scheme will have an adverse effect on the conservation status of the local dormouse population (OBJ/WHA/R/2), and is therefore incapable of satisfying the third test for derogation.
- 5.292 In addition, Mr Woods' evidence was that inadequate surveys make it impossible to tell whether the population is currently at FCS (XiC), although Dr Jones accepted that it was not. (XX). He also appeared somewhat less convinced regarding the dormouse mitigation than Mr Billington was in respect of that for bats. While describing the measures in similar "cutting edge" terms, Dr Jones saw a "likelihood" that the dormouse mitigation would work, but placed this no higher than a balance of probabilities (XX).
- 5.293 As regards alternative solutions, Dr Jones stated that it was hard to think of a specific effect that a non-road build alternative would have on protected species; and there is no evidence that an FWR would adversely affect a population of dormice. Such surveys as have been undertaken gave no indication of a dormouse population.
- 5.294 In summary, it is accepted by WCC that derogations in the form of licences would be required in respect of bats, dormice and great crested newts. The evidence leaves no doubt that the criteria for the grant of derogations have not been met, and cannot be met. Also, Professor Altringham established that the likely adverse impacts trigger require an Appropriate Assessment. In the absence of such assessment, any grant of planning permission would be in breach of the Conservation Regulations 1994, and in breach of the UK's obligations which arise pursuant to the Habitats Directive.

*(e) Regarding PPG13*

- 5.295 WCC submit that the scheme accords with objectives of PPG 13 (WCC/P/6) by claiming that it would move one step closer to a sustainable pattern of development in West Wiltshire, to a low carbon economy, to the notion of the "self containment" of West Wiltshire towns and consequently "reducing the need to travel", and to the notion of "achieving journey reliability". WHA refuted any and all such assertions, by reference to increases in car-based commuting and car-based out-of-town/fringe-of-town development likely to ensue, such as occurred around Chippenham as an example. Work by Oxford Brookes University shows that car-based commuting increased with the building of faster roads connecting development to the primary route network (WHA/100).
- 5.296 Evidence has shown that the bypass would be very unlikely to offer more sustainable choices of transport modes, echoing Natural England's response to the Options and Issues report for the West Wiltshire Development Framework

(OBJ/WHA/R/15 1<sup>st</sup> Appendix) setting out reservations regarding the sustainability of a transport strategy based around the A350 and seeking evidence to support the strategy.

- 5.297 A bypass should not be a precondition to free up roads for buses to run faster through Westbury, as congestion already is extremely limited. Mr Edwards showed that buses are not held up even at peak periods sufficiently to deviate from the usual time-table, unlike in Trowbridge (OBJ/WHA/P/9). Mrs Raggett explained that cycling in Westbury is good and traffic easily avoided, and walking facilities are generally good apart from along Warminster Road, where traffic management and wider footways are long overdue.
- 5.298 On journey reliability related to congestion, is congestion indeed a problem in Westbury? Even at peak times WCC's figures show very short delays, and that traffic generally moved freely on the A350 through the town. The main A350 pinch point is not Westbury but Yarnbrook, and shown as such on Eddington's congestion maps.
- 5.299 Westbury Railway Station is a regional interchange. Very surprisingly, the scheme appears not to address this at all in the context of providing access from the wider area, and has not taken any opportunity to include a bus-train interchange. An alternative package, incorporating a link road from the west for example, would enable HGV access to the WWTE avoiding the town centre, as well as vastly improve access to the station (OBJ/WHA/P/9).
- 5.300 In the view of the Government: "The right action to address the congestion problem depends on what is causing it. If all modes are congested over a sustained peak period, the solution may well need to involve increased capacity. If the congestion is more localised or concentrated in a short peak period, or if some modes are congested whilst others have spare capacity, the solution is more likely to involve looking at relative prices and service patterns" (CD13.1 para 2.14). Consider this in relation to the proposals at Westbury.
- 5.301 WCC seek to reduce congestion (or "improve journey time reliability") in the town centre, and on limited stretches of the A350 to the north and south of the town centre. The congestion problem is clearly limited and localised. Any very limited congestion here is confined to the two peak periods when traffic flows and delays are at their highest. The congestion is not associated with a sustained peak period. Neither peak traffic nor annual average daily traffic on this section have changed significantly since 1996. (WHA 109) Any problem would appear to be stable and well-defined. Mr Helps accepted that all transport modes are not congested for peak hour journeys between Westbury and Trowbridge, far from it (XX).
- 5.302 Since all the Government criteria are met, WCC should not be looking to increase road capacity as a solution to any perceived problem of congestion. An integrated package of soft measures would be far more appropriate. There is very little evidence that WCC have implemented soft measures to improve traffic flows through the town, to limit the impact of HGVs, and encourage modal shifts, with the sole exception of real time bus information (Helps XX).
- 5.303 WCC claim that the scheme would bring significant congestion relief in the town centre, which would allow improvements to make walking and cycling more attractive. Modal shift from the private car would thus be enabled, meeting objectives in PPG13 and the Secretary of State's recent statement (CD13.1). In light of that statement on using spare capacity before increasing it and the

scheme's damage to the national interest, it is clear that any modal shift benefits claimed should be subject to the closest scrutiny, revealing that the claims are not based on any significant quantitative investigation or analysis.

- 5.304 WCC provided no evidence on modal shifts that might flow from the scheme. Mr Turner's evidence was that modal shifts did not occur following construction of the nearby Warminster bypass, and that residual AADT flows in the town centre remain relatively high (XX). As Prof Whitelegg commented, it is surprising, given the number of bypasses constructed by WCC that no analysis of the impacts on modal shift or the local economy has been undertaken or provided to this inquiry.
- 5.305 It is equally surprising that they failed to provide any worked-up non-road building alternative, or, for that matter, any low cost alternative to major road construction. WHA witnesses, especially Mr James and Prof Whitelegg put forward various elements of alternatives packages which could have been investigated, with the aims of managing traffic, diverting HGVs away from the town centre, lessening the impact of HGVs on the town centre, improving access to employment areas for those without cars, improving public transport and the Westbury station interchange, and so on. It is clear that the council have never thought beyond the simple solution of "bypass".
- 5.306 In conclusion, there is no evidence submitted by WCC on the critical issue of the potential of the scheme to bring about modal shift. As such there can be no confidence that the scheme would achieve its stated aims in respect of providing traffic relief, easing the transport of goods or facilitating economic regeneration. There is, on the contrary, every likelihood that it would do nothing to encourage sustainable development, but simply serve to perpetuate an unsustainable reliance upon the private car and thereby undermine Government policy objectives.
- 5.307 Furthermore, as the Secretary of State also noted in her statement (CD13.1) "...it is important not to overstate transport's ability to stimulate economic growth in underperforming areas, when in many cases addressing skills shortages may have a much more decisive role to play." Witnesses in support of the scheme consistently overstated its ability to stimulate local economic growth and consistently failed to produce hard evidence to support their assertions. There is no evidence of the West Wiltshire towns significantly underperforming economically. No WCC witness provided evidence of the scheme's impact on local GDP, job creation or mechanisms by which it would "facilitate economic regeneration". It was accepted by Mr Helps (XX) that West Wiltshire does not fall within an area of economic deprivation, and Mr Bullock was unable to identify the nearest Government defined Regeneration Area to Westbury. The MSBC acknowledges this in plain terms: "A full Economic Impact Report has not been undertaken for the scheme as it is not anticipated that it would have any impact on a regeneration area." (page 132 para 7.5)
- 5.308 Apart from the fact that this proposal to increase road capacity conflicts with national and regional policies, there is a great deal of evidence that the scheme would not meet its own limited objectives for traffic relief in the town centre; WCC failed to show what element of any such relief is attributable to the scheme itself or the proposed HGV ban. As the inquiry saw, the ban on Station Road has, apparently, always been an "integral" and "essential" (Helps XX) part of the scheme. WCC accept that no alternative to their route has been modelled with the same ban in place.



- 5.309 Mr Helps was clearly under the impression that the ban would be solely on the grounds of making the eastern route "work". The ban is "required" for the scheme (Helps XX). If the ban were not in place HGVs would continue to travel through Westbury as the shortest local route (Helps XX). Given this admission, it is very surprising that Mr Bullock's written response to WHA (WCC/136A) suggests that even with the weight limit HGVs could still get to the trading estate by using the very narrow (WHA say completely unsuitable) Frogmore Road rather than use the bypass. This tiny road runs under two low railway bridges on its way to the WWTE from Westbury, and is currently used by walkers and cyclists.
- 5.310 The planning application stated that a ban would be put in place following completion of the EBP. Mr Helps was under the impression that this could be ensured by way of a condition attached to any planning permission (Helps XX). On Day 11 he was recalled to provide corrected evidence on HGV flows, WCC having underestimated by a factor of 2 in the model. At this stage there was no new evidence on the purported need for the Station Road ban, and some discussion took place as to the likely limit that could be imposed. Mr Helps' view at that time was that it was likely to be 7.5 tonnes; that as heavier vehicles cause most nuisance this would deliver most benefit, although a lower limit could be applied (Helps Insp Q). He further stated that it was not possible for the model to disaggregate HGVs between 3.5 and 7.5 tonnes, nor possible to state what proportion of HGVs affected by the ban were between those weights.
- 5.311 Notwithstanding, the Inspectors requested traffic figures for the Do minimum, scheme and FWR scenarios without a ban and with a 3 tonne ban on Station Road and 7.5 tonne ban on The Ham. The information provided as late as 22 August 2008 was incorrect<sup>29</sup> in that it replicated the HGV error and the data provided was wholly unintelligible.
- 5.312 The Secretary of State's statement (CD 13.1) represents the Government's most recent views and policy intentions and provides an indication of the direction of Government policy. It should be afforded substantial weight. Furthermore, policies already adopted at a national, regional and local level should be interpreted and applied in the light of the objectives of the statement and in a manner consistent with it.
- 5.313 As a means of reducing carbon emissions and other air pollutants, the Secretary of State expects local authorities to assess and develop packages combining road-pricing proposals with public transport improvements (para 2.33). This scheme would give rise to a net increase in carbon emissions of 385 tonnes (at the latest count) in the opening year alone (WCC/P/7 para 6.4). It can be concluded that the scheme does nothing to contribute to WCC's responsibility to reduce emissions, nothing to assist national targets and, given international recognition of the need to address climate change, is wholly irresponsible. It should not be acceptable for a Highway Authority to promote a scheme at an estimated cost of up to £38 million, resulting in an increase in carbon emissions, however small. Such expenditure should result in a substantial decrease.

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<sup>29</sup> It was subsequently withdrawn by WCC

*(f) Regarding conditions*

- 5.314 No conditions, mitigation or compensation could render this scheme acceptable, although WHA did offer observations on the conditions proposed by WCC.
- 5.315 The judgement in *Hereford Waste Watchers v Hereford Council* (2005) EWHC 191 (WHA/130A) addresses the relationship between environmental impact assessment and unproven and untested mitigation measures. Paragraph 34 summarises the legal principles concerning ESs, mitigation and significant likely effects, and at 34(1) states that the decision as to whether a proposed development has significant effects is a matter of judgement for the LPA, as is the decision as to whether it has enough environmental information to make such a judgement.
- 5.316 Paragraph 34 (3): "...the planning authority can have regard to the mitigating measures provided that they are sufficiently specific, they are available and there is no real doubt about their effectiveness. However, the more sophisticated the mitigating measures and the more controversy there is about their efficacy, the more difficult it will be for the authority to reach a decision that the effects are not likely to be significant." Where there is uncertainty about the effects, so that it is not sure whether there will be significant effects or not, further information should be sought and, most importantly, "It (the LPA) cannot seek to regulate any future potential difficulties merely by the imposition of conditions" (para 34 (4)).
- 5.317 This judgement is relevant to the mitigation measures proposed here in respect of bats and dormice, and to the conclusion that an Appropriate Assessment of the Bath and Bradford on Avon Bats SAC is not required, as is the view of NE and the Council. There can be no doubt that the measures are "sophisticated"; there can be no doubt that there is controversy about their specificity, availability and, above all, their effectiveness. The measures have been variously described as "cutting edge", "unproven" and "untested".
- 5.318 There is still no post-construction monitoring plan drafted, let alone agreed, and proposed conditions in respect of the Wildlife Management Plan and Bat Management Plan clearly fall foul of the judgement. There can be no certainty as to the likely effects of the proposal; in the context of European protected species and habitats, such uncertainty can only reasonably lead to a refusal of this application.

*(g) Regarding any other matters that the Inspector considers relevant**Noise*

- 5.319 WHA showed that, as with most areas of assessment, purported benefits have been exaggerated and disbenefits played down. The tranquillity of the SLA through which the route runs would be lost and the amenity of local residents and visitors adversely affected.

*Groundwater and Flood Risk*

- 5.320 Mr Sargent showed that the measures over the groundwater protection zone would inadequately protect the Wellhead source of public drinking water, a valuable natural resource. He further showed that the scheme is non-compliant with PPS25, Development and Flood Risk, the flood risk assessment undertaken by WCC is inadequate and the scheme would increase flood risk.

*Air Quality*

- 5.321 As with claims on beneficial noise reductions, those concerning improved air quality have been undermined by corrections to the numbers of HGVs in the town and surrounding areas. WCC have been unable to persuade the Woodland Trust that the impact of increased air pollution on the Trust's ancient Clanger and Picket Wood would be susceptible to mitigation of any kind. (Letter from Alice Farr to Dr Jones in WCC/129A).

*Alternatives to the Proposed Scheme*

- 5.322 WCC accept that consideration of alternatives arises from two sources: the requirement in the EIA Regulations 1999, Schedule 4 Part II para 4, where an ES must contain at least "an outline of the main alternatives considered by the applicant and an indication of the main reasons for his choice, taking in to account the environmental effects"; and requirement arising from the Conservation Regulations 1994, discussed in detail above (Boyle XX).
- 5.323 This inquiry heard a great deal of evidence on alternatives to the scheme, or the lack thereof. WCC claim that non-road build alternatives have been considered by them, from as early as the Halcrow Report in 1990, that the BB2SC study also looked at non-road build options and that the 1998 Planning Conference at least implicitly considered, and rejected, non-road build alternatives (Boyle XX).
- 5.324 However, they made no serious effort to provide either this inquiry or the Westbury public with a worked up non-road build alternative. The scheme modelling provided a Do minimum (DM) comparator, which in reality is a wholly unrealistic do nothing alternative. No "do something" alternative as referred to by Prof Whitelegg has been developed. His replies to WCC and Inspectors' questions were unequivocal: a "do nothing" scenario is "not a serious option"; a DM scenario had not been explained by WCC, was lacking in transparency whereas it should allow for inspection, was an artificial comparison, and should not be based on an assumption that present trends would simply continue.
- 5.325 As it has been generally agreed that new road building should be a last resort, it is reasonable that WCC provide a realistic Do Something alternative based on the "huge amount of good practice on town centre measures" (Whitelegg XX) that are now available. Having done so, the onus is on them to prove that such measures cannot solve the problem as identified. The only town centre measure introduced is real time bus information. No traffic calming, speed reductions or restrictions below the 30 mph limit; no workplace and school travel plans fully implemented; no serious attempt to effect modal shift; no real segregation of pedestrians and cyclists from traffic; no real attempt to implement a sustainable transport strategy as set out in LTPs 1 and 2.
- 5.326 WCC's position is remarkably inflexible: that none of these could be implemented without a bypass. Speed reduction, traffic calming, any measures which prioritise the interests of the non-car driving public would, they claim, inexorably lead to increased congestion and therefore increased carbon emissions and noise (Boyle XX), although they produce no supporting evidence. This inflexibility led to a failure to consider and assess a Do Something scenario, and as such the application fails EIA and Conservation Regulations.
- 5.327 Consistent with a propensity to solve perceived traffic related problems by new road construction WCC have, over the past 20 years, given comparatively

detailed consideration to alternative routes for a possible bypass. Various western options, worked up to differing degrees of detail, have by and large been supported by a majority of those consulted.

- 5.328 A range of routes was considered at the 1998 Planning Conference with a clear majority favouring a Far Western option (WCC/A/1 App B). At that time both the scheme and FWR showed, in cost benefit terms "good benefits" of £10.5m and £9.9m respectively, but a decision was taken by WCC in September 1998 to prefer an eastern route, on the basis of the better COBA result and greater traffic relief along Haynes Road (WCC/A/1 App B – Report 2 Sept 1998). As the Report stated, further consultation should be undertaken but on the basis that it was made clear that the eastern option was the "only viable route for a Westbury bypass, and the choice is between an Eastern Route or no bypass at all."
- 5.329 Since then COBA assessments underwent a series of remarkable transformations. By January 2001 the NPV benefits for the scheme had risen to £18m whilst the FWR had fallen to £8.9m, with no explanation. (Ringway Parkman Interim Report – Jan 2001). By September 2006 the estimated cost of the scheme had risen to £31m (excluding the West Ashton/Yarnbrook section of the original scheme but including a £1.3m budget for Town Centre Improvements), with a BCR of 5.4 (WCC/A/1 App B). By the time of the submission of the planning application in January 2007 NPV for the scheme had risen to £138m and the FWR to £109m, with respective Benefit/Cost ratios (BCRs) of 6.039 and 3.525 (ES Part A App F).
- 5.330 In June 2008 the MSBC reported a dramatic reduction in NPV to £114m and a BCR of 4.475 for the scheme, whilst the FWR NPV remained unchanged at £109m. Within the space of a month these figures had been further revised (MSBC Revision 1 – July 2008), the scheme showing a further downward fall to £110m with a BCR of 4.362, whereas the FWR NPV fell, inexplicably, to £80m, with a reduction in BCR to 2.795. The fall appears to be attributable to a major downward revision of the scheme benefits of the FWR from £153m to £125m, but the text discloses no reason for this remarkable adjustment. What confidence may be placed in these figures?
- 5.331 Mr James and others pointed out the lack of a like-for-like comparison of costs and benefits between eastern and FWR options. He questioned the Highways Agency "requirement", which adds £7m to the FWR for works on the A36 to accommodate resulting extra traffic, yet WCC apparently failed to assess any resulting benefits.
- 5.332 No similar cost was produced by WCC for completing the original, pre-2003, eastern bypass by building an extension to relieve Yarnbrook, West Ashton and villages on the route between Yarnbrook and Rode on the A36. WCC's own data for HGV movements (Table 5.6 in ES – "Heavy Goods Vehicle Flows outside of Westbury ... 2009 Opening Year") showed that these communities would experience large increases in HGV flows as a direct result of the present truncated proposal.
- 5.333 What is clear is that the FWR performs perfectly adequately in terms of traffic relief of Westbury – with or without a weight limit on Station Road - and has the added advantage of serving an east-west traffic function, with nothing like the proven adverse environmental impacts of the scheme.

*Deliverability*

- 5.334 In September 1998 WCC resolved to make a CPO in respect of the Westbury Bypass. (WCC/A/1 App B) In December 2005 the County Council Cabinet authorised the making of a CPO and an SRO for alterations to rights of way and private means of access in connection with the scheme. These latter Orders were amended in August 2007 and are now before this inquiry in a further amended form. (Khansari ReX)
- 5.335 A Westbury Bypass scheme was first submitted to DfT in July 2001 but a decision was deferred pending the BB2SC Study. (WCC/A/1 App B) In the view of WCC, by June/July 2003 the scheme had been developed in sufficient detail to enable a planning application to be made and draft Orders drawn up. They considered that the Westbury Bypass should be the first priority major scheme bid in the 2003 LTP Annual Progress Report. The Council did acknowledge that even if the bid was successful the scheme may not proceed.
- 5.336 Despite being the "first priority", and subsequently endorsed by the SW Regional Assembly, the Secretary of State took a differing view, stating in December 2004 that the proposal "...does not present a sufficiently high priority for approval at this stage" (WCC/A/1 App C). Mr Khansari accepted (XX) that this scheme has not achieved programme entry, and that there were many risks attached to it. Successive failures of earlier versions to be progressed despite WCC's apparent best efforts, highlights not only that the Secretary of State needs to be satisfied that funding is likely to be available within a reasonable timescale, but also that this particular scheme should be approached and assessed with particular caution (ODPM Circular 06/2004 paras 19-21).
- 5.337 WCC acknowledge that the scheme remains to achieve Programme Entry. This requires them to submit an MSBC to DfT. This will establish whether the scheme is value for money, whether it is a high priority within the RFA and whether it is deliverable to time and budget CD10.1). It is not a high priority in the extant RFA. As the Council acknowledge, it is not in Table 1 of the Programme, where the region has concluded that there is a strong case for inclusion in the RFA. It is listed in Table 2A as a scheme that potentially could be added to Table 1. Table 2A schemes are described as requiring further work and/or further analysis in relation to profiling of the programme (WCC/A/1 Appendices C & D). At this stage, the Secretary of State cannot be sure that funding is likely to be available within a reasonable time-scale; the requirements of Circular 06/2004 are not met.
- 5.338 Additionally, the present scheme could not deliver all the objectives of the original eastern bypass until the northern extension relieving Yarnbrook/West Ashton (removed to reduce cost in the 2003 funding bid) is designed, funded and constructed. As well as funding obstacles, there are serious environmental constraints, as shown by concerns of the Woodland Trust over the pollution threat to its ancient woodland and WCC's own evidence (WCC/P/11) on the presence of an important maternity roost of Bechstein bats – an Annex 2 species - in this same woodland.

*Conclusions*

- 5.339 The scheme flies in the face of Government policy, would fail to meet its own limited objectives and, more importantly, would fail to meet the requirements of national and European law. The damage that the scheme would cause more

than outweighs modest benefits that may arise; planning permission should be refused. The proposals conflict with national, regional and local policies and objectives designed to promote sustainable development. Irreversible damage would result in areas protected for the national interest and for public benefit. The public interest, locally, regionally and nationally would not be served by the confirmation of the Orders.

- 5.340 The scheme would do nothing to reduce congestion and delays. Traffic through the SLA and on the network generally would be increased. Journey time reliability would not be significantly improved, if at all. Sustainable means of transport would not be encouraged, significant modal shifts would not be achieved. Alternatives to new road building have not been sufficiently investigated, nor, as importantly, implemented.
- 5.341 The scheme cost could be put to a package of integrated transport measures for West Wiltshire of the kind set out by Prof Whitelegg. But this scheme is in no sense an integrated transport package. Inside the rapidly unravelling green wrapping of the West Wiltshire "Sustainable Transport Strategy" what do we find? Not a great deal apart from a road, some costly measures to reduce - not eliminate - demonstrable damage it would do to a protected landscape and protected wildlife and the risk it would pose to protected water resources.
- 5.342 This is a scheme from the past, from the era of "Roads for Growth" when it was thought possible to build almost limitless capacity so that an ever-expanding fleet of cars and trucks could complete an ever-increasing number of journeys without delay or inconvenience. That dream never arrived. Instead we find ourselves in the sooty twilight of the carbon age, confronting the crises of accelerating climate change and diminishing resources of oil, land, food, and water, the extinction of species and, finally, the drying up of credit. A world in which a Westbury bypass offers nothing except to exacerbate its problems.
- 5.343 If planning permission is refused, confirmation of the Orders does not arise. However, were planning permission granted, the test for confirmation of the Orders is significantly higher; a test that cannot be met in this case. The evidence has shown serious doubts over deliverability and implementation, but there can be no doubt as to where the balance of public benefit and interest lies. Conflict with Government objectives of sustainable development is conflict with the public interest. Irreversible damage to the environment is irreversible damage to the public interest. There is a compelling case in the public interest. That compelling case can only lead to the refusal of these Orders.
- 5.344 Government has now accepted the logic that we cannot simply "build our way out" of congestion. It is now time for WCC to recognise the force of that logic. Accordingly, this application should be refused and these Orders should not be confirmed.

## CASES FOR INDIVIDUAL OBJECTORS

### **Roy Inwood (OBJ/INWO/P/1)**

- 6.1 He has 40 years in the construction industry, dealing with design and construction. On moving to the Westbury locality about two and half years ago, he was dismayed to find that WCC wanted to build a by-pass across the most beautiful part of the area, which he and his partner find totally outrageous. Not only being a beautiful landscape, it is used for recreation and has plenty of wildlife, including protected species, which might get harmed no matter what provision is made.
- 6.2 Yarnbrook is in great need of a by-pass, seeing the traffic and queues during various parts of the day. Also the villages of North Bradley and Southwick appear to be on a rat run for commercial vehicles, with one passing every 30-60 seconds. How can an eastern by-pass help there? Commercial transport is not going to take a long route around Westbury when there is still a short cut to the A36. Even WCC admit that Yarnbrook traffic would increase by 40%. What are they thinking about?
- 6.3 An eastern route is more undulating, increasing earthworks costs for cuttings and embankments (such as at Bratton Road) and covering the water source. A Western route is flatter, requiring lesser earthworks, could pick up the industrial estate better, and the main line station, which might include a freight terminal. It would also relieve the poor villages.
- 6.4 The WCC cost estimate for a FWR is unrealistic. A more realistic comparison with the eastern scheme can be derived by applying WCC cost estimates for the eastern route applied pro rata for a western, as set out in OBJ/INWO/P/1. In brief, some cost comparisons depend on the relative route lengths (eg carriageway construction) and others on the respective number of structures and roundabout junctions, with due allowance made for the flatter terrain to the west requiring lesser earthworks.
- 6.5 Even including a bypass for Yarnbrook/West Ashton, the western option is cheaper and as WCC say that they would promote a Yarnbrook/West Ashton bypass in addition to the current eastern proposals (at least another £10m) the comparison becomes even more favourable in all aspects for a western route.

### **Lynne Fish (OBJ/FISH/P/1; OBJ/FISH/R/; FISH/100&101)**

- 6.6 A Wiltshire resident with an extended family living in Dorset, she has long experience in a nursing capacity for the NHS and also, more recently, for a charity specialising in addiction treatments, frequently using the A350 in connection with her work visits. She is an experienced active member of transport related voluntary groups.
- 6.7 In 1987 Wiltshire, Gloucestershire and Dorset County Councils agreed to promote improvements of the A350/A36/A46 between Poole and the M4. WCC and DCC still have plans for significant lengths of new highway on this corridor although not for a complete new road. WCC have dropped plans for Yarnbrook/West Ashton and DCC dropped plans for Melbury Abbas bypass in 1999. This piecemeal approach can only exacerbate the decline in environmental conditions in towns and villages on the A350 in North Dorset as well as Wiltshire.

- 6.8 Considerably more detail is set out in OBJ/FISH/P/1, but in essence Mrs Fish argues that DCC members retain ambitions to upgrade lengths of the A350 (and a parallel C13 route) notwithstanding more cautious advice from consultants, GOSW and the BB2SC study; evidence that past improvements have induced more extra traffic than forecast; severe environmental constraints; and consistent opposition from residents and stakeholder groups.
- 6.9 WCC's Non Technical Statement on the eastern bypass, although promoted as a local scheme, says that the A350 provides a major road from the M4 to the south coast. The scheme would further increase traffic on the A350 where, south of Warminster, there are no plans for improvements on long sections of the corridor. WCC assess that vehicles will increase by 438 (12 hrs, 0700 – 1900 hrs) on the A350 south of Westbury in the year of opening. As recognised by the SACTRA Report (1992) increased road capacity leads to increased traffic. The BB2SC study says that dualling the A350 north of Warminster would attract increased traffic from local roads. This reflects other studies showing that 70% of all traffic is local. Dorset residents have been saying for years that each time a piece of road is improved, to speed journeys to the coast, in practice traffic increases, queues relocate and in time journey times remain unchanged.
- 6.10 When calling in the present application, the Secretary of State confirmed that she "will, in general only take this step if planning issues of more than local importance are involved." If Westbury gets a bypass it will be a green light for DCC to waste time, energy and funds on further pursuit of bypasses in Dorset while continuing to cut public transport expenditure.
- 6.11 It is sensible to provide optional routes for long distance traffic; works or an accident on one route leaves an alternative, albeit not necessarily to the same standard. Birmingham to Poole is 181 miles via M40/A34/M3/M27 and takes 3 hours 29 minutes by car. Via M5/M4/A350 the journey is 14 miles shorter but takes 6 minutes longer. Fuel price escalation will make the topography and alignment of the A350/C13 increasingly relatively less favourable, especially for HGVs. These fundamentals cannot be overcome by a new road.
- 6.12 It has become evident during this inquiry that the scheme is being promoted on only partial evidence, with side effects ignored. Induced traffic will impact not only to the south, in Dorset, but West Ashton and Yarnbrook too will suffer. Harm to the rural economy is being understated: it is claimed that no farm will be jeopardised; that soil structures can be recreated; that the Wessex Ridgeway is of little local economic significance. Noise levels at the White Horse resulting from the bypass are being likened to that in a library and even claimed to be less intrusive if the road cannot be seen.
- 6.13 Government rightly promotes measures to encourage walking and cycling; why do these have to depend on first building the bypass? Have residents been persuaded by repetition that this is so? The local press and County Councillors have said as much. The reasons given for Westbury Town Councillors being disenfranchised are quite extraordinary. Around her own home, at Donhead St Mary, there are businesses benefiting from the Wessex Ridgeway: most directly the pub, two B&Bs, farm shop and post office/stores; these in turn purchase from, for example, the butcher, dairy, newsagent, accountant, painter & decorator etc. The Wessex Ridgeway is a long distance path, and research would doubtless confirm similar economies near Westbury.



- 6.14 WCC have conceded that congestion is not a high priority in the scheme, although it would be reduced. Their witness agreed that road capacity would be increased and that improved journey time is an objective for the scheme.
- 6.15 WCC claim that 59 households would benefit from reduced traffic and improved air quality in Westbury, but traffic calming measures, causing stopping and starting, would increase emissions and noise. West Ashton and Yarnbrook would suffer worse air quality. Traffic on Christies Lane (A350) in Shaftsbury is already stationary during peak periods, which would last longer if the traffic predictions materialise; over 100 households face or back onto this road, together with a hotel, B&B, a church with nursery school, fire station and 4 commercial properties. The elevation above sea level means that mists and fog can exacerbate poor air quality.
- 6.16 Daytime 1 hour traffic flows as a basis for assessing noise ignores the fact that most people sleep at night and ambient noise is higher during the day. Noise is much more intrusive during the dead of night, as she finds at her own home, even from exposed roads up to 4 km away. In practice the eastern bypass would be noisy at the White Horse. Modern, wide roads, with wide verges, are noisier than older, more contained highways. Examples of noisy modern bypasses are those at East Knoyle and Blandford Forum.
- 6.17 WCC claim that as some traffic models are based on 5% survey data, theirs is satisfactory based on 18.6% and 12% samples. But there is real doubt about the validity; much has been added to or corrected during the inquiry. The modelling looks like a fairy story. In her nursing profession, calculations out by 100% would lead to deaths and serious repercussions for the professionals. Most people equate "HGVs" with "lorries" (rigid or articulated) but, unlike WCC, not with ambulances, delivery vans or camper vans with twin wheels. WCC claim that HGV drivers use the shortest legal route, quoting fuel consumption of 10 miles per gallon. But DfT quote lower figures (8.3 for rigid; 7.9 for articulated) and based on direct family experience in haulage, drivers will use longer routes if either smoother (better fuel efficiency) or more reliable.
- 6.18 WCC claim that it is not for them to demonstrate a regeneration case for the bypass but for objectors to disprove it. That cannot be right given that they have the resources whereas objectors are volunteers. WCC concede that "geological investigation is always a bit rough" and "our (WCC) approach simplistic". Supporting the scheme, the WWEP witness stated that to his certain knowledge building was planned between the proposed bypass and east of the town. He also said that traffic increases following completion of its bypass was acceptable because it is all now local and people were happy with local traffic.

**David L Davis (OBJ/DAVIS/P/1)**

- 6.19 While sympathising with those who live on the existing A350, the answer is not an eastern bypass. That side of Westbury is rural and includes farms, woods, an equestrian centre and of course the famous White Horse and Bratton Fort. The area is used by local people and visitors for leisure activities such as hang gliding, para-sailing, kite flying, cycling, walking, horse riding, picnics or just to enjoy some of the finest rural views in southern England. The Wiltshire Tourist Board feature the locality in brochures, and there is no reason why Bratton Fort and the White Horse could not be developed by English Heritage into one of the country's major tourist attractions, bringing much needed visitors to Westbury.

6.20 If the road were built, there is a real risk of this rural area becoming urbanised; farmland will be sold for development all along the route. WCC deny this, but there is an example just along the A350 where the new Semington Bypass now has building alongside. Everyone has seen the results of good and bad planning; if a wrong decision is made there is no going back. An eastern route may save money but at what cost? The western side of Westbury is urban and contains the railway, milk processing plant and trading estates served by HGVs. Why build a bypass to the east? Common sense should prevail.

**John Bowley** (OBJ/BOW/P/1; OBJ/BOW/R/1-4 & SUP)

6.21 Mr Bowley is a retired design engineer. He now lives at Warminster but has lived in three of the West Wiltshire towns; he takes an interest in the wider locality and has a long association with it.

6.22 The Environment Agency (EA) had substantial objections to the 2005 application but withdrew their fundamental objections in 2007 on the basis of reassurances (pressure?) by WCC and those acting for them. The route passes through the Inner Groundwater Protection Zone (GPZ), within 50m of the public water supply abstraction borehole. The water network is interlinked so the risk is to all in the area. It is implausible that a protective membrane would remain impermeable for the life of the road, and its specification is being left to the contractor.

6.23 There is the further risk of a bulk tanker coming off the embankment in the Wellhead Valley, causing catastrophic contamination. Side walls would be 1m high, less than the 1.5m typical height to the underside of a tanker, which could leave the road in an accident. In contrast the rail bridge parapets would be higher. The 1m walls would extend across and some 30 m beyond the GPZ, leaving little to prevent heavy vehicles leaving the road just a little uphill. There is no impervious edge to the Zone – the geology is permeable – so toxic spillage just outside would reach the Zone. The risk of disaster to water supplies would remain for very many years. Up to 2008 WCC had not evaluated the risk over the operational life of the road (only during construction). Attention is drawn to correspondence with the EA. It appears that WCC never produced an operational risk assessment once EA dropped their objection. The EA's reasons for withdrawing their objection remain unclear and WCC have been unhelpful with information.

6.24 The 2007 application differed from that in 2005 significantly by the introduction of bat gantries. But their visual impact has been omitted or obscured, whereas other aspects such as the low level lighting have been publicised. The scheme needs 7 gantries and 14 sets of screens. The gantries need to clear the carriageway by 5.7m, on top of embankments of up to 6m height. The gantries would generally be 18m spans between uprights, but some would be up to 23m or 29m with end overhangs. Spanning the whole would be two sides of mesh, splayed out above the beam to a gross depth of about 1m and an overall height of about 6.7m above the road. Gantries on embankments would be at Wellhead, Beres Mere, Bratton Road with three straddling the Bitham Brook, all in sight of walks, and another at The Ham end of Shallow Wagon Lane. The associated screens would be 2m close-boarded fencing topped with 2m mesh, along the road on top of embankments.

6.25 The Glenmore Link element of the bypass scheme would include, at grade, an uncontrolled footpath/bridleway crossing at Shallow Wagon Lane (HEYW24),

and footpath crossing at HEYW12. The main bypass would have an uncontrolled at grade footpath crossing at HEW15, reached by steps. Several more uncontrolled crossings are proposed at field gates. These low safety features are an economy because routing the bypass through sensitive areas has proved expensive.

- 6.26 Until 2003 the scheme took in Yarnbrook and West Ashton, where the worst congestion locally on the A350 occurs. Paradoxically, to make the scheme seem less costly that northern end was omitted. On its own an eastern bypass would be worse than useless as it would provide relief for Westbury only at the expense of heavier flows elsewhere. WCC forecast an 8% general traffic increase at Yarnbrook with a 42% increase in HGVs.
- 6.27 Car peak hour journey time surveys along the A350 show that the 3 mile, mainly 30 mph limit, through the town from Madbrook to Heywood consistently takes 7 to 8 minutes (10 at most). The next 3 miles or so, mainly 50 mph limit, from Heywood through Yarnbrook and West Ashton to Stoney Gutter can take anywhere between 5 and 25 minutes. Tail backs frequently cause 20 minute delays. Journey time reliability would not improve with the eastern bypass. Its 2 minutes average time saving would be subsumed by continuing delays to the north, which would worsen with increased flows. There are local "rat runs" to avoid Yarnbrook and West Ashton. Although longer than the A350 they can already be quicker in peak periods and would become more so with the eastern bypass, increasing their use and worsening the impact for residents.
- 6.28 The Glenmore Link might contribute to new rat runs, and used to lead onto minor roads rather than the A350 through Yarnbrook. The apparent overwhelming concern for avoiding rat running through Berkley (the reason for loading WCC's cost estimate for an FWR) can be contrasted with omission of Yarnbrook/West Ashton from the scheme. So these two villages get even more HGVs while others, such as Bratton and the Ashtons etc, suffer from increased rat running because of the unresolved congestion at Yarnbrook.
- 6.29 Another really unsuitable route for HGVs is the Bratton Road through Westbury, which despite being the B3098 is particularly narrow in places. It would not be relieved, because despite being crossed by the eastern bypass, there would be no junction. Traffic on the B3098, from villages and towns to the east, and some using it to avoid the worsened Yarnbrook to West Ashton congestion, would continue to go through Westbury using this narrow road. Failure to include a junction obviously stems from the consequent impact on the White Horse.
- 6.30 The eastern route is deficient in so many ways because it is in the wrong location; trying to get round landscape impacts has compromised functional effectiveness. As many local people would be worse off as would benefit. WCC's FWR would be about 8.0 km based on an A36 connection at Standerwick but about 0.5 km has already been constructed as Phillips Way (the Hawkeridge link road). The total length of new construction required for the eastern scheme is about 7.5 km; that is to say, the overall lengths of construction are about the same, with the FWR passing through easier terrain. As well as bypassing Westbury, WCC's FWR would also bypass Yarnbrook (the most congested location), it would skirt the WWTE and be well placed for a 1.5 km access to the proposed Road-Rail Freight Terminal.

- 6.31 Journey distance from the A36/A350 roundabout to West Ashton would be about a third longer via the western route but time reliability would be superior as it would include a Yarnbrook bypass, whereas the Eastern route would require a further major scheme to achieve this. WCC's figures confirm that a FWR, as well as relieving Westbury, could greatly reduce HGV flows through Yarnbrook and also Southwick and North Bradley (which currently endure over twice the HGV flows through Westbury).
- 6.32 The 2001 Parkman Report, which formed the basis for WCC's route decision, showed a lower cost for the FWR compared with the eastern, but the former was unfairly inflated by adding a huge extra cost for A36 works. This extra cost was shown as amounting to almost half as much again as the whole estimated cost for an FWR including Yarnbrook and West Ashton Bypass. This extra cost was disproportionate. It was based on the FWR not providing a direct link to the A361 Frome Bypass. The focus of this was prevention of consequent rat running through Berkley village, and founded on a convoluted local traffic theory that does not withstand scrutiny.
- 6.33 The obvious solution would cost much less: simply dualling the comparatively short, previously upgraded, length of the A36 to the A361 Frome Bypass. This would be less than 2km from a FWR junction with the A36 at Standerwick. In the other, southerly, direction, a similar length of the A36 could also be beneficially widened, as far as the present 3 lane section at Black Dog Hill. This obvious solution is being presented simply to counter WCC's disproportionate cost estimate for A36 improvements, and on their possibly invalid assertion that any improvements would be needed as a consequence of building a FWR. But if required, moderate partial widening of the A36 need not be costly and could be broadly beneficial.
- 6.34 It is reasonably obvious that a roundabout combining interconnections for a new western way past Westbury, the presently hazardous B3099 junction and the Frome Market access road with the A36 at Standerwick would be of overall advantage, and could much improve safety on the A36. The hazardous 3 lane section at Black Dog Hill could be resolved by such a joined up approach because the widening being suggested would provide a compensatory overtaking opportunity so as to facilitate a prohibition on northbound overtaking on Black Dog Hill. The 2001 Report, which forms part of the 2007 application, implies that works on the A36 disadvantage a FWR. In fact they would be beneficial in their own right and should be costed separately.
- 6.35 Broadly speaking, a FWR would require 4 roundabouts, a railway crossing at Yarnbrook (avoided in an earlier design) and possibly another rail crossing at Standerwick. The existing rail bridge at Standerwick could be beneficially widened but that would be a general A36 improvement. The eastern bypass also requires 2 rail crossing bridges.
- 6.36 Unlike the eastern route, a western one would be well placed to serve the railway station and freight interchange. The eastern route passes close to two SSSIs, through the middle of an SLA and over a Water Source Protection Zone. The western route is not near any equivalent sensitive areas. WCC recognise that a FWR could reduce HGVs through Southwick and North Bradley by 90%, and Westbury would get a reduction of over 60%. Properly compared, the FWR is much the more productive transport choice and also less detrimental to landscape, wildlife and water, and it integrates several schemes into one. WCC have spent about £3 m of Wiltshire taxpayers' money designing, amending and

promoting the eastern scheme. It is impossible for individuals to match that for any alternative scheme. Most of the comparisons above rely on WCC information.

- 6.37 A presentation on funding made by WCC in January 2007 refers to a DfT letter dated December 2006 "Anticipate funding within 3 years". An officer's report to the Regulatory Committee went on to claim that "DfT confirmed in December 2006 that following consideration of the 10 year RFA programme submitted by the SWRA that it anticipates funding the A350 Westbury Bypass in the next three years." Enquiries confirm that no such December 2006 letter exists<sup>30</sup>. All correspondence is heavily qualified, which WCC have not made clear.

**Andrew Nicolson** [OBJ/NICOL/P/1; OBJ/NICOL/A/1; OBJ/NICOL/R/1; OBJ/NICOL/W/1; NICOL/100]

- 6.38 Mr Nicolson is a lecturer in Computing at City of Bath College, a teacher and tutor and a transport consultant. He is a member of the University of the West of England and a professional Member of the British Computer Society. He is principal of SD3M (Sustainable Development for a 3<sup>rd</sup> Millenium), a small environmental and transport advocacy and consultancy.
- 6.39 The scheme would be very likely to generate induced traffic (or release suppressed traffic) and the preliminary assessment undertaken for WCC is defective. Induced traffic heavily influences congestion, journey times and reliability and the economics of time savings. It also affects the vitality and viability of public transport. His own findings therefore completely invalidate WCC's forecasts of traffic, environmental and economic benefit, indicating that any such benefits would be less and the impacts worse.
- 6.40 The report for WCC by Mouchel Parkman: *Variable Demand Modelling – Preliminary Assessment* (OBJ/NICOL/A/1) at Table 3.1 indicates the change in scheme benefits between fixed trip and variable demand assignments. As the difference in benefits exceeds the threshold of 10% in the scheme opening year expected in TAG Unit 3.10.1 *Variable Demand Modelling – Preliminary Assessment Procedures*, a robust case for carrying out a fixed-demand assessment has not been established. The differences for the 10 and 15 year horizons are within the 15% threshold expected by TAG but it is counter-intuitive for these to be lower than the scheme opening year result. Both opening year and future year figures should satisfy the thresholds. WCC's reliance on the word "or" to mean that only one test need be satisfied does not demonstrate a robust case.
- 6.41 In any event, these results were entirely dependent on the choice of time elasticity factor. Mouchel Parkman incorrectly selected the figure of -0.2 on the basis that travel by car would remain dominant within Westbury and thus modal competition was assumed not to be high. The location of the railway station, the network of bus services serving the town and sub-region, the suitability of the terrain for cycling and the density and compactness of the town for walking contribute to Westbury being an area with high modal competition. This creates a substantial marginal category of travellers who would respond by switching from the car with increasing congestion and to the car where congestion was reduced, for example with the bypass. In terms of the assessment, a time elasticity factor of -0.3 or -0.5 should have been used. This would have

<sup>30</sup> As indicated previously, the letter in question was actually July 2006 (CD6.1)

significantly raised the forecast levels of induced traffic and its impact on reducing the net economic benefits of the scheme. Sensitivity tests could have been carried out using alternative time elasticity factors.

- 6.42 In Table 2.2 of the report "without" induced traffic in the do-minimum should be compared with the "with" induced traffic in the do-something. However, he accepted in cross examination that arithmetically, the result would be the same. The cause of the identified 1.8% suppression effect in the report was pure speculation when it was simply an artefact of the chosen time elasticity.
- 6.43 Whilst the extent of the modelled network is arguably large enough to compare route options, excluding a number of significant settlements nearby and other main road corridors leaves the model network too small for a valid assessment of induced traffic. It is thus unable adequately to model wide area reassignment where trips from another corridor transfer to the A350. Without this the cost benefit and environmental impact findings cannot be relied upon.
- 6.44 The report does not consider the traffic that would be generated by the scheme itself, which goes to the heart of the induced traffic problem. Development which the road seeks to encourage would erode the claimed traffic and environmental benefits and as it is intended to facilitate transport intensive development, it would be in that sense, self defeating as a transport proposal. Whilst he acknowledged in cross examination that there were likely to be limits on the extent of development which could be assumed, Development Plans tended to be short term and, professionally, the modellers must take full account of the likely consequences of the scheme.
- 6.45 After he had given his evidence, WCC subsequently replaced their consultants' report with an amended version dated 2 May 2008 which was issued electronically as part of CD9.8C. He confirmed in writing that he stands by his case and has seen the written submission by Phil Goodwin on behalf of WHA (WHA/127) which supports his own view that poor testing for induced traffic is likely to undermine the traffic, environmental and economic benefits of the scheme.
- 6.46 The Risk Register included as Appendix F in the MSBC (CD9.8) is seriously flawed and undermines confidence in the overall scheme costs. Concerns include the excessive period of time since the register was reviewed; individual responsible risk owners are not identified; no risks listed or costed relating to land and compensation, public inquiry, political, tax & legislation or to the town centre measures; the large number of risks, over 2/3rds of the total, with a zero probability of occurring; the fact that no risk is given more than a 50% probability of occurring which is unrealistic in principle; the approach to dealing with profit which both gives a spurious accuracy to the figures and an inherent lack of incentive for the contractor to minimise and mitigate risk; and, some important risks appear to have understated probabilities and maximum impact.
- 6.47 Of particular concern are those printed in red, which include some of the largest risks identified. The lack of comment on how these should be managed is a major omission. The register appears to show precise estimates but this is mainly a factor of the calculation process and suggests a poor or immature estimation process. The use of a standard multiplier between the most likely and maximum values for these risks is dangerous as poorly estimated maxima can have a significant cost over-run impact. It is also bad practice to have set zero minimum costs for risks if each materialises as it appears unlikely this

would be the case. This results in an understatement of the risk allowance. These risks share a single probability of 50% where in principle the range would be expected to be between about 5% and 95%. Improving the Risk Register to overcome these issues would result in a significant increase from its current valuation, hence in the overall cost of the scheme, and a significant deterioration in the benefit/cost ratio.

- 6.48 As the MSBC has not so far been scrutinised by DfT and the scheme has not reached Programme Entry Stage, the level of Optimism Bias to be applied at this stage should be 40 to 50%, not 15% as given by WCC. This figure is justified by WCC on the basis of the comparatively advanced nature of the project. Nevertheless, the Target Cost Reality Check in Appendix I of the MSBC refers to the scheme as being at a pre-detail design stage. It is wrong, therefore, to have a low Optimism Bias and an early stage risk register. He accepted under cross examination that DfT officials had agreed to the use of 15% (WCC/110) but he did not know what authority those individuals had. It is also wrong not to apply Optimism Bias to the cost of Town Centre Measures which may undergo many changes in concept and design. Although these comments apply specifically to the cost estimate, the general point is that traffic modelling, model validation and induced traffic are also subject to Optimism Bias and the final outcome is exaggerated Net Present Value.
- 6.49 WCC have not been forthcoming with input and output files for the traffic modelling that he has sought. However, one set enabled him to check the reliability and correctness of the modelling process itself. The outcome was a number of non-fatal errors, serious warnings and other warnings provided in an automatic report produced by the computer program. These referred to problems with the way the road network had been coded into a computer file. Such a large number of errors and potential errors may explain the poor validity found in the forecasts and may conceal further defects in the predictions.
- 6.50 After he had given his evidence, WCC submitted a Position Paper on Model Validation (Section 2, WCC/112). Responding in writing: this paper acknowledges that validation on some links had been done against modelled flows rounded down to the nearest hundred rather than against observed counts as required. The actual figures supplied do not improve the validity of the PM Peak SATURN model: it still fails on all 3 DfT guidance criteria. WCC rely on the remoteness from the scheme of the counts/predictions causing the failed validation. However, WCC has also relied on benefits delivered in Trowbridge as part of the scheme's Net Present Value. Traffic flows in a network form a complex system and all parts of a model need to be valid. Convergence criteria are not relevant to verification that a model adequately reflects the real world. The warning messages in SATURN reports are a symptom of the practice of models being regularly "tweaked" away from reality to encourage them to converge. Having also seen WCC's paper: SATURN Model: a Note on Warning Messages (WCC/120) he stands by his evidence. The raw data and modelling of traffic in the Westbury Bypass is error-ridden and not fit for purpose.
- 6.51 Wrongly coded nodes identified by Dr Gillham indicate that WCC's COBA model may be at least as flawed as its SATURN. A new version of COBA (v 11 R9) was issued by DfT in March 2008. Since the MSBC has not been accepted or Programme Entry achieved, a reappraisal would not delay the scheme. The changes to COBA affecting vehicles operating costs and carbon emissions are nationally important; WCC should repeat its work with the new version.

- 6.52 After he had given his evidence, WCC provided him with further data on the journey time surveys. His analysis shows that the congestion and unreliability hotspot is north of the town and the scheme can only make this worse. It is clear that congestion, journey times and journey time reliability would be little improved by the scheme. Yet the provisional cost of road improvement at Yarnbrook is not factored into the cost in the same way as the notional A36 improvements have been factored into the FWR.
- 6.53 Further modelling of HGV flows resulting from proposed weight limits show that the eastern bypass is only moderately effective at removing HGV traffic from Westbury. The ban itself causes about a quarter of the reduction. The FWR is more effective, even without an HGV ban than the eastern bypass even with a ban. With no bypass, an HGV ban removes a tenth of HGV traffic from Westbury's roads. In the wider area, the eastern bypass does nothing on aggregate to remove HGV traffic whilst the FWR is somewhat effective. The eastern bypass is the wrong choice with or without a Station Road HGV ban. The FWR would perform better, efficiently connecting the WWTE with the principal lorry routes. The forecast flows on the A36 as a result of a FWR are not excessive given the engineered capacity of the road in the vicinity of Black Dog Hill and its status as a trunk road.
- 6.54 A provisional sum for improvements to deal with extra congestion north of Westbury should have been included in the scheme costs. However, such improvements with the bypass would amount to a corridor strategy, whose full transport and financial implications have not been specifically modelled and studied. The evolving RSS does not endorse WCC's aspiration for such a corridor. For many reasons considered at the inquiry, it would be counterproductive in terms of traffic, environment and sustainability for a third millennium.

**Gavin Smith** (OBJ/SMITH/P/1,OBJ/SMITH/R/1, OBJ/SMITH/R/1.1, SMITH/100-102)

- 6.55 Mr Smith is a practising transport planner. If a bypass is needed, either to upgrade the A350, or to relieve Westbury town centre, then a western route would have the merit of serving industrial, commercial, rail and new housing developments on that side of the town. However in cross examination, he conceded that the new housing would be unlikely to benefit directly from such a route being generally south of the railways. The problem of longer distance through traffic on the current A350 alignment should be solved by less expensive and less damaging means: traffic management and traffic calming in Westbury. Reductions in road accidents, congestion and improvement in air quality along the A350 through Westbury should have been addressed long ago by such measures, which do not require the prior building of a bypass. In the longer term, a western approach route direct from the A36 to WWTE would complement these measures.
- 6.56 With HGV flows lower in Westbury than on the A350 through Yarnbrook or on the A361 through Rode, there is minimal HGV justification for the scheme. Investment of this magnitude is justifiable only to favour a nationally important environmental objective or else as part of a wider sub-regional category. Also, the scheme cost is misleadingly low as it would inevitably lead to calls for a Yarnbrook bypass and for A350 improvements in Dorset. The scheme is a very low priority in the region's transport investment; regional money should be spent in Principal Urban Areas such as Bristol, where it would benefit many more users, save more road casualties and generate greater economic benefit.



- 6.57 The scheme would seriously impact both visually and by noise on an SLA and damage irreparably the downland scarp at Westbury White Horse, one of the best and best-loved landscapes in this part of the country. This would require an over-riding economic or transport justification. The reliance on COBA is unfortunate as this largely accumulates time savings and predicted reductions in road accidents. The time savings are of marginal real benefit to the individuals concerned and accidents could be saved by less expensive strategies. COBA's usefulness is currently under review by DfT and it would be regrettable if West Wiltshire's best landscape were to be ruined by one of the last applications of such a decision making tool.
- 6.58 The bypass would probably lead to housing development between it and the existing town in an area where development would not otherwise be permitted on planning grounds. There are a number of instances in the decision making processes both locally and at regional level where democracy has not been protected during development of the scheme. It is undesirable for major government transport investment to be seen as a way of making a limited number of institutional and local land-owners considerably better off while the local transport system becomes yet more carbon-profligate.

*Rebuttal to WCC's evidence on traffic modelling and economic evaluation.*

- 6.59 WCC's definition of an HGV is incorrect as it would also include Light Goods Vehicles, the majority of which will normally be vans. Most of the traffic to WWTE is from the north and was not intercepted by the traffic survey point. For that from the south, WCC have not shown that an HGV ban on Station Road requires the bypass. The management of the temporary increase in HGV traffic arising from the recent closure of the A36 could have been lessened by a night-time ban in Westbury. In the long-term, WCC are at fault by not having a Lorry Drivers' Atlas advising them to avoid the town centre.
- 6.60 In Westbury, congestion is limited to peak times. The roundabouts where this occurs create poor conditions for buses, pedestrians and cyclists. Traffic signals would provide the opportunity for bus priority and phased pedestrian crossings. Accidents are concentrated on the Warminster and Haynes Road sections of the A350, rather than the northern sections which are relatively safe. The A350 through the town should be treated as a Mixed Priority Route as defined by DfT and traffic calmed in accordance with best practice. His own experience of a scheme in South London counters WCC's assertion that the current volume of traffic makes that impractical. The current modal split, which includes 11% cycling and 38% walking, is a good base for improvement whether or not the bypass is built. A low-noise road surface in association with such measures would reduce traffic noise in the town without imposing it on the scarp slope.
- 6.61 HGV restraint in the centre of Westbury is not included for the comparison with the FWR when it should be. The cost/benefit ratio for that alternative is surprisingly poor and this may result from loading it with the costs of widening a section of the A36 which may not be essential. Due weight should be given to the relief afforded to communities along the A361 which would also benefit.
- 6.62 The area's main transport problem is its over-reliance on the car and its under-developed public transport. Encouragement of more sustainable travel modes and non-car based land-use planning are aspects within the grasp of WCC.
- 6.63 Responding in writing to WCC's intention to impose a 3 tonne limit on Station Road Bridge: it is irresponsible to declare an intention to impose a weight limit

on an industrial access route without adequate study of the impacts on HGV movements, general local traffic conditions and the local environment, without public consultation. The bridge clearly does not need a 3 tonne limit for safety reasons otherwise Network Rail and WCC would have been legally obliged to close the road immediately to such vehicles. Full and proper procedures for a Traffic Regulation Order must be followed. Mixed Priority Route calming of the A350 could be undertaken in the absence of a weight limit on Station Road.

**Christopher Gillham** (OBJ/GILL/P1A, OBJ/GILL/S/1, OBJ/GILL/SP/1, OBJ/GILL/SP/1A, OBJ/GILL/SP2, OBJ/GILL/R/1 and GILL/100-106)

- 6.64 Dr Gillham is a retired scientist with a PhD in physics and has worked in both academic materials science and industrial electronic systems research and development. He supports the case being made by WHA and wishes to add his own general case against the scheme. Westbury is not just a local issue and therefore its traffic problem cannot be solved by a local process which has the inevitable result of passing the problem onto other people. The appraisal process is fraught with difficulty. Whilst all the factors can be seen, the problem is how they should be aggregated.
- 6.65 COBA assessment is an example of an atomistic approach where time savings and fuel savings are aggregated without ever asking whether the benefit really contributes to the wealth of the nation or subtracts from it. COBA has to be done and it has a value in prioritising capital expenditure on roads. However, it says nothing whatsoever about the economic value to the nation of building any road. There appears to be little evidence that road building is good for the economy. Whilst countries without transport infrastructure benefit quickly and significantly when they get some, the assumption that one can then extrapolate from this to a great multi-modal network complexity should be questioned. This is particularly the case where users do not pay the real cost of their journeys.
- 6.66 An analysis of the correlation between Gross Domestic Product growth rate and motorway miles built in a year (OBJ/GILL/P1/Annexe/Road Block letter February 2006, page 4) signifies that on average, across the nation, a year of so after building a road there is a negative economic benefit. Overall for more than 10 years after, the statistics indicate that the economy tends to suffer from that investment.
- 6.67 Changes in transport policy over the last 10 years indicate that despite the intentions, multi-modal and route management studies became Trojan Horses for new corridor road development. The Stern and Eddington Reports provided the background to DfT's *Towards a Sustainable Transport System* (CD13.1) in 2007 and subsequently the Climate Change Bill. These demonstrate that things must change. Ten years ago, road transport was assumed to be economically beneficial and spending money on road infrastructure to be economically beneficial if it reduced travel costs as measured by COBA. Nevertheless, such investment had to be bounded by four essentially precautionary criteria of sustainability, environment, social inclusion and integration.
- 6.68 On sustainability, finite resources cannot be consumed indefinitely; this scheme would consume them unnecessarily, increasing global warming gases which threaten our planet, taking away choices for future generations. Building roads does not provide a net environmental benefit at the wider level and no account is taken of those communities beyond this scheme who would suffer from it. On social inclusion, the car-less not only contribute to taxation without benefiting

from the flow back in subsidy but their facilities become less accessible and more expensive as more roads are built. This scheme would encourage greater use of cars, increasing the burden on the car-less. Furthermore, the scheme would not demonstrate integration between land-use and transport provision policy with no alternatives to road building considered.

- 6.69 The Eddington Report congestion map suggests that priorities for relief in Wiltshire and Somerset may lie other than at Westbury. WCC have neither analysed the problem nor looked at alternative ways of solving it.
- 6.70 It is doubtful whether prevailing accident rates are sufficiently exceptional to be addressed before those elsewhere in the region, and also whether building a road actually reduces accidents. COBA personal injury accident rates for a road of this type are about half as high again as are actually observed in Westbury, casualties even more so. The accident rate on the principal route through the town is thus significantly lower than COBA expects, suggesting that there is not a good case for regarding Westbury as a priority on the basis of accidents.
- 6.71 COBA assessment is a policy requirement and, for the purposes of that assessment, it is necessary to accept the assumption that diverting traffic on to a modern road ought to have the effect of reducing the average accident rate. That does not mean it is true and there appears to be little research on the matter. A correlation between the year-on-year changes of casualty rates with year-on-year changes in new km of motorway signifies that, overall across the nation, the data suggest some short term benefit which is followed by a longer term and much more dominant tendency to increase casualties. There may be several reasons for the decline in accident rates over time but we know little about the contribution made by road building.
- 6.72 The Model Update and Validation Report January 2006 (GILL/100) shows that the validation points lie principally on the major roads. It is not surprising to note that predictions match observation better on these links than on other links. Nevertheless, such other links can have a profound effect on the COBA result. A particular concern is that COBA has generated huge benefits and dis-benefits at junctions in Trowbridge and this suggests that the model does not really do Trowbridge at all. It is a simple model of a bypass for a simple town like Westbury and treats its big complex neighbour Trowbridge as just a bit of the network without really understanding what effects there might be either with or without the scheme.
- 6.73 After giving his evidence, WCC issued revised economics for the scheme in Revision 1 to the MSBC (CD9.8C). Analysis in further written submissions (GILL/104 & GILL/105), indicates enormous differences across the network in Trowbridge, Westbury and Warminster between the earlier COBA data supplied from runs in October 2006 and these. WCC's explanation that changes result from a change in methodology to get from AM & PM peak hours to 12 hours cannot account for why the input flows are so variably different. The Model Validation reports, written over a year apart, show little or no difference in their comparison between modelled and observed flows. One of the definitions of model validation that WCC give is that the modelled flows for links with observed flows of lower than 700vpd should be within 100vpd for more than 85% of links. Computing this statistic on modelled flows from the 2006 and 2008 runs, only 43% of links with flows under 700vpd are within 100vpd of their equivalent. The conclusion is that the input sets of data for October 2006 and August 2008 runs cannot both be from validated models.

- 6.74 WCC's explanation of the revised economics for the application scheme (GILL/105 Annex 1) indicates that the junctions he drew attention to had incorrect turning proportions. There are many things in the output which cannot be checked, so what can be trusted any longer? COBA would not fail to show a benefit for a straightforward bypass scheme – at least not with a fixed matrix and generalised costs that still value time well ahead of fuel. The main point about showing big benefits and dis-benefits away from Westbury is that the model appears to be telling us things we ought to be concerned about and these corrections have not removed them. Junction delay costs for Trowbridge nodes and Warminster are not insignificant.
- 6.75 In a written submission (GILL/106), he provides an analysis of differences in COBA results between outputs from runs in October 2006 and March 2008 for the FWR, noting that the March 2008 run appears to include the correction to Node 98 which was only amended for the application scheme in July 2008. Also the do minimum flows for the 2008 run, whilst the same as those for the application scheme 2006 run, are very different from the current July 2008 COBA for that scheme, when they would be expected to be the same. The reduction in benefits is all to do with 3 junctions. He is not in a position to say which run is right or closer to being right, but a difference of £26m in benefits has occurred with small unremarked changes to details of the input data.
- 6.76 In assessing the change in CO<sub>2</sub> resulting from the scheme on his assumptions, he would expect a 20% increase rather than 8% in WCC's revised estimates. If higher speeds on the bypass are considered then this figure could increase to 42%.
- 6.77 Dr Gillham's second supplementary proof of evidence responds to WCC's changes in the modelling of HGV movements: it is possible to carry out simple tests on the plausibility of the assertions that come out of quite complex modelling processes. If the HGV ban proposed on Station Road is intended to force traffic to use the Glenmore Link then there would be nothing to stop them using the existing A350 through Westbury to and from the Cement Works Roundabout rather than the bypass. By using speed assumptions from WCC's evidence on air quality together with values of time and operating costs from TAG, the relative cost of journeys on the town route and bypass route can be compared. The cost through the town for an OGV1 class HGV with fuel at £1.35/litre would be easily more advantageous than the bypass and that advantage would accrue down to a pump price of around £0.70/litre. This would apply not just to traffic for WWTE but also to other through HGV traffic.
- 6.78 In a further written submission (WCC/103), he considers the impact of lower average speeds through Westbury resulting from town centre calming measures. Notwithstanding that WCC has no commitment to alter speed limits, at as low a speed as 25mph, the break even costs for an HGV (town versus bypass) occurs at 120p/litre. Current modelling and COBA does not take account of the most recent fuel price rises (at the time of the Inquiry) and it is necessary to consider what HGV operators are likely to do to optimise their costs under the new fuel price regime.
- 6.79 In rebuttal evidence, he queries the likelihood of an 8% growth in traffic to 2009 from a 2005 baseline as there is no clear evidence from counts that traffic is increasing at all. Similarly, an increase of 28% by 2024 is unlikely given the central assumption in National Road Traffic Forecasts for fuel prices was based on \$50 per barrel in 2025. The spot price of oil in summer 2008 had reached

\$145 and newspapers were reporting reduced vehicle miles as a result. Nobody should make a claim for a new road on the basis of predicted traffic increases. .

- 6.80 Westbury's environmental problems cannot be solved by creating problems elsewhere. Road building has been one of the biggest contributors to the growth of road traffic and dominance of our environment and social structures by the motor car. Car growth leads to social exclusion.
- 6.81 Any improved access to WWTE resulting from the bypass would be only for those trips to and from the south. There is no good argument that raw materials or human resource make Westbury a special place for business to prosper. Similarly, people who come to work or shop in Westbury from north or south may find the attraction of places beyond Westbury increased with the easing of the journey to them. There is a very real chance that the road bypass would act as an economic bypass for WWTE and the town. The potential for inter-modal freight transfer based on the intersection of the railways is recognised but there ought to be a way of promoting this without the risk of bypassing Westbury as an economic entity.
- 6.82 With respect to induced traffic, this is much more of an issue than its representation as an economic appraisal factor. Traffic will grow in many other places, each place having a bigger problem to solve than it had before and in COBA terms making a stronger case for further schemes. Each level of induction may not seem much but the effect accelerates.

**Francis Shephard** (OBJ/SHEP/P/1,OBJ/SHEP/SP/1,OBJ/SHEP/100)

- 6.83 Mr Shephard is the managing director representing the interests of his company which is the freehold owner of Madbrook Farm. He supports WHA in opposing the scheme. Whilst accepting that it is not the purpose of the inquiry to look at alternative routes, a prime alternative does exist to the west of Westbury.
- 6.84 As well as opposing the application scheme as a whole, he specifically objects to the location of the Madbrook Roundabout, suggesting it be relocated about 100m further south, together with other restrictions on the former A350. As currently proposed, Madbrook Roundabout could hardly be placed more closely or insensitively to the Madbrook Farm complex. The scheme can be expected to generate a large increase in traffic, especially HGVs. With Madbrook Roundabout at a low point, downhill braking would occur from all directions followed by uphill acceleration to all directions. Noise, vibrations, malodorous smells and greatly extended periods of heavy traffic would dramatically increase stress levels and reduce the quality of life for the occupants of the steading. Moving the roundabout further south would reduce the impact.
- 6.85 In addition to this, he has previously raised with WCC the possibility of a weight limit on the A350 within Westbury and an extension of the 30mph speed limit southwards from Wellhead Drove to the roundabout. When he appeared at the inquiry, WCC had not confirmed the location of the weight restriction proposed as part of the scheme or its limit. Should a limit be proposed on Station Road, there is a large grain mill, of regional importance, on WWTE which receives deliveries on a daily basis from local farmers. To rule out these specific vehicles from using Station Road would cause them to frustrate drivers on any bypass by their slow 20mph progress.
- 6.86 The Wellhead valley has a tremendous value to the people of West Wiltshire and is highly important to the preservation of flora and fauna in the area. A new

road in this pristine and tranquil valley would despoil the countryside. An alternative route from the A36 at Standerwick, following the existing transport corridor alongside the railway, should be considered which would connect well with WWTE. The nearby Frome bypass similarly adopted this simple solution of building adjacent to an existing railtrack.

- 6.87 (Mr Shephard's further detailed objections to aspects of the SRO and CPO are dealt with later in this report)

### **Evening Session: Objectors' Statements**

- 6.88 **Graham Ellis** (OBJ/ELLIS/P/1) runs a business in Melksham about 9 miles north of Westbury on the A350. The decision to withdraw the passenger train service from Swindon to Southampton via Westbury left only a vestigial service through Melksham. There is now a service proposal which will run from December 2008, subject to funding of around £110k each year. Although not objecting to road improvements in and around the Westbury area, this is a scheme that is so expensive that it starves the budget of funds for other much needed improvements right across the county. Compare a figure of £34m for the road with £110k each year which would make the difference of over 30 minutes on most public transport journeys from the north to the west and south of Wiltshire.
- 6.89 The A350 from Chippenham to Warminster/A36 onward to Salisbury is paralleled by a passenger railway line serving the 5 largest towns in Wiltshire (Swindon, Salisbury, Trowbridge, Chippenham and Melksham) and also Warminster and Westbury. Despite compound growth of 35% each year from 2001 to 2006, the service of 5 trains each way each day was cut back to just 2 in December 2006 with consequent drop in passenger journeys. Although WCC supports the service, they believe funding should be met by DfT. An improved service on this line will encourage former users back and new users off the roads, including the A350.
- 6.90 Approval for a bypass that accelerates traffic past Westbury would result in a build up of traffic issues elsewhere on the A350. There are 3 options to alleviate this issue: improve the whole route from south of Westbury to the M4; improvements at Westbury which will relieve traffic through the town without upgrading the road for passing traffic (for example a more westerly route via the station to the A36); improvement to public transport along the rail corridor.
- 6.91 There is scope on this particular rail route to double traffic from current levels every 3 years for the next 15 years. This is also a low cost option and one which will remain useful into the future as fuel prices get ever higher. A recommendation should be made for the return of an appropriate rail service, whether or not the proposed route is approved. Such a service will start to give benefits to travellers in Wiltshire and to people along the route of the A350. It will provide substantially improved transport into the future over a far greater distance than the bypass covers with some reduction of road traffic along that whole route too.
- 6.92 **John Osborne** (OBJ/OSBO/ST/1) is a Member of the Institution of Civil Engineers. He worked in local government as a transport planner, with WCC for 30 years, retiring in March 2001. He lives on the east side of Westbury, and is very familiar with the area, but is not directly affected by the proposed bypass. He strongly opposes the planning application and supports WHA based on the strong planning, landscape and other arguments they are presenting.

- 6.93 No right of way would be closed. But where they cross the road, the safety in some cases and amenity in every case, would be seriously affected, a point accepted in the ES where the effect on the amenity of most ROWs is "substantial adverse". The Wessex Ridgeway is a route of national significance for walkers, passing along the Wellhead Valley above the scheme route in a tranquil area with outstanding views. The scheme would not only ruin this tranquillity but introduce a road with all its traffic into the foreground of the views. The proposed new bridleway with its direct ascent of the very steep scarp slope to the Wessex Ridgeway would be unsafe for horses and riders. Riders and water erosion would soon expose bare chalk as has happened nearby at Short River Road. Also, significant numbers of riders would use the at-grade crossing of Shallow Wagon Lane on the Glenmore Link. Horses are easily alarmed and crossing a road carrying heavy traffic introduces an unnecessary accident risk.
- 6.94 Several declining "red listed" bird species which breed in the area would be adversely affected. As well as loss of habitat, there would be severance and risk of birds being struck by traffic. Disturbance from traffic noise has been shown to affect breeding success. Planting new hedges would not adequately offset these effects. Far from enhancing the environment as promoted in the Development Plan, including the RSS, a new road would adversely affect a number of declining bird species.
- 6.95 Westbury Cemetery has been a burial place since the 19<sup>th</sup> century and is a peaceful well kept area. Recently extended to the south, it is clearly intended to provide a final resting place for many more years to come, a place where the bereaved can grieve in peace and in beautiful surroundings. A new road passing close to the cemetery would change this, noise levels would increase by 6dB and its peace would be disturbed by the drone of traffic climbing the hill.
- 6.96 Many of those who support the eastern bypass do so because WCC say that "it's the eastern bypass or nothing". The FWR would provide wider benefits with considerably less adverse effects and it should be further investigated by WCC in cooperation with Somerset CC whose area would also benefit. WHA has a strong case against the eastern route and the Secretary of State should refuse the planning application.
- 6.97 **Michael Pearce** (OBJ/PEAR/ST/1): much has been made of the fact that Westbury Town Council stated at a meeting of WCC that "Westbury Welcomes the Bypass". On the surface this seems to be right but it is not a correct appraisal of the situation. Throughout the years when the bypass has been the dominant topic at town and district council level, for many the democratic process has been flawed. Councillors living in the eastern corridor have been gagged, banned from speaking and voting on bypass related issues. Councillors with an interest east of the A350 have received no dispensation order, leaving themselves sometimes verbally accused by an electorate who expected Councillors to speak and vote on their behalf. Of 15 councillors on the town council, 5 had no dispensation, of the remaining 10, 5 voted for the eastern bypass, 4 against, with one abstention. The councillor who abstained was chair that evening and would have voted against.
- 6.98 West Wilts District Council officers also hampered the case against an eastern route at one important meeting by allowing pro-eastern spokespersons 3 minutes but those opposed just one minute to state their case. National standing orders codes of practice were not adhered to, in particular the section

dealing with infrastructure or bypasses. On another occasion surrounding Parishes were asked for their position relative to the eastern bypass in the run up to Parish elections, leaving newly elected councillors just 4 days after election to make their response to WCC.

- 6.99 Following years of enforced inaction on bypass related issues, he (Mr Pearce) stood down as a councillor at the last election with others who felt the same. Similarly, no one person from the affected streets would stand for election, as they too would have been gagged. This means that the electorate on Newtown and Studland Park areas have no representative on the present council. Representation has been a post-code lottery and these points should be considered in reaching a decision. Justice should be the prerogative of the whole electorate.
- 6.100 **Warren Harding** (OBJ/HARD/ST/1) was elected to Westbury Town Council in 1995. For a number of years, all town councillors spoke and voted on the issue of the Bypass. In 1998, he and many other Town Councillors received letters from West Wilts District Council solicitor advising that they should not speak, vote or take part in any Westbury Town Council debates relating to the bypass. The issue was as to where councillors lived and were considered to have a prejudicial interest in the debate. This therefore gave councillors who favoured an eastern bypass the majority in any bypass debate and a prejudicial town council in favour of an eastern bypass. There was very little incentive to stand again for the town council if he and other councillors were barred from taking part in the emotive issue of a bypass for Westbury.
- 6.101 The independent candidate for WCC elections in 1997 conducted his own survey on a preferred route for a bypass and found 74% were in favour of a western option.
- 6.102 In 1993, planning permission was refused for an additional dwelling in the garden of the last house out of Westbury on the Warminster Road at Wellhead Drove on the grounds that WWDC "does not permit development in a Special Landscape Area, considered detrimental to Special Landscape Character". However, there is evidence that WCC intended to construct a relief road prior to this date. Section 11 of the Countryside Act 1968 requires the Secretary of State to "have regard to the desirability of conserving the natural beauty and amenity of the countryside". Land to the east of Westbury is of Special Landscape Interest and a well used amenity for the residents.
- 6.103 Comparisons can be made with the Okehampton Bypass scheme in Devon, where north and south bypasses were being considered. For example, there is a rail network on the western side of Westbury. The Okehampton Bypass follows the railway thereby minimising land use. Quoting from the Okehampton Bypass Report "agricultural land of a high grade should not be used if other land is available"; land to the east of Westbury is of a very high grade. At Okehampton, the northern route was far more expensive than the south. This is not the case in Westbury where a comparison can be made for east and west routes. An eastern route was favoured because improvements at Yarnbrook were removed from the equation.
- 6.104 Transport from the south west uses a route through Southwick and North Bradley to access WWTE. Traffic from the south east accesses WWTE via the A350 through Westbury. WWTE is islanded by these roads with no southern access to the trading estate and very poor access from the north. A road to the



west would relieve Westbury and its villages of its lorries, but keep local transport within the town.

- 6.105 **Joyce Field** (OBJ/Field/ST/1) was born in Westbury and has lived in this area all her life. She enjoys running in the Wellhead Valley and is appalled at the prospect of a main road through this quiet, beautiful valley. If cut off from its hills, Westbury would not be the same place at all.
- 6.106 No amount of landscaping would reduce the intrusion or the noise; the character of the valley would be changed forever. A road on the east side of Westbury makes no sense. Apart from the cement works, all of Westbury's industry, the trading estates, milk processing factory, future recycling plant, proposed rail freight terminal and railway station are all on the western side. Surely it would be better for all these to have a road which serves them directly.
- 6.107 The villages to the north of Westbury would be badly affected if an eastern Westbury Bypass were to be built. She lived on the A350 Westbury Road in Yarnbrook for many years. Each rush hour there would be traffic queuing to get around the roundabout and when traffic was moving easily during the day it was impossible to hear anyone speaking when in her front garden. This would be much the same for residents who live on the main road in Westbury. The difference is that the situation at Yarnbrook would become much worse. It has been reported in the media that, as soon as the Westbury bypass is built, WCC would agree to traffic which goes through Bath to get to the M4 via the A36/A46 being diverted along the A350 which would increase traffic even more.
- 6.108 Having been told by WCC that it is "eastern A350 Westbury bypass or nothing", many Westbury residents have become apathetic and are now resigned to accepting this road. She does not. WCC should think again and find a better way of managing the traffic of Westbury and the surrounding area.
- 6.109 **Roger Stanley** (OBJ/STAN/ST1) questioned whether the outcome of the inquiry had already been decided and was not worth pursuing. A representative of Wessex Water had told him that the company had already been instructed by WCC to perform the necessary works to accommodate the bypass. Recent works in the Wellhead Valley are possible corroboration. It seems remarkably coincidental that works to replace rusted water pipes started and ended just outside the boundaries of the proposed road and did not continue the rest of the way up the escarpment to the quarry. The representative added that the reason for the urgency for the bypass was all to do with the 2012 Olympics and that the road was needed to provide access to Weymouth from London. As this is patently unsound, he trusts that his other statements prove to be equally unsound and that there is no fait accompli regarding the outcome<sup>31</sup>.
- 6.110 **Pauline Hume** (OBJ/HUME/ST/1) lives alongside the A350 in West Ashton and is a Member of West Ashton Parish Council. It is important to find a solution that benefits Westbury AND the surrounding villages. Westbury needs a relief road but the proposed scheme provides limited relief to approximately one mile of the A350 through the town of Westbury. It would blight even further the quality of life in the A350 villages of West Ashton and Yarnbrook where traffic flows are far higher than through Westbury. More than 24,000 vehicles a day (a large proportion HGVs) thunder through West Ashton on a road barely 7m (23 ft) wide: "This is beyond the reasonable capacity of a road of this type with

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<sup>31</sup> I gave Mr Stanley an appropriate assurance.

a poor vertical alignment and frontage access. This stretch of road already has a poor accident record". (A350 Westbury Bypass Route Study Report, June 2001 (CD1.1 Part A Technical Statement, Appendix D). Residents don't open front windows. Traffic fumes and noise are unbearable. Houses shudder and vibrate. This is a pedestrian route to primary and secondary schools. Congestion, speeding traffic and visibility limiting bends and dips mean that crossing the road on foot is perilous. The same report indicates that sections of the route here can lay claim to some of the worst accident and fatality statistics in the region.

- 6.111 Residential and commercial developments on the fringes of Westbury and Trowbridge have mushroomed in the 17 years she has lived here. The A350 has not improved much in the 200 years since it was developed as the Westbury Turnpike Road. In 2001, WCC championed the economic and environmental case for a scheme to relieve Yarnbrook-West Ashton as part of a Westbury Bypass (eastern or western route). In 2003 the planned Yarnbrook-West Ashton scheme was airbrushed out, without consultation. West Ashton and Yarnbrook commend the development of a West Wilts/Westbury Bypass that benefits Westbury and surrounding villages, improves the quality of their lives and supports economic development.
- 6.112 **Ken McCall** (OBJ/MCCA/ST/1) lives in North Bradley. Some of Britain's rarest wildlife would be decimated by the eastern bypass, mainly because the route was chosen before realising this. The proposal would contravene very important statements in the West Wiltshire Core Strategy Issues and Options Paper where objectives include protection and enhancement of our countryside, landscapes and environmental assets. The same paper notes that the Salisbury Plain escarpment is a dominant landscape feature to the south and south east of Westbury. History teaches us that when a new bypass is built, the town spreads out to meet it and this would then be a total disaster.
- 6.113 Other routes to the west of Westbury would provide relief for the villages of Southwick, North Bradley, Yarnbrook and West Ashton whereas the eastern route would only exacerbate the traffic problems in these villages. The western routes would have less impact on the environment and would also pass close to the railway and WWTE.
- 6.114 In 878AD King Alfred defended the White Horse and Wellhead valley against the Danes at the Battle of Ethandune. What a pity that this time the battle is against their own County Council. If the people proposing the eastern route were to stand on the White Horse and look down across the valley, could they really claim "this is the best option"?
- 6.115 **Richard Covington** (OBJ/COV/ST/1) is a Member of West Ashton Parish Council. He has lived in the Trowbridge area for more than 30 years and for the past 10 in West Ashton. The eastern route does not include any provision to alleviate traffic congestion in Yarnbrook or West Ashton where congestion would inevitably increase if any projections of improved traffic flow in the Westbury area actually result. Proposed development to the eastern side of Trowbridge will generate significant additional traffic in the West Ashton area adding air and noise pollution. The exclusion of West Ashton and Yarnbrook from the Westbury Bypass simply on the grounds of expediency to enable a bid for central government funding is simply foolish, irresponsible highway planning. The route is already extremely unpopular locally.

- 6.116 It appears that many who support the eastern bypass do so because WCC say that "it's the eastern bypass or nothing". This has never been the case because there is at least one alternative, practical route available. The FWR would provide wider benefits and traffic alleviation for not only Westbury but also Yarnbrook, West Ashton and Southwick and should be further investigated by WCC. These are only a few of the issues of particular concern but taken as a whole, there is a strong and proven case against the eastern route and the Secretary of State should refuse the planning application.
- 6.117 **Gaynor Polglaze** (OBJ/POLG/ST/1 and OBJ/POLG/ST/A) lives alongside the A361 in Southwick. At the time she addressed the inquiry, the A361 there was temporarily closed for resurfacing. Notwithstanding the current restriction, the road outside her home is normally busy with heavy traffic day and night throughout the year. It can often take 10 to 15 minutes to cross the road and getting off the drive into the traffic flow is a nightmare. There are narrow footpaths and in some places none at all. Earlier this year an elderly resident was killed as she crossed from the village shop.
- 6.118 During the Spring 2008 closure of the A36 at Limpley Stoke, the volume of traffic was horrendous, possibly a foretaste of what to expect if the eastern route for Westbury Bypass goes ahead. Quite often lorries drive with 2 wheels on the footway. The eastern route would bring an increase in traffic between 7% and 9%. That would be an extra 50 lorries or so a day shaking houses to pieces and causing vibrations which knock pictures sideways. The noise from the passing traffic is unbearable. When it rains it is impossible to walk along the A361 without being soaked by the spray from passing traffic and houses near the road have their windows doused with water.
- 6.119 Most of this traffic then continues along Wynsome Street in order to reach both the WWTE and the White Horse Trading Estate. The road is narrow and lorries travelling in opposite directions often have to mount the footway in order to pass. There is no crossing for the village children to get to school and very little hope of getting one. Recently there have been 2 very near misses involving children at the designated crossing points. The residents of Southwick need some relief from all this. Fewer juggernauts are needed, not more, and a plan that offers a sensible solution for all would be welcome.
- 6.120 **Paul Rossiter** (OBJ/ROSS/ST/1) has been a resident of Yarnbrook for the last 8 years. Previously Yarnbrook and West Ashton were considered for improvements with the Westbury bypass but now they are excluded. The situation is worse than Westbury but because the community is smaller it has been ignored. Over the 8 years he has lived there, he has done a paper round in the Haynes Road area of Westbury and in Yarnbrook village; it is more difficult to cross the roads in Yarnbrook than Haynes Road. His new grandson lives at North Bradley but cannot be walked in his pram to Yarnbrook as the road is too difficult to cross just after the railway bridge where the pavement ends. He objects to the eastern bypass.
- 6.121 **Michael Walter** (OBJ/WALY/ST/1) had drafted his statement before the changes in traffic figures had been identified by WCC. As a life long resident of the town, he has seen it develop and has followed the whole process of trying to improve the transport facilities in west Wiltshire and Westbury. The views of the community and common sense have been ignored. 77% of respondents at the Westbury Planning Conference in 1997 favoured a western route; a Parish Poll in May 1999 showed 83% against an eastern bypass; in 1999, both

Westbury Town Council and Wessex Chamber of Commerce stated they preferred a western route; a questionnaire in 2001 found 73% were prepared to wait for a western route; in 2001, West Wiltshire Economic Partnership and Wessex Chamber of Commerce wrote preferring a western option; 2 government Inspectors have recommended that the options for a bypass be re-visited; and as late as May 2005, Westbury's MP stated that he "always thought a western route would better serve the community".

- 6.122 It has only come to light at this inquiry that some traffic figures included in the planning application are based on there being a weight restriction on the B3097 at the rail bridge. Without such a restriction, some traffic from the WWTE wishing to go south/west would elect to use shorter routes through the town rather than the Glenmore Link. It is difficult to establish what traffic is likely to use the Glenmore Link other than that for the cement works. Traffic going north and west would continue to use B3097 Hawkeridge Road to avoid Yarnbrook roundabout on the A350. He feels sorry for the residents of Station Road/Eden Vale Road who may not benefit that much from the bypass. The whole community around Westbury has been diddled with this offer of a bypass. The reality of the situation if the eastern bypass is built would only be felt by generations to come. In 2008, the people of Westbury deserve better.
- 6.123 A large proportion of WHA's funding to present their case has been provided by the WBA of which he is treasurer. This confirms the strength of feelings that exists in this area to find the right transport solution in West Wiltshire.
- 6.124 **Hugh Hancock's** (OBJ/HANC/ST/1) objection is founded on WCC's own submissions from which it is clear that the decision to adopt the eastern route is wrong. WCC have presented a choice between east and west and the weight of relevant factors that have been produced – and indeed logic – favours the west. However, without a visible balanced analysis or reasoned explanation, a contrary decision has been made. The project has a long history. The route appears to have been chosen over a decade ago using now superseded data and before most of that now presented was collected and evaluated. WCC's analysis and assessment appears directed towards vindicating that decision. The analysis is visibly flawed, facts have been distorted and required standards of evidence have been ignored. Brevity requires the presentation of only some obvious instances.
- 6.125 To give an example of the cavalier attitude to standards, the description of the SATURN model validation process given in the Proof of Evidence on Traffic Modelling (WCC/P/2, para 3.13), tells us that "...82% of the links with flows in the range 700 – 2700 vph were modelled ..." The next sentence claims that "This is within the required percentage of 85% as set out in the DMRB." Plainly it is not. It is 3% outside the requirement. The setting of the standard has a purpose. This validation process has failed to meet it and any conclusions drawn from the model must be treated as dubious at best.
- 6.126 Factual distortion is evident in WCC's Overview Proof of Evidence (WCC/P/1, para 6.16) which records that some ten years ago a major public consultation exercise was carried out. It included a vote on alternatives that produced numbers considering a particular route as being suitable as: For an Eastern Route: 441 in favour and 623 against; 182 or 17% majority against. For an FWR: 753 in favour and 484 against; 269 or 21% majority in favour. Despite this, a Council Committee report (WCC/A/1 Appendix B, 2nd September 1998) "made it clear that there was no clear public support for a particular route

option ..." Twenty per cent normally is considered an overwhelmingly clear democratic choice.

- 6.127 Flawed analysis is visible in WCC's original planning application. The Comparative Tables of environmental issues (CD1.1 Part A Technical Statement, Appendix E) show a list of heritage sites affected by the eastern route that is twice the length and more significant than the western list. For example, the eastern route affects Early Iron Age, Roman and Medieval sites of interest as well as six Grade II listed sites (two at Grade II\*). The western route affects "possible" Medieval and other "uncertain date" features and only two Grade II houses. Despite the east being more than twice as damaging, the summary assigns to both routes the same "slight adverse effects" on our heritage. The bias of the analysis is obvious.
- 6.128 WCC's submission on the issue of protecting bats is symptomatic of its fixation on the decision. The words "... there is no other road scheme reported in the world that this level of bat mitigation has ever been proposed,..." (WCC/P/11, para 5.3) could be restated, very unkindly, as "we are offering every bizarre idea available to prevent this issue from derailing our road scheme". Of course if the bat mitigation measures fail, it is unlikely that the road would be closed.
- 6.129 The tendency for a decision to gain a momentum of its own is a well-known feature in the behaviour of organizations, known as "groupthink". Groupthink is a kind of thought process shown by members of an organization who try to minimize internal conflict and reach consensus without critically testing, analysing and evaluating ideas. They avoid promoting viewpoints outside the comfort zone of consensus thinking. It can happen for a variety of reasons as people seek to avoid being seen as foolish, or to avoid embarrassing or irritating other members of the organization. Individual doubts are set aside, for fear of upsetting the group's cohesion. Once made, decisions are buttressed by any evidence that comes to hand, even contrary evidence. Indicators of groupthink that are detectable here include: considering few, or no, alternatives; being highly selective in gathering information; a strong belief in the organisation's inherent infallibility; rationalising poor decisions; and, overt external or internal pressure to support a decision despite evident flaws.
- 6.130 There are three consequences. Foremost: the analysis and conclusions drawn by WCC cannot be relied upon. The decision maker will have to consider unadulterated facts – which appear tellingly against. Second, WCC ought to review its decision making processes: it needs a Devil's Advocate review stage. Finally, the public should recognise that this application is a product of WCC's apparently flawed decision-making process, not some underhand intrigue.

*Col Hancock also made written representations (within OBJ/HANC/W/1) which are not separately reported here.*

- 6.131 **S A King** (OBJ/KING/ST/1) is a businessman in the town and has lived in the area all his life. The planned route will do very little to help local people or indeed industry, particularly companies on WWTE which is a major employer for the area. A more beneficial route to the west would not only allow better traffic relief but would also improve links to the train station.
- 6.132 There are serious and very valid concerns over the important environmental issues regarding the effect of the road on the water table and wildlife. The area affected is without question an area of outstanding natural beauty with historic

significance. To damage it in this way would spoil it for everybody including tourists who come to see the famous Westbury White Horse.

- 6.133 Why have WCC vigorously concentrated efforts on this route when little investigation has gone into possibly more beneficial routes to the west of the town? Other options have been put forward which could offer a less damaging and more positive result.

**CASES WITH RESPECT TO THE ORDERS.****Wiltshire County Council (WCC/141 para 249 -251)**

- 7.1 The inquiry has considered the precise terms of the Orders in considerable detail helpfully ironing out difficulties and allowing various matters to be dealt with by way of alterations and side letters to landholders (WCC/127; WCC/134; WCC/137). WCC have recently been in correspondence with Government Office for North East regarding outstanding details (WCC/137A).
- 7.2 Accordingly the test for confirmation can be answered in the affirmative. On the CPOs there is a compelling case in the public interest; that does justify the interference with the owners' rights; WCC have explained the purpose to which the land would be put; WCC have the necessary resources including financial commitment; and there is no known impediment at this stage. On the SRO, careful analysis has addressed all relevant routes in the appropriate way.

**Mr Shephard (OBJ/SHEP/P/1; OBJ/SHEP/SP/1; OBJ/SHEP/100)**

- 7.3 In addition to objections to the planning application outlined previously, Mr Shephard opposed aspects of the SRO and CPO in the vicinity of Madbrook Farm. At the inquiry, he reported significant progress in discussions with WCC. A recent drawing from them, FS Plan 1, satisfactorily addresses the retention of a secondary access to Madbrook farm, while FS Plan 2, facilitates vehicles turning from this access both left and right via the roundabout.
- 7.4 Should the scheme be confirmed, then FS Plan 1 should be included and, in addition, land retained in ownership of his company should extend to within 1 or 2m of the edge of the attenuation pond, as shown in green and marked "FS Boundary Line". He also sought a good sized outflow or overflow pipe of at least 300mm diameter from the attenuation pond to the southern end of the existing pond in order to protect against flooding of the north/south farm track. Subject to confirmation of the secondary access then point 2 in his Statement of Case regarding his retention of a triangle of land becomes redundant

**Mr & Mrs Avery (OBJ/AVERY/P/1A)**

- 7.5 Mr & Mrs Avery would be directly affected as freehold owners of CPO Plots 28, 29 and 30 and agricultural lessees of Plots 31, 32 and 33. Evidence on their behalf was given Mr Michael Joyce. Mr & Mrs Avery seek an amendment to the SRO in respect of footpath HEYW28 to make it consistent with the stopping up shown on the drawings submitted with the planning application.
- 7.6 Mr & Mrs Avery co-operated with WCC prior to submission of the planning application, by entering into consultations regarding the existing system of footpaths that would be affected by the new road. Footpaths HEYW15 and HEYW28 running southwards from Park Farm would be crossed by the bypass and the new access road to the cement works. The consultations determined that it would be logical, practical and advantageous to all interested parties, particularly footpath users, to join footpaths HEYW28 and HEYW15 by a very short new link at location Q on the SRO, create adequate facilities for footpath HEYW15 to cross the cement works access and the bypass and to stop up the section of footpath HEYW28 to the south of location Q. On the basis of these proposals Mr & Mrs Avery were willing to agree to the inclusion of Plot 30 in the CPO to create the link between HEYW15 and HEYW28 at location Q. The

proposed stopping up was detailed on the planning application (Drawing No 748034 – DO47A).

- 7.7 Mr & Mrs Avery are dismayed to discover that these proposals are entirely altered by the SRO. The new link between footpaths HEYW15 and HEYW28 would still be created but the southern section of HEYW28 would still be retained. It would connect via a short section of footpath HEYW18 to the cement works access and a new footway would run along the access to the point where it meets HEYW15. The revised proposals are illogical and to no beneficial purpose. The new link at location Q enables users to join HEYW15 and proceed direct to the access road and bypass crossings. The remaining section of HEYW28 would be superfluous and would not provide users with any alternative destination in either direction.
- 7.8 Mr & Mrs Avery would be heavily affected by the scheme. Nevertheless, Mr Avery has made every effort to take a pragmatic and co-operative approach to the matter. He is particularly surprised and disappointed there has been no direct approach or consultations with him concerning the changed proposals as detailed in the SRO. He considers them to be illogical, serve no useful purpose and to be contrary to his interests as landowner/occupier, footpath users and use of public funds.

#### **Heywood Parish Council (HPC/106)**

- 7.9 HPC objected to the CPO and SRO in its letters of 7 & 25 October 2007. The letters listed a number of apparent discrepancies in the drafting of the Orders which have been generally acknowledged by WCC. Should the Orders be confirmed, suitable amendments have been proposed where considered necessary.
- 7.10 Referring to the objection to the planning application, the proposals for footpath HEYW28 satisfactorily addressed observations on the 2005 planning application layout, noting that this would involve stopping up of about 600m of footpaths HEYW18 and HEYW28. This would provide an opportunity to achieve a commitment to restore or recreate other footpaths which were in place further east prior to the clay workings which had now been filled and capped. It is accepted that re-opening of the footpaths cannot happen immediately as the restoration of the site is far from complete.
- 7.11 It only became apparent from the evidence on behalf of Mr & Mrs Avery that the changes to footpaths HEYW18 and HEYW28 in the SRO were not consistent with the proposals in the planning application. If HEYW28 was to remain open then it would be essential that part of the Cement Works access road should be public highway to allow a connection along it between HEYW28 and footpath HEYW15. In closing, it was noted that the changes proposed by WCC now addresses satisfactorily most of the footpath concerns.

#### **Written Objections (Statutory Objectors)**

##### **Mr & Mrs T Painter (OBJ/PAINT/P/1; PAINT/100)**

- 7.12 Mr Tom Painter is the freehold owner of CPO Plots 34 and 37 forming part of Blenches Mill Farm. An objection to the CPO was submitted on his behalf by Assetoptimal by letter dated 12 October 2007 which listed 20 grounds of concern. A proof of evidence (OBJ/PAINT/P/1) was submitted by Mr Richard Edge of Assetoptimal on 19 May 2008. However, in his letter of 11 July 2008



(PAINT/100) Mr Edge confirmed that he would not be appearing at the inquiry and outlined the objections which remained which had not been resolved.

- 7.13 He records that WCC have stated that amber flashing warning lights would be installed at the Shallow Wagon Lane horse crossing on the Glenmore Link in response to safety concerns. In his client's view, traffic lights should be installed which would be less likely to be ignored. This would entail a nominal difference in cost but with a significant improvement in safety.
- 7.14 His client seeks similar less intrusive lighting proposals at the Glenmore and Cement Works Roundabouts as would be used at Madbrook Roundabout. He would expect lower traffic approach speeds on these 2 roundabouts and therefore this should not present safety issues.
- 7.15 Mr Painter objects to the re-grading of the area designated M on Scheme Layout Plan No 748034 – D049 Rev A (CD1.1) and disputes that it should be a matter for compensation. He considers it is not necessary for the work to be undertaken as part of the scheme. He has noted that WCC have explained in evidence that the re-grading is in part being carried out to save costs of landfill but does not accept this as a valid reason to further impact the viability of his holding and that it would prejudice his human rights. Nevertheless, he would accept the area designated L on the same plan being re-graded.
- 7.16 He considers the verges of the scheme generally and the approach to Glenmore Roundabout specifically would be too wide leading to excessive land being taken which would further affect the viability of his farm. Although WCC have indicated that the land areas may be reduced at the detailed design stage, it is unsatisfactory to leave this unresolved.
- 7.17 Mr Painter is concerned at the lack of traffic lights for horse riders at the Cement Works Roundabout and fears this would impact on his livery business. There are examples of traffic lights for use by horse riders on the A350 between Lackham and Melksham. Whilst WCC have offered the use of the road verge, Mr Painter feels this detail should have been dealt with in the original design of the scheme.
- 7.18 The "flood compensation area" is shown as indicative only on the scheme plans and Mr Painter finds it unacceptable that it cannot be confirmed whether this site is required for the scheme.
- 7.19 Mr Edge notes that WCC have confirmed that a triangular area of land on the north side of the Glenmore Link that is severed (adjacent to footpath HEYW12) is not required and can be excluded from the scheme. Finally, the provision, location and dimensions of culverts, gates and fences at existing and new access points is currently under negotiation but remains unresolved.

**Mrs M Brittain (OBJ/BRITT/P/1, BRITT/100)**

- 7.20 Mrs Mary Brittain is the freehold owner of 2 Coach Road, Westbury, identified as Plot 25 and 25A in the CPO. An objection to the CPO was submitted on her behalf by Assetoptimal by letter dated 12 October 2007 which listed 8 grounds of concern. A proof of evidence (OBJ/BRITT/P/1) was submitted by Mr Richard Edge of Assetoptimal on 19 May 2008. However, in his letter of 11 July 2008 (BRITT/100) Mr Edge confirmed that he would not be appearing at the inquiry and outlined the objections which remained.

- 7.21 Mrs Brittain maintains that WCC have not demonstrated that there would be a contribution to the environmental wellbeing of the area as the scheme would be built in the open countryside. As there would be no ban to prevent HGVs from continuing to use the A350, it has not been demonstrated that there would be a contribution to the social wellbeing of the area. There would be inadequate provision for horse riders on the Glenmore Link and as such there would be safety concerns. She requests that lighting similar to the less intrusive proposals at Madbrook Roundabout should also be installed at the Glenmore, Hawkeridge and Cement Works Roundabouts, particularly as the 2 former roundabouts should have lower approach speeds.
- 7.22 Assetoptimal met WCC on 9 June 2008. However, Mrs Brittain still has concerns regarding land boundaries and accommodation works. She considers the land area within the CPO is incorrect as more would be taken from her than is shown on the CPO plans. WCC have offered to have the land surveyed to establish land ownership boundaries and she requests that this be a condition of any order confirming the CPO. She considers that the scheme would infringe her rights as set out in the Human Rights Act 1998 Articles 1, 6 and 8, given the proximity to her home and the impact it would have on her and her home.

**Robert Hitchins Limited (Dossier Pt 1 Section 9 No 4)**

- 7.23 The Company is the owner of 54 acres of land which falls within OS Plot 0006. Part of this land contains CPO Plot 3. The Company objects to the CPO on safety grounds. The scheme would increase traffic and remove the current access to the land. The new access would be created further down the existing road but this would mean users of the land would have to cross several busy lanes of traffic when accessing the land from the south east. This would be most unsatisfactory from a safety point of view.

**Mr & Mrs S Painter (OBJ/PAINT/W/1)**

- 7.24 An objection to the CPO on behalf of Mr & Mrs Painter of Glenmore Farm, Westbury was submitted on their behalf by Assetoptimal by letter dated 12 October 2007 which listed 7 grounds of concern. In his letter of 11 July 2008 Mr Richard Edge wrote to confirm Mr Painter's concerns regarding the inadequate provision in respect of rights of way and provision for horse riders on Glenmore Link. His client requests traffic signals at the horse crossing on Glenmore Link instead of the warning lights proposed by WCC. He also seeks less intrusive lighting at the Glenmore, Hawkeridge and Cement Works Roundabouts similar to that proposed at Madbrook Roundabout.
- 7.25 There was no reference to the remaining original grounds of concern in that letter. Two of these relate directly to the effect on Glenmore Farm, namely that there is a lack of consideration in the proposals for access and the uncertainty of an adjacent attenuation pond. The others relate to more general objections to the scheme which were also raised by others appearing at the inquiry.

**Lafarge Cement UK plc (WCC/105)**

- 7.26 The objection dated 4 October 2007 to the SRO and CPO submitted in the name of Blue Circle Industries plc, now trading as Lafarge Cement UK plc, was formally withdrawn by letter dated 30 June 2008. This was on the basis that WCC would comply with all the matters which had been agreed and which were listed in a letter dated 9 June 2008 from the County Council to Workman (Lafarge Cement's Property Managing Agents).

**HPH Ltd (Dossier Pt 1 Section 9, No 3)**

7.27 The objection dated 3 October 2007 to the CPO submitted by GL Hearn on behalf of Mr & Mrs Braid and HPH Ltd was formally withdrawn by a letter to the inquiry Programme Officer dated 16 May 2008 (HPH/100).

**White Horse Alliance**

7.28 WHA were granted Rule 7 status for the purposes of the CPO and SRO inquiry. However, it objects to the principle of the scheme and therefore opposes the confirmation of the Orders in their entirety. This objection is dealt with elsewhere in this report and not repeated here.

**Other Written Objections to the SRO and CPO (Non-statutory) (Dossier Pt 1)**

7.29 In addition to the statutory objections described above, a further 71 objections to the Orders were submitted in response to the notice given by WCC that the Orders had been made. In respect of the SRO, several express concern at the proposals for an at-grade crossing for pedestrians and horses on the Glenmore Link. A number consider that sections of the new bridleway in the Wellhead valley would have an excessively steep gradient which would make it a poor facility. There is general concern on the impact from noise and on visual amenity on the existing and diverted rights of way in the Wellhead valley. Many objectors express their concern that either there should be no scheme or that if a bypass is necessary it should be located to the west side of town.

## INSPECTOR'S CONCLUSIONS<sup>32</sup>

### Introduction

- 8.1 The inquiry was into a planning application made by Wiltshire County Council, called in by the Secretary of State, to construct an Eastern Bypass for Westbury together with a link road, the Glenmore Link, and also into the associated Side Roads Order and Compulsory Purchase Order.

#### *Approach to the Planning Application*

- 8.2 The Council's stated objectives [1.66; 2.28] for the proposals, each viewed as equally important, were summarised as to:

improve the transport links into West Wiltshire and between the West Wiltshire towns in order to facilitate economic regeneration;

ease the transport of goods to and from commercial and employment areas so as to encourage new businesses to locate and for existing firms to invest;

provide traffic relief for residents and visitors to Westbury.

- 8.3 The extents to which these objectives would be met are important material considerations, but I reject submissions that the scheme should not be criticised for failing to meet other objectives[2.284 – 2.286]. Put frankly, most applicants for planning permission would be happy to see their proposals judged against their own stated objectives in making the application. There are in my view a number of other valid considerations material to the outcome in this case.
- 8.4 When calling in the application the Secretary of State listed 7 matters on which she particularly wished to be advised. In summary these concern a) policy, b) sustainability, c) rural considerations, d) biodiversity, e) transport, f) planning conditions, and g) any other matters I consider relevant.
- 8.5 I first assess the application scheme on its own merits, substantially as submitted and progressed by WCC but taking into account detailed changes suggested during the inquiry (such as subdued lighting at more of the roundabouts) that could reasonably be incorporated by way of conditions within the scope of a planning permission and the published Orders.
- 8.6 In doing so, I look initially at policy and (having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004) to the development plan. I deal next with transport issues, which in several regards inform subsequent considerations. I then deal with sustainability and rural issues together, since the considerations overlap in this case, for example those regarding landscape impact and sustainable development. I then turn to biodiversity, again informed by the preceding considerations, before looking at possible planning conditions. Although not expressly referred to in the call in matters, the inquiry considered also noise, air quality, historic environment and archaeology, drainage, flooding and contaminated land, all of which I am treating as aspects of sustainability and rural impacts rather than "other matters" in their own right. These various considerations lead to my overall summary and recommendation on the planning application.

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<sup>32</sup> References shown [ ] indicate paragraphs earlier in the report  
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*Approach to Variations and Alternatives*

8.7 Following my appraisal of WCC's application scheme on its merits, by way of "other matters" I then look at the merits and materiality of suggested variations and alternatives. Three substantial variations were promoted, outside the scope of the present application and published Orders but retaining the essence of the scheme, and essentially three alternatives were discussed.

*Variations*

- The Glenmore Link variation.
- Relocation of the Madbrook Farm Roundabout.
- Provision of an ecological corridor.

*Alternatives*

- Non road building alternatives were alluded to, primarily by WHA, but not progressed in any detail.
- Far Western Route(s) were suggested by WHA and others as potentially superior compared with the application scheme though not formally promoted.
- A town centre tunnel scheme was promoted by Mr Brakspear.

*Approach to the Orders*

8.8 The Sides Roads and Compulsory Purchase Orders were subject to revisions and corrections during the inquiry, as I describe below. Subject to that I assess them having regard to statutory requirements.

**THE PLANNING APPLICATION****Matter (a): Policy***The Development Plan*

8.9 The development plan comprises [1.48]:

- Regional Spatial Strategy (formerly Regional Planning Guidance) RPG10 for the South West (September 2001)
- The Wiltshire and Swindon Structure Plan 2016 (April 2006)
- The West Wiltshire District Plan First Alteration (Saved Policies) (September 2007)
- The Wiltshire and Swindon Minerals Local Plan (November 2001)
- The Wiltshire and Swindon Waste Local Plan (March 2005)

8.10 **RPG10** remains the current regional spatial strategy. Its stated purpose is to: provide a strategy within which development plans and LTPs should be prepared; set out a broad development strategy to 2016 and beyond, and; provide a spatial framework for other strategies and programmes. Submissions seeking direct support or opposition to the particular called-in application need to be treated cautiously. The more so as the Structure Plan and District Plans were approved and adopted subsequently, and must be assumed to have been in conformity, while the Secretary of State's choice of "saved" policies in the District Plan was yet more recent. I am also cautious in looking at funding

criteria (and decisions made under those criteria) as these will not necessarily coincide with planning considerations.

- 8.11 Subject to these points, the RPG overview highlights the region's many areas of high environmental quality, flags up climate change, looks at economic growth, highlighting tourism as a key sector. Paragraph 1.21 neatly summarises that "The environment of the South West is an important driver for economic development and regeneration. Strong economic performance helps to provide the wealth needed to conserve the region's environmental assets. It also brings pressures for new development". This dichotomy was a recurring theme behind arguments at the inquiry. Population and housing are addressed followed by transport, where government policy to reduce the need to travel and to promote sustainable transport choices is flagged up.
- 8.12 Key Aims and Objectives encompass environmental protection, prosperity, societal needs and prudent use of resources: achieving all where possible and, where not, resolving the conflicts. Growth is to be concentrated at Principal Urban Areas (PUAs) and other designated centres of growth (preliminary designations did not include West Wiltshire) with more localised roles for locations such as market towns (agreed to include Westbury).
- 8.13 The north sub-region (which includes West Wiltshire) is to be the main focus for growth, where objectives include aiming for greater self-containment in towns within commuting distance of PUAs; developing and improving sustainable urban and inter-urban transport networks; improving linkages between economically successful and less successful parts of the sub region; and conserving and enhancing important environmental assets. The West Wiltshire towns are expressly included (para 3.19) for consideration towards greater self containment.
- 8.14 Policy TRAN 2, addressing strategic inter-urban and inter-regional transport networks, amongst other aims supports selective infrastructure proposals to improve the safety and operational efficiency of the road network, reduce congestion and achieve environmental improvements. Policy TRAN 4 with its associated Table 6 identifies priorities (subject to several caveats) including "Improvements to north-south transport links from the Bristol/Wiltshire and Bath and North East Somerset District area to Southampton/Poole, which address in particular the World Heritage City status of Bath." The RTS Key Diagram depicts what is plainly the A350 corridor between the M4 and A36, which includes the planning application length, as an arm of the North-South transport links improvement.
- 8.15 As WHA said, TRAN 4 does not expressly refer to road improvements [2.127; 5.106]. However, read in context, including TRAN 2, Table 6 and the Key Diagram, to the extent that the RPG can be used directly for development control purposes I see support in principle for the application scheme. The degree of such in principle support depends on the extent to which this particular set of proposals would meet regional and sub regional key aims and objectives as I have just summarised. For reasons I set out below under the various topics, I consider that it would do so only poorly, so that the degree of support is slight and also offset by conflict with environmental aims.
- 8.16 **The Structure Plan** carries forward RPG10, with key elements that include concentrating development at Swindon as a PUA and (in West Wiltshire) at Chippenham and Trowbridge as Key Service Centres; reducing the need to

travel with an increased emphasis on public transport, cycling and walking; regenerating the economies of the towns of West Wiltshire (for which supporting text describes improvements to transport links, in particular the A350, as vital). Regeneration of the towns is picked up again, as a central part of the Plan's strategy, in supporting text to the Development Pattern policies, with a more specific reference to a need to improve the A350 and to Policy T12.

- 8.17 Policy T12 identifies the A350 Westbury Bypass as a proposal included in the Local Transport Plan to enhance the non trunk road strategic network (defined at Policy T11). The only other named non trunk road schemes have a lesser status: those at Yarnbrook/West Ashton and Melksham requiring further study, and that relating to Salisbury is to "be supported". The Policy echoes RPG10 TRAN 2 in referring to selective improvement on the A350 to assist economic and social regeneration of Western Wiltshire by improving journey time reliability where environmentally acceptable. Supporting text (5.37) comments on funding. The Key Diagram depicts the Westbury scheme essentially as now proposed: a bypass east of the town with an east-west link road to the north. In contrast, the Yarnbrook/West Ashton depiction is no more than an indicative notation.
- 8.18 I discount objections to Policy T12 that might be characterised by "well it would say that wouldn't it" or that the Policy was not plan-led but merely endorsed a scheme and route that had already been decided [2.128 – 2.129; 2.348; 5.232]. I also ruled (at the PIMs and at the inquiry) against consideration of evidence that sought to revisit the Plan's EiP and what might or might not have been put before that Panel. (The one letter I rejected and returned included points on this that I saw as not merely immaterial but potentially defamatory to an EiP participant). WCC as highway authority are as entitled now as any other applicant to look to a policy in the Structure Plan as support for their application; endorsement of a scheme that has already been accepted by its promoter is hardly unusual in a development plan; and the time to have challenged any aspect of the process of examination and adoption was then and not now.
- 8.19 Conversely, but using similar reasoning, I do not accept WCC's contentions that the Special Landscape Area (SLA) boundary was inappropriately drawn [2.114]. For now the designation and its Policy C9 remain the safeguarding mechanism as part of the Structure Plan. Landscape character appraisal rather than local area designations is the emerging preferred approach, in PPS7 and recently confirmed in the revised Draft RSS Policies ENV1 and ENV2, but as yet there is no such appraisal for the route corridor that has been subject to the rigour of examination leading to inclusion in a Development Plan Document. Accordingly, when considering impacts on the SLA in this case I shall first have regard to the extant development plan policies before considering the character appraisals that are available.
- 8.20 Policy T12 gives a clear support to the principle of the bypass while the Key Diagram plainly gives locational support to an eastern alignment, or a less specific notation could readily have been used as at Yarnbrook/West Ashton. As was accepted by Mr Simkins for WCC, overall compliance with the Structure Plan also requires consideration of other, generic policies including those to safeguard the environment and in particular Policy C9.
- 8.21 A distinction is called for here between the principle, including the route, and the particular proposals put forward. Supporting text to Policy C9 recognises

that road schemes may need to be accommodated within SLAs, and in any event the balance in principle between the aims of Policies T12 and C9 was struck when both were adopted. However, since then the scheme has been worked up in detail, and revised to take account of environmental constraints, and it is the detailed scheme that now has to be appraised. As I set out below, there are features now apparent in the scheme which increase its adverse impacts on the SLA beyond what might have been foreseen initially, to an extent that it must be doubtful whether the particular proposals can be said to accord overall with the Structure Plan.

**8.22 The District Plan** saved policies include T1a. Under the heading Westbury Bypass Package, this states:

Land to the north and east of Westbury, from north of the existing Cement Works Roundabout<sup>33</sup> and to the south of Madbrook Farm, as shown on the Proposals Map, is safeguarded as the County Council's preferred route option for the A350 Westbury Eastern Bypass and the Glenmore Link.

Other development will not be permitted on this safeguarded land if it would be likely to prejudice the implementation of this scheme.

**8.23** Ensuing text (3.4.3) is generally supportive, before concluding:

The County Council's preferred route was the subject of a funding bid to central Government in July 2003. The route will be safeguarded pending the results of the multi modal study and determination of the funding application. The route will be safeguarded if the funding application is successful. The route and other alternatives will be subject to full examination through the development control and inquiry process. The proposed alignment is shown on the Proposals Map.

**8.24** The Policy and text were subject to much disagreement. I discount suggestions that the policy carries less weight because it was adopted contrary to a recommendation by the District Plan inquiry Inspector [2.165; 5.110; 5.190; 5.235]. His report was not binding on the District Council and ceased to be material on their adoption of the Plan without any relevant legal challenge. I also attach little weight to a letter from the Chairman (at the time she wrote the letter) of West Wiltshire District Council purporting to lift the safeguarding [2.352]. To my knowledge there is no such informal process for modifying a development plan.

**8.25** Conversely I think that WCC may understate somewhat the relevance of paragraph 3.4.3 [2.134; 2.351]. It cannot amend T1a but is relevant to the Policy's interpretation and applications. The District Plan should be read as a whole.

**8.26** The outcome of this dispute is in some measure a matter of law, on which I will make no formal recommendation. But looking at the District Plan itself, it seems to me that the scheme is less than a "Proposal". The Plan does no more than safeguard one possible route – WCC's preferred route – pending decisions outside of the District Plan process both on the general principle and on the particular route. Those decisions – on funding and planning permission – have yet to be concluded. For the present I see the scheme as a departure from the provisions of the District Plan. In this regard I find little to disagree with in the

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<sup>33</sup> There is not in fact an 'existing' roundabout at this location, but nothing turns on this.



legal advice relayed in WCC's committee report on the application (DC5.3 paras 85 to 91). It would be wrong in my view to accord the weight of Section 38(6) of the Act to Policy T1a in support of the scheme.

- 8.27 Policy C3 is similar to Structure Plan Policy C9 with respect to SLAs and I reach similar conclusions regarding it.

*The Minerals Local Plan and the Waste Local Plan*

- 8.28 There is no conflict with either of these Plans: the scheme would not sterilise mineral reserves and, with a balance of cut and fill, waste disposal would not be significant [2.135].

*Conclusions on the Development Plan*

- 8.29 There is broad strategic support for the scheme within RPG10. The seemingly strong support in the Structure Plan has been undermined by unavoidable features that increase conflict with the Plan's landscape protection aims. For the reasons I have given I see the scheme as a departure from the District Plan. There is no conflict with the Minerals and Waste Local Plans.
- 8.30 I consider too that the weight to be accorded to RPG10 (and to Structure Plan and District Plan policies prepared under its auspices) needs to take account of more recent Government guidance and in particular the emerging SW RSS.

*The Draft SW RSS*

- 8.31 At the outset of the inquiry, the draft RSS and EiP Panel report were both available and evidence was presented concerning them. During the inquiry, on 22 July the Secretary of State published for public consultation the draft revised RSS incorporating proposed changes and a schedule of those changes and reasons, both issued under cover of a letter from Baroness Andrews<sup>34</sup>. Evidence on these documents for WCC and WHA was presented and examined following the inquiry adjournment. The final form of the RSS remains to be seen, but what I shall refer to as the revised Draft is a recent statement of the Secretary of State's approach, taking things forward from the Draft RSS and Panel Report, and of considerable weight.
- 8.32 It is, of course, no part of my purpose to comment on the merits of the revised Draft, only its application to the called in scheme. But in this context I consider that the overall approach does pick up on the PPS1 Supplement and the DfT document Towards a Sustainable Transport System (itself responding to the Eddington Report) [1.5; 2.355; 5.6 – 5.7; 5.45]. I note, for example, Chapter 1: A Sustainable Future for the South West, and within that the section headed Confronting the Greatest Threat: Climate Change, which both highlights transport as one priority area where the RSS can have an affect by addressing the need to travel, particularly by car (as well as obstacles posed by the region's geography, reliance on the motor car and its future economic and population growth).
- 8.33 In the Transport Chapter, the main aim of the RTS is to support the RSS and reduce the rate of road traffic growth through:

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<sup>34</sup> Baroness Andrews also issued a Sustainability Appraisal/Strategic Environmental Assessment, and a Habitats Regulation Assessment, of the Proposed Changes. I view these as more relevant to those wishing to respond to the consultation.

Supporting economic development ... by maintaining and improving the reliability and resilience of links from the region's SSCTs to other regions (particularly the South East and London), international markets and connectivity within the region;

Addressing social exclusion by improving accessibility to jobs and services;

Making urban areas work effectively and creating attractive places to live by developing the transport network in support of the strategy to concentrate growth and development in the SSCTs; and

Reducing the negative impacts of transport on the environment including climate change.

- 8.34 In a clear echo of Towards a Sustainable Transport System and Eddington, the regional approach is to make "best use of existing transport networks, targeting new infrastructure to unlock pinch points to improve reliability and resilience of journey times, and maximising opportunities to achieve reductions in the growth of road traffic" (described as essential). These "outcomes are to be achieved through the development of a corridor management approach and through the implementation of policies for freight and the Primary Route Network ...." Even on the corridors of national and regional importance, and at the SSCTs, the main emphasis is directed to demand management rather than road capacity enhancement.
- 8.35 WCC are right to stress the broader brush, more strategic tone to the revised Draft compared with what preceded it [2.138], and to attach importance to the new Policy CSS "setting out the core objectives of the strategy" [2.139]. There can be no doubting either the emphasis on meeting housing needs and, on careful reading, all the West Wiltshire Towns other than Chippenham are intended to be within the proposed West of England HMA (the diagrams appear ambiguous but the housing allocations take in whole local authority districts) [2.144; 5.117]. Although somewhat redrafted, the role of Trowbridge as a service centre and its functional links with the other towns including Westbury has been retained.
- 8.36 But it is a big step to treat these policies as offering support for the Bypass. The overarching CSS policy includes aims to improve connectivity and the functional efficiency of places, and steers the RTS to improve connectivity within the region and between the South West and other regions, while reducing congestion and the rate of growth of road traffic and reducing negative impacts of transport on the environment. As I set out below, I consider that the scheme would not meet these objectives particularly well; rather it would conflict with them. Again, as I consider below, it is far from clear that the scheme would enhance functional links between Trowbridge and its neighbours, least of all Westbury. I look therefore to the Secretary of State's more directly applicable revisions, those concerning transport.
- 8.37 Unlike the RPG, Draft RSS or Panel recommendations, the corridor management approach now recognises just national and regional corridors, the latter unambiguously, and it seems to me purposefully, omitting the A350 corridor between the A36 and M4 (which of course includes the application scheme). Policy RTS1 addresses only the identified corridors. The A350 does come within the ambit of Policy RTS4, which confirms the promotion of the Primary Route Network for use by HGVs, expressly precludes weight restrictions on these roads and gives a steer towards maintenance priorities. This Policy is

supportive of the scheme, to the extent that it opposes "on-line" alternatives to reduce HGV traffic through the town.

- 8.38 WCC argue that since they are promoting the bypass solely as a local scheme, a position they have held at least since the findings of the BB2SC Study in 2004, any strategic lack of recognition for the A350 route in the emerging RSS does not undermine their case [2.147]. At face value this must be so, but it does not sit comfortably with elements of their evidence which continued to stress the A350's importance regionally and indeed inter regionally [2.3; 2.4]. The revised Draft RSS does I think point strongly to a purely localised assessment of the scheme.
- 8.39 The Westbury Bypass was not in the Draft RSS, though it did feature in Table 2 of the Implementation Plan. The Secretary of State's deletion of the list of infrastructure schemes, and the reasons in the schedule of reasons and in Baroness Andrew's letter have been subject to opposing interpretations: WCC stressing the general endorsement of the transport RFA process and WHA the broader criticisms of the Region's approach to infrastructure provision. In my view, neither interpretation affects the planning merits of the called-in application, the more so given its local focus.
- 8.40 Significantly, though, the Regional Assembly have confirmed their support for the scheme.

#### *Conclusions on the Revised Draft RSS*

- 8.41 There is nothing in the emerging RSS to suggest some sort of embargo on road building (nor indeed in any other government policy of which I am aware), but when compared with RPG10 (and the Structure and District Plans) the policy tide has in my view ebbed further away from support for this scheme, located as it is away from any identified corridor of national or regional importance.

#### *Overall conclusions on Matter a)*

- 8.42 There is support for the principle of the scheme in RPG10; express support for the principle and location in the Structure Plan (tempered by the particular scheme's conflict with other Plan objectives); recognition and safeguarding in the District Plan but not formal support as a Proposal; compliance with the Waste and Minerals Local Plans; and as it stands the emerging RSS signals substantially less support than may be seen in the extant development plan.

### **Matter (e) PPG13 and Related Transport Considerations**

#### *Traffic and Transport Economics*

- 8.43 It is unfortunate that WCC's evidence on traffic and economics was subject to considerable change during the inquiry, not all fully resolved. However, notwithstanding these reservations, I consider that sufficient evidence of traffic and economics has been presented to enable me to reach my overall conclusions on the application scheme.

#### *Existing Conditions*

- 8.44 Roadside interviews on the A350 north and south of Westbury identified that between 60% and 62% of all traffic was through traffic with neither an origin nor destination in the town or the West Wiltshire Trading Estate and adjoining employment area. For HGVs, whose numbers were about average for this type

of road, the proportion of through traffic was between 61% and 75%. Thus the scheme has the potential to remove a significant proportion of traffic from the town.

- 8.45 Journey time surveys carried out by WCC indicated that a large part of the variation in journey times reflected queuing and delays to the north of Westbury, particularly at Yarnbrook roundabout rather than significant delays in Westbury itself [2.25; 2.45; 2.59 – 2.60]. Over the length of A350 which would be relieved by the scheme, southbound journeys take a little longer on average than the equivalent northbound journey. However, neither the journey time itself nor the variation within and between peak and off peak periods appears to suggest that journey times are unreliable or unpredictable to any significant extent [5.32; 5.58; 5.142; 5.298; 5.301; 6.27; 6.52].
- 8.46 On average, there are about 10 personal injury accidents each year on the length of A350 which would be relieved by the bypass, fairly typical for this type of road. Being spread quite evenly through the area, this indicates to me that the accidents are a general consequence of the level of traffic and physical characteristics of the road rather than arising from specific locations where interventions with safety schemes would be an alternative response.
- 8.47 I understand fully the genuine concern of residents living alongside the A350 in the town that the adverse effects from the volume and proximity of traffic, particularly the larger HGVs, noise, air quality and severance reduces their quality of life significantly. However, in my opinion, the overall conditions are fairly typical for an urban road of this type. I agree with much of Mr Randle's description [2.323] of the various factors being not the worst but I also consider that neither are they unusually prolonged. Outside of the peak hours, the route is generally not congested; there is little of the peak period spreading in duration which is typical of locations with heavy and extended congestion.

#### *Traffic Modelling*

- 8.48 Traffic modelling of the network by WCC was subject to a great deal of scrutiny during the inquiry, not least due to the understatement of HGV numbers which I described in the preamble. The identification of errors in the model validation process resulted in the PM peak model failing the 3 criteria required in the DMRB. Nevertheless, WCC concluded that the affected lengths of road are some distance from Westbury and do not impact on modelling of the bypass.
- 8.49 Despite doubling the relevant part of the flows, the percentage of HGVs modelled in the vicinity of the 2 roadside interview sites on the A350 amounted to about 3.2% and 5.1% respectively compared with the observed proportions of 6.7% and 8.0%. This suggests to me that the model is under recording this important component of the total traffic flow.
- 8.50 Routeing of HGVs was a matter of importance to the scheme's objectors and supporters. Modelling of the "Do Something" scenario with the eastern bypass assumed that a weight restriction would be imposed on Station Road, an important link within the town which provides direct access to WWTE. To understand the implications of this restriction on both the Do Minimum and the comparative Far Western Route (FWR) on a like for like basis, I asked WCC to carry out additional traffic assignments without a weight restriction for the eastern bypass scenario and with a weight restriction for the Do Minimum and FWR scenarios.

- 8.51 WCC consider that these assignments demonstrate that with the restriction HGVs will use the bypass in preference to traversing the town centre [2.50 – 2.68]. However, by way of example, of about 417 HGVs displaced from Station Road by the restriction, the number using the bypass increases by about 83 and on the Glenmore Link by about 190. In contrast, the number of HGVs using the existing A350 on Fore Street/West End increases by about 216, thus reducing the relief that would otherwise have occurred there had the restriction not been imposed (WCC/131A Fig 3.10 Version A). Further analysis of the assignments shows up similar anomalies for HGV routeings which give me cause for concern.
- 8.52 HGV movements in and around Westbury are complicated by the existing weight and height restrictions on routes from the A36 and within the town. The change in WCC's position during the inquiry arising from Network Rail's request for the immediate imposition of a 3.0 tonne weight restriction on Westbury Station Bridge due to the assessment of its structural condition [\*] means that the Do Minimum becomes fundamentally different from that assumed to date.
- 8.53 Bearing in mind the limited success of the model validation process, Mr Helps' acknowledgement that not all the weight and height restrictions on the existing network had been modelled and my concerns regarding the modelling of the weight ban on Station Road, I do not share WCC's confidence that the additional assignments demonstrate the robustness of the traffic model.
- 8.54 That is not to say that a simple bypass around the east side of the town would fail to provide significant relief to sections of the A350. However, traffic movements in the area are rather more complex and the impact of HGV movements in particular clearly extends much more widely than simply the A350 through the centre of Westbury. For this reason it is important that the traffic model should indeed be sufficiently robust to address a range of potential solutions to transport issues in the area. These would include access to the employment areas from the west and north-west of the town and potential interchange facilities with the public transport network. In its current state, the model is of somewhat limited value for these purposes.
- 8.55 Setting those reservations to one side, the scheme is shown to be effective at removing traffic from the A350 through Westbury with or without a weight restriction on Station Road. Whilst the restriction would result in some increase in use of the bypass by HGVs, the effect on other routes within Westbury appear less clear and there appears to be no significant effects on other routes beyond Westbury.
- 8.56 The Glenmore Link would provide a direct route from the A350 to WWTE and the adjacent employment areas. The forecast flow in 2009 is 1327 vehicles per 12 hour day including 357 HGVs providing there is a weight restriction on Station Road and 167 without such a restriction. Whilst without such a link, an eastern bypass alone would be unlikely to change HGV routeings to the WWTE, the relatively low flow in absolute terms indicates to me that its location within the highway network would allow it to perform only a very limited function. A corollary to this is the small change in traffic forecast on the B3097, Hawkeridge Road, northwards of the Trading Estate

### *Economic Evaluation*

- 8.57 Cost benefit analysis of the scheme has been undertaken using COBA. The doubling of HGV numbers did not affect the results that had been reported in Mr Helps' original or revised proofs of evidence (WCC/P/2 and WCC/P/2A).

Nevertheless, Dr Gillham noted in his evidence (OBJ/GILL/SP/1) that significant benefits and dis-benefits were being recorded at junctions in Trowbridge and Warminster, some distance from the scheme. Subsequent investigation by WCC resulted in a number of coding errors being identified which required correction.

- 8.58 A revised analysis was issued as part of Revision 1 to the Major Schemes Business Case (CD9.8C). The Present Value of Benefits (PVB) for the application scheme was reduced by about £3.7m resulting in a Benefits/Cost Ratio (BCR) of 4.362 compared to 4.475 previously. Notwithstanding these changes and my reservations on the robustness of the traffic model, the revised COBA results do appear to demonstrate that the application scheme would represent a satisfactory economic return on the investment.

#### *Induced Traffic*

- 8.59 Nevertheless, the robustness of the sensitivity test which was undertaken to demonstrate that variable demand modelling of traffic levels and benefits was unnecessary has been challenged by objectors [2.66 – 2.67; 2.376; 5.46; 5.56; 5.201]. Although the tests satisfied the TAG criteria, the results were simply a function of choosing the lowest value for elasticity of demand. The small increase in trips (induced traffic) was shown to produce a significantly larger drop in the value of benefits suggesting that a further small change in elasticity might result in failure to satisfy the criteria.
- 8.60 This point is further emphasised by the replacement of WCC's report "Variable Demand Modelling – Preliminary Assessment" dated 12 December 2007 by one dated 2 May 2008 which was submitted to the inquiry in Revision 1 to the MSBC (CD9.8C). Notwithstanding a direct question from me, I was unable to obtain a clear reason for the revised analysis and why it had not been submitted in evidence at the outset; I assume simple inadvertence. Be that as it may, whilst suppressed trips are reported to be lower, their effect is to reduce benefits even further than the previous analysis. This report refers to cost benefit analysis being undertaken using TUBA rather than COBA which may account for some of the difference. Nevertheless, as this report predates the most recent changes to correct the errors in COBA referred to above, I have some misgivings that the tests carried out to date can be relied on sufficiently to wholly justify the use of a fixed trip matrix. In response to my questions following the submission of this report, Mr Helps indicated that DfT had recently asked WCC to look at further sensitivity testing on this topic.
- 8.61 Without the necessary analysis, the effect of a full variable demand approach on the appraisal is matter for conjecture. However, the evidence from the work done to date implies that the benefits of the scheme are highly sensitive to quite small increases in traffic. This adds to my concerns on the robustness of the traffic modelling and the errors that have been found in COBA which as I will touch on later, appear to have disproportionate effects on the solutions evaluated.

#### *Dorset Considerations*

- 8.62 My reservations regarding the scheme's economics being sensitive to small changes in assumptions regarding induced traffic do not mean that I attach weight to objections regarding impacts in Dorset [1.18; 2.291 – 2.293; 5.35; 5.149; 5.228; 6.6 – 6.18]. The existing route through Westbury does not suffer from prolonged or severe congestion, particularly outside peak hours, and so there is little reason to fear that increased capacity created by the scheme

would, in any absolute sense, trigger a substantial increase in traffic flow further south. It should be borne in mind too that south of any bypass for Westbury the Warminster Bypass comprises the A36 Trunk Route as well as the A350, which then divide again south of that town. Traffic flows southward of Warminster would remain dominated by the trunk route, not by marginal changes on the A350. Finally, there is simply no evidence that Dorset County Council's proposals in their TPP would be influenced by a decision on the scheme or any other measures for Westbury.

### *Bath Considerations*

8.63 I also attach little weight with regard to potential impacts at Bath to the north west [2.162 – 2.163; 2.169; 2.346; 3.65; 5.30; 5.142; 5.149]. WCC say that without the Westbury Bypass they would oppose measures to reduce or eliminate north-south through lorry movements in the World Heritage City. Bath and North East Somerset Council in turn support the called in application. However, there is little or no evidence of precisely what impact the unspecified measures in Bath would have at Westbury, while WCC's own witness considered that the Westbury measures would have little effect on traffic in Bath [2.127]. Indeed, it seems to me that the implied transfer of traffic from the A46/A36 corridor to the A350 does not sit well with the strategic Policies in the emerging RSS.

### *Summary and Matters Relating to PPG13*

8.64 The roadside interviews carried out in 2005 indicated a significant proportion of the traffic in Westbury had neither an origin nor destination within the town. As such, with effective signing, most of that through traffic would be attracted to the bypass and thereby provide considerable relief to local residents, particularly those living in homes adjacent to the A350. In these circumstances, it would be surprising if such a scheme did not have a positive economic return when assessed under COBA although its benefits would be focused over a relatively small area of the local road network.

8.65 However, the location of WWTE, other industrial areas and the railway station on the west side of town together with those areas' relative inaccessibility from the west and north west (Bristol/Bath – South Hampshire corridor of regional importance in the emerging RSS), means that the scheme would do little to improve their accessibility. This is amply demonstrated by the relatively low flows attracted to the Glenmore Link. Whilst the introduction of a weight ban on Station Road would clearly have significant implications for the movement of goods and people within Westbury, in my opinion, it appears to do little to increase use of the bypass by HGVs significantly.

8.66 Although not part of the planning application, if the scheme goes ahead WCC intend to implement a number of improvement measures in the town centre. These are intended to ensure that the environmental benefits arising from the removal of through traffic are not dissipated by an increase in local vehicular traffic and to encourage an increase in travel by other modes such as walking and cycling. This is a praiseworthy approach.

8.67 Nevertheless, WCC were unable to confirm whether an exemption from the 3.0 tonne limit on Station Road Bridge would apply to use by public service vehicles. If not, there would be an adverse impact on existing public transport accessibility both to the station and the main employment areas including WWTE. Although not a direct consequence of the scheme, it would be

important that any long term solution to the weakness of the bridge did not result in public transport restrictions there which would give an unfair advantage to car based trips. This would be inconsistent with the aims of PPG13.

- 8.68 The introduction of a high standard road into the network would provide additional capacity and will reduce the time of travel between nearby towns. This would do little to discourage increased travel by car or encourage more sustainable transport choices. It would tend to offset any potential reductions in travel by car arising from modal change within Westbury. The overall increase in total kilometres travelled, whether or not any significant additional travel is induced by the scheme, is not consistent with the aim of PPG13 to reduce the need to travel, particularly by car. A practical consequence of this is the forecast increase in carbon emissions estimated at 385 tonnes over the modelled area in the opening year.
- 8.69 Whilst the techniques for forecasting the emissions profile and associated costs over the period of 60 years from opening appear to be evolving, none of the results indicate that the scheme benefits would be significantly eroded in economic terms. WCC's previously calculated figure of 300 tonnes of carbon represented an 8.4% increase over the modelled area in the opening year of the scheme, making the revised figure somewhat over 10%. WCC disparage the 385 tonnes as less than 1% of the 2005 figure for road related carbon emissions in West Wiltshire, but I have doubts about the logic of this comparison. The scheme has been assessed for economics over its modelled area; widening the geographic spread of assessment for just one undesirable parameter cannot fail to dilute its impact. The increased emission resulting from the scheme would not, in absolute terms, be high but it would be significant in the local context around Westbury and regardless of how the percentage change is calculated it would be a movement entirely in the wrong direction. As such it must weigh in the balance against the scheme.
- 8.70 This leads me to conclude that the opportunities to promote more sustainable transport choices within Westbury would be likely to be outweighed by the opportunities for more car travel arising from the additional capacity in the network and the increase in carbon emissions. The scheme would therefore not be consistent with the advice in PPG13.

### **Matters (c) and (b) PPS7 and PPS1 Rural and Sustainability Considerations**

#### *Landscape and Visual Impact*

- 8.71 I have referred to the relevant policy framework above. WCC have sought to minimise adverse impacts, principally by respecting the landform in the horizontal and vertical alignments, by limiting road lighting to the roundabouts (with only low level lighting at Madbrook Roundabout)<sup>35</sup> and in structural details such as those avoiding a visual notch through the Newtown ridge. Further attention has then been given to mitigating residual impacts, for example through planting, earthworks such as false cuttings and in a "naturalistic" approach to such features as drainage attenuation ponds [2.86 et seq].
- 8.72 I endorse the Council's submission that landscape impacts (the scheme's effects on the landscape) and visual impacts (the effects on views from particular

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<sup>35</sup> Considered further below with regard to bat flight lines.



locations) should, so far as possible, be systematically assessed against defined objective criteria, otherwise there is a real risk of subjectively reinforcing support or opposition for a set of proposals [2.382]. This is particularly important in any comparison exercise, although for the present I am considering solely the application scheme. The Council's impact appraisals are based broadly on DMRB (and TAG) and Landscape Institute guidance, assessing impacts at the year of opening and after 15 years, as landscaping matures, within an identified visual envelope map. I see little to criticise in the methodology and agree with many of the conclusions reached.

- 8.73 In line with the Council's approach, I look to landscape value (on a 3 point scale); condition (5 point scale); capacity to accept the proposals (3 point scale); with an overall assessment of effect on landscape (after mitigation) on the TAG 7 point scale.
- 8.74 However I have one fundamental and several more specific points of disagreement. The fundamental point is that whereas I of course accept the need to take account of the impacts on both the countryside and the town, in my view this is better done as part of a balancing exercise after each topic has been assessed separately. The range of impacts in the countryside and in the town are simply too different in their range and nature to be combined into an overall "score" in the manner suggested by the Council.
- 8.75 I also have a presentational reservation regarding the Council's photomontages. These are based on panorama shots; several single frame photographs electronically spliced together. This is understandable to illustrate a linear proposal such as a road. But as I discussed with Ms Betts, it has produced 75° horizontal fields of view, whereas a human eye generally subtends about 40°, as does a 50mm camera lens in a single frame shot. Anyone unfamiliar with these technicalities may naturally tend to view the montages so as to take in the full width at once, when their brain will convey the impression of a scene that is substantially further away from the viewpoint than would actually be the case.
- 8.76 Put another way, the proposals will appear smaller than they would in reality from that viewpoint. A correct impression requires viewing the montages from the unnaturally close distance of about 300mm, taking in only part of the route at a time. I should immediately add that the angle subtended and the required viewing distance appear on each montage, if not prominently, but I do wonder whether every member of the public at the exhibition will have understood the point. Be that as it may, when I used the photomontages, primarily while physically standing at the viewpoints in question, I was careful to have regard to the required viewing distance.
- 8.77 I have one other reservation regarding the photomontages: despite close scrutiny, I can find no indication to illustrate the presence or visual impact of the proposed bat gantries.
- 8.78 Turning then to the assessments, as well as the SLA designation approach in the extant development plan, the Council have referred to character appraisals by the [then] Countryside Agency, by the County Council and by West Wiltshire District Council [2.88]. As may be expected these are at increasing levels of detail, with the District landscape types further subdivided into character areas: the District document places the southern part of the scheme, from Madbrook Farm to Bratton Road within its G2 Westbury Greensand and Chalk Terrace, with the length north of Bratton Road within E8, Heywood Rolling Clay Lowland.

As the Council say, these appraisals distinguish between the Greensand and Chalk Terrace below the High Chalk of Salisbury Plain, and it is the latter that substantially comprises the SLA.

- 8.79 However, none of these published appraisals, nor indeed the SLA, was prepared with the particular scheme route in mind [2.101 et seq]. For example the G2 Area extends west across the existing A350 and describes this road as bisecting the Area. The appraisals provide a useful background material but the Council have also themselves subdivided the route into three main lengths: the "Wellhead Valley" from Madbrook Farm to Bratton Road; the "White Horse Vale" between Bratton Road and the proposed roundabout junction with the existing A350; and the "Bitham Brook Valley" (the route of the Glenmore Link) [2.109 – 2.111].
- 8.80 These are useful subdivisions, broadly recognising topography, underlying geology and field/vegetation characteristics. The "Wellhead Valley" length coincides with that part of the Bypass passing through the SLA, warranting a "medium" relative value as a local authority designation. However, as a geographic location, and for appraisal purposes, in my opinion this length of the route further subdivides into the shorter length north of Newtown and the greater part, the geographic Wellhead Valley extending southwards of Newtown towards Madbrook Farm. A strong ridge separates the more open hillside falling northwards to Bratton Road from the valley falling southwards.
- 8.81 The Council ascribe a "good" condition to the "Wellhead Valley" as a whole: "recognisable landscape structure; some features worthy of conservation; some detracting features." North of Newtown that is a reasonable category, the landscape is attractive but not exceptionally so, sitting below the Salisbury Plain escarpment, and the cement works chimney is visible from within this area as a detracting feature. There is also some evident influence from traffic on Bratton Road.
- 8.82 But south of Newtown – the greater part of this length of the route – I rank as significantly better, as "very good", that is to say it has "strong landscape structure; distinct features worthy of conservation; no detracting features". The raised knoll between this dry valley and Westbury obscures the town from the valley, while the escarpment to Salisbury Plain provides a striking and dramatic "outer" edge. Whatever may be the underlying geology between the High Chalk and the Greensand and Chalk areas, in my view the valley at the foot of the escarpment is an integral and inseparable component of the landscape quality of this edge of Salisbury Plain. Apart from the small, attractive brick and stonework pumping station, nestling in woodland, and the equestrian centre at Newtown, there is virtually no man made structure seen within this area, just a network of fields and paths, including West35 running up the valley essentially parallel to the route of the Bypass.
- 8.83 The existing A350 running at ground level past Madbrook Farm has very limited impact other than on its immediate fringe. Away from there, aural tranquillity reinforces the landscape quality, and both are heightened by the town's proximity yet almost complete separation from this area of countryside. Unsurprisingly, I repeatedly heard evidence of how much this locality is appreciated – loved – by many Westbury residents.
- 8.84 The Bypass running north from Madbrook Farm would initially be at grade, dropping into a cutting to pass under the Chalford accommodation bridge; but

beyond there, leading further into the valley, the road would rise to pass over the Wellhead Underpass. False cuttings, some 3 m deep, would to some extent screen the carriageway from adjacent land but only at the cost of increasing the overall prominence of the embanked works. The lift in the carriageway here has been forced on the designers in order to avoid dropping the underpass into the aquifer below [2.243]. I conclude below that the measures proposed to protect the public water supply are entirely adequate, however they have necessitated making the road more prominent in a sensitive landscape location. The vertical alignment would continue somewhat above the side sloping ground level over the Beres Mere Underpass, though less so than at Wellhead as this underpass is for wildlife rather than people and would itself be sunk partially below adjacent ground level. Even so it would not be until some way beyond there, on the approach to Newtown, that the carriageway would again drop into a substantial cutting. Roadside planting would in time provide some screening but would itself appear out of place, poorly related to the flow of the land and its existing pattern of hedges and blocks of woodland.

- 8.85 Bat gantries would span the road at Wellhead and Beres Mere, with bat screens either side. The undersides of the gantries would be a minimum of 5.3m above the carriageway (the normal design standard); the V shaped gantries of mesh steel supported by a hollow steel tube would in combination rise a stated 0.95 m higher; while the carriageway at Wellhead and Beres Mere would be roughly 3.0 and 2.0 metres respectively above existing land level. The screens alongside the carriageway would be a stated 4 m high, comprising a 2 m close board fence with 2 m steel mesh panels above (WCC/A/11 Appendix B). Although the bypass would be generally unlit, the location of the gantries would to some extent be further emphasised by low level lighting to deter low flying bats. I comment below, on balance favourably, regarding the efficacy of the bat measures. However, even allowing for the intention for the gantries to span between hedgerows reinforced with additional planting, the visual impacts would in my assessment remain severe.
- 8.86 All told I consider that this length of the route has only "low landscape capacity" to absorb the proposals; the "proposed change would inevitably result in a number of negative effects on landscape character/features/elements". Put bluntly, the whole character and appearance of the Wellhead Valley would be fundamentally changed. I rank the landscape effect as "very large adverse" in year 1 reducing no more than to "large adverse" as the scheme matures.
- 8.87 A "large adverse" effect is that the proposals would be very damaging to the landscape in that they (CD10.18 Table 2):
- Are at considerable variance with the landform, scale and pattern of the landscape
  - Are visually intrusive and would disrupt fine and valued views of the area
  - Are likely to degrade, diminish or even destroy the integrity of a range of characteristic features and elements and their setting
  - Will be substantially damaging to a high quality or highly vulnerable landscape, causing it to change and be considerably diminished in quality
  - Cannot be adequately mitigated for

Are in serious conflict with government policy for the protection of nationally recognised countryside as set out in [when written] PPG7

- 8.88 In my assessment, all but the last of these applies over the greater part of the route within the SLA. As well as disagreeing with the Council's conclusion of "moderate adverse" after 15 years I simply do not understand how even that conclusion could lead to their suggestion that "this does not mean that the landscape character would be less attractive only that it would be different from existing" [2.120]. A moderate adverse effect is itself characterised by quite substantial negative impacts, and cannot in some way be offset by quite separate improvements in the town.
- 8.89 North of Newtown the bypass would emerge in a deep cutting before dropping down the steep hill, remaining in a shallow cutting that would to some extent screen the road, reinforced in time by roadside planting. The works to divert and lower Bratton Road would be substantial and visually intrusive, the more so as the new cutting would be into the rising land thereby increasing its width and depth, albeit that this location is at the very edge of the SLA. The third bat gantry would be only just beyond Bratton Road and plainly seen from the area I am now considering.
- 8.90 This length of the route (Newtown to Bratton Road) is pleasant countryside but not exceptionally so and, considered in isolation from the length south of Newtown, I view its landscape capacity as "medium": proposed change could be accommodated with some negative effects on landscape character/ features/ elements. All things considered, in isolation I would not disagree with the Council's assessment of a large adverse impact at year 1 reducing to moderate at year 15 as the scheme matured.
- 8.91 However, by far the larger proportion of the route within the SLA is south of Newtown, and the appropriate overall assessment score is "very large adverse" initially reducing to "large adverse" on maturity.
- 8.92 Continuing north, the "White Horse Vale" stretch of the route, the landscape, although not in any sense unpleasant, is already strongly influenced by the cement works and its tall chimney, the railway, scattered housing, the evident edge of town, and by Bratton Road at one end and the existing A350 at the other. The road would be on embankment, rising considerably to cross the railway which is itself embanked here, before falling again to ground level on its approach to the existing A350. As well as the bat gantry I have already mentioned at the Bratton Road, there would be two further such gantries on the approach to the railway crossing and two bat screens on the elevated road north of the railway. The impacts would not be insignificant, but the alignment would in large measure reflect an existing rectilinear field pattern. All told I consider that the landscape value here is "ordinary" and the capacity "medium". I concur with the Council's assessment score of a "moderate adverse" effect reducing to a "slight adverse" on maturity.
- 8.93 The remaining stretch of new road, the Glenmore Link, would run across the Bitham Brook Valley, an area of low lying meadows traversed by three water courses. This area too is currently influenced by the edge of the town, sewage treatment works, existing A350, overhead power lines and embanked railway to its south (the railway towards its western side is in cutting and has less influence). However, away from the peripheral influences, and notwithstanding the power lines, I found this open low lying meadowland to be surprisingly

tranquil and strongly rural in character. I do not disagree with the Council's assessment of "ordinary"; but it would be wrong to characterise the main area of land here as in any significant sense degraded. The road would of necessity run on embankment, above the flood plain, with three prominent bat gantries and screens, one above each water course bridge.

- 8.94 On balance, though somewhat hesitantly, I accept the Council's assessment score of "moderate adverse" effect initially reducing to "slight adverse" on maturity, but to my mind very much towards the more adverse end of each of these classifications. And the impact would be for a stretch of road predicted to carry only a low volume of traffic.

*Overall Conclusion on Landscape Impact*

- 8.95 Since a less adverse effect on one part of the route does not reduce a more adverse impact elsewhere I assess the overall effects as "very large adverse" initially reducing to "large adverse".

*Visual Assessment*

- 8.96 Subject to my reservations above regarding the photomontages I see little to question in WCC's methodology in assessing visual impacts [2.122 et seq]. Having looked at the route from each of the representative locations chosen by the Council, overall I agree with their conclusions of "slight adverse" impacts on maturity seen from Newtown (viewpoint 3); Park Lane (viewpoint 9); Bridleway H14 (viewpoint 7); and Bridleway W30 Old Dilton (viewpoint 1). I also agree with their "slight adverse" assessment seen from The White Horse (viewpoint 4) – a matter of substantial contention at the inquiry. Although scheduled monuments The White Horse and associated earthworks at Bratton Camp are places of active recreation - kite flying, hang gliding and the like – not tranquil secluded spots. The cement works and its chimney stand below closer than the closest part of the scheme route, which at some 1.3 km away and a long way below, would quickly become absorbed as just another feature in an active landscape having only a slight effect on people's enjoyment of and views from this elevated spot.
- 8.97 However, bearing in mind my conclusions on landscape impacts, I assess the impact on views from Wellhead Drove to be no better than "moderate adverse" even on maturity: I believe that the Council underestimate the effects of the bat mitigation measures and the likely appearance in practice of the pre cast concrete subway which may well attract anti social behaviour and graffiti. I have no doubt that the effect on views from the Wessex Ridgeway would remain no better than "severe adverse". This popular long distance footpath runs along the top of the escarpment and no great distance away from the Bypass route. As may be expected there are far reaching views from that height, which take in Westbury, the WWTE beyond and much else. However, the foreground view and dominant setting here is of the valley just below, which would be fundamentally changed in appearance with the introduction of traffic noise reinforcing the visual change.
- 8.98 I also consider that the Council have under appraised somewhat the effect on views towards the Glenmore Link length of the scheme, where again the bat mitigation measures would stand prominently – I think incongruously – high above the water meadows.

*Overall Conclusion on Visual Impact*

8.99 As with the landscape impacts, slight adverse impacts on views along much of the route do not reduce the more severe impacts in the Wellhead Valley, which accordingly warrant an overall assessment of "severe adverse".

*Townscape*

- 8.100 As I conclude above, the scheme could be expected to divert much of the through traffic from the existing A350 threading its way through Westbury. This would in turn facilitate town centre measures to improve conditions for pedestrians and cyclists, and of course living conditions for residents along the existing route. It would not be feasible to achieve much of this solely with on-line measures, bearing in mind the route's status as part of the Primary Route Network, underscored by the recent revised Draft RSS policy RT4 referred to above. These are important considerations; some of the strongest evidence I heard in support of the scheme came in the personal, heartfelt, evidence of local residents directly affected by the present conditions [3.31 et seq; 3.70 et seq].
- 8.101 Objectively, however, the existing traffic flow, and its HGV component, through the town are not exceptional for a Primary Route. There is no more than intermittent delay and congestion on this length of the route; as many local residents attested, as the Council's own survey data show, as the Eddington Map identifies and as I saw for myself, the greater congestion is to the north at Yarnbrook/West Ashton, not on the length that would be bypassed as a result of the present proposals. The core of the town, the main shopping centre, the market place, the parish church and the greater part of the conservation area lie away from the existing route. And away from the route itself the through traffic has little discernible impact [2.5; 5.260].
- 8.102 As I consider in more detail below, significantly more properties would benefit from noise reductions than suffer an increase – an important consideration in the scheme's favour. However, even with the bypass, and the consequent diversion of HGVs, the existing route would be far from traffic free and, again as I consider in more detail below, no more than a "slight" improvement in air quality would result.

*Regeneration*

- 8.103 On clear evidence, West Wiltshire is relatively affluent compared with many local authority districts, and I am unconvinced that the comparison of resident and work place incomes does much more than illustrate the widespread and understandable fact that people will travel further for higher paid employment [2.34 – 2.35; 5.205]. In submissions to the EiP on the emerging RSS (CD2.4 para 5.20), the Regional Assembly made the point that "the draft RSS cannot require people to live close to where they work", a statement that must have equal validity with regard to other elements of the development plan. The Panel were "concerned if too much reliance was placed on self containment ... considerable commuting can still be generated between two well balanced communities" although they did support an objective of seeking a better alignment between jobs, homes and services as a means of reducing the **need** to travel (emphasis added) [5.107].
- 8.104 But I do not accept arguments that any of this undermines the value of regeneration in the widest sense of the word, which must surely encompass

taking opportunities to safeguard, renew and build on relatively successful localities, never more so than during an economic downturn. Regeneration and greater self containment are aims in the extant development plan and the Council have described structural changes in the local economy that they wish to counter. However, there is no evidence of deprivation, such as in parts of Merseyside or the North East, to place in the balance of considerations for and against the scheme.

- 8.105 Moreover, it is by no means clear how regeneration would be significantly facilitated or West Wiltshire made more self contained in employment terms. Westbury's linkage with Trowbridge, the key SSTC in West Wiltshire, would barely be improved by a north-south bypass around Westbury and not connecting to it. Trowbridge is already connected to strategic corridors identified in the revised Draft RSS: northwards to the M4 and southwards to the A36 Trunk Road via the A361, which would remain a heavily trafficked route.
- 8.106 There could be little improved connectivity with the West Wiltshire Towns further north (Melksham and Chippenham) which already have better connectivity to the M4. The scheme would not make Westbury a more attractive investment destination than these other towns. Warminster, the remaining West Wiltshire Town, would have better connectivity to the M4, though not to Westbury, and in any event Warminster is already at a focal point connecting directly with the A36.
- 8.107 The Lafarge Cement Works, north east of the town, would clearly benefit, from its improved access to the A350 and more direct route to and from the south. The Works is a major business in the local economy [1.53; 2.31] and this improvement to its operations merits due consideration. But the degree of improved accessibility to or from the main employment areas to the north-west can be measured by the amount of traffic that would be attracted to use the Glenmore Link: a desultory volume on the Council's own modelling, with no more than a small reduction in traffic attracted from the B3097 connecting the locality with Trowbridge. The WWTE appears to be densely occupied with few vacancies, although there appears to be more scope at the adjacent Brook Lane/Northacre Park. However, there is no evidence that it is the lack of an eastern Bypass that is holding back further development there.
- 8.108 What is very evident is the limited, or even lack of, a rail connection or road/rail interchange despite the proximity of two main lines and a station, which could provide a unique selling point, particularly for any business handling bulk commodities. An eastern Bypass would do nothing to address that, whereas the Lafarge Works already has its own rail connection on that side of the town.

### *Rural Economy*

- 8.109 Other than a debate on whether, in general, arable or livestock farms are the more affected by severance, there was little challenge to WCC's assessment, which I accept, of the business impacts on each of the 8 holdings that would lose land to the scheme. The impact on 5 would be "slight adverse"; on 2 "moderate adverse" and one "neutral" [2.264 et seq]. None would be rendered unviable, and individually the impacts would be matters for compensation. However, as there is nothing to suggest that these or any other farm holdings would benefit in other ways, for example by improved access to major markets, the overall effect could not be said to assist the local farming rural economy.

- 8.110 Nor can I see how tourism would be greatly improved. Major attractions at Longleat are hardly difficult to reach, just a short distance off the A36, while the level of congestion through Westbury is unlikely to deter visitors who may choose to use that route.
- 8.111 In Westbury itself, the attractive historic core is not greatly affected by the existing A350. The reduction in through traffic, and the town centre measures, would undoubtedly make Westbury more attractive for visitors, but it would not be a transformational change: there would still be road traffic. It must be a moot point whether the measures would attract more people to visit the town than might be lost by those who simply bypass it. Westbury town will always struggle to compete with major attractions, such as Longleat, Bath and Stonehenge.
- 8.112 Local attractions at the White Horse and Bratton Camp would not, as I have concluded, be materially harmed by the scheme. The Bratton Road viewpoint looking to the White Horse would be less enjoyable, subject to high traffic noise, but conversely travellers on the Bypass would enjoy a clear open view of the landmark above them on the escarpment. With no readily accessible connecting route, few would be likely to divert to make an immediate visit but some might be enticed to return at another time. Conversely, walking in the countryside east of Westbury would become considerably less attractive, not least along the Wessex Ridgeway. There are no facilities associated with either location, and so more or fewer visitors would not directly affect the local economy either way. Much would depend on the extent of combined visits or stays in the area.
- 8.113 Any conclusion on this must include more than a little speculation, but nothing to lead me to conclude that overall there would be a significant boost, if any, to tourism resulting from the scheme.

*Conclusions on regeneration and self containment*

- 8.114 All told I have found little reason to conclude that the scheme would lead to regeneration or increased self containment at Westbury or more widely in West Wiltshire. Conversely there would be very real risk that quicker road travel times might encourage rather than reduce the extent of commuting by car.

*Air Quality*

- 8.115 WCC's evidence on air quality was compromised by the need to make corrections to the information originally provided in the ES and then subsequently in respect of the understatement of HGVs in the output from the traffic model. Had the methodology for the analysis of the revised HGV flows been disputed to any serious extent, this would have caused great difficulty in reaching conclusions based on reliable data. In broad terms however, doubling of the number of HGVs resulted in a greater improvement in air quality for those receptors which would be relieved of traffic and poorer air quality for those closer to the scheme. In neither case was the change of such significance that a materially different outcome would be predicted. WHA's evidence on air quality, other than carbon emissions, was limited to an assessment of existing particulate concentrations in Yarnbrook and WCC's evidence was not otherwise challenged [2.178 et seq; 5.152].
- 8.116 Modelled levels of NO<sub>2</sub> in the Westbury AQMA were markedly lower than those observed at the nearby continuous monitoring station but there was insufficient



data available on which to calculate a reliable correction factor. In the circumstances, the significance descriptor of the change in air quality may well be an underestimate of the beneficial effects in the AQMA and of the adverse effects elsewhere. Nevertheless, changes in air quality are unlikely to warrant an overall assessment very different to "negligible" in the case of increases in NO<sub>2</sub> and "slight beneficial" in the case of reductions.

- 8.117 Taking the modelled area as a whole, the Corrected Table 13.18 in WCC/SP/8 illustrates small reductions in Carbon Monoxide and Total Hydro-carbons offset by larger increases in NO<sub>x</sub>, PM<sub>10</sub> and Carbon. I have commented on the increase in Carbon in my conclusions in relation to PPG13. The helpful improvement in air quality within Westbury which would be welcomed particularly by those living in the AQMA would be achieved at the expense of poorer air quality overall in the wider area.
- 8.118 There would be small predicted increases in NO<sub>x</sub> concentrations and N deposition at Upton Cow Down SSSI which Natural England accepts would have a negligible impact and can be discounted (WCC/129A). In Natural England's view, the increases in these pollutants on Picket and Clanger Wood SSSI would be non-negligible but would not constitute a significant adverse effect, either singly or together. I concur with this; the area most affected would be the road verge zone which is acknowledged by Natural England to have a different environment, influenced by other factors.
- 8.119 As things stand, the owners of part of the wood, The Woodland Trust (strongly opposed to the scheme) have rejected compensation measures offered by WCC. However, the Trust had had little time to consider information only recently provided to them, and their rejection pre-dated Natural England's expressed support for the measures. The Trust may well reflect on the offer should the Secretary of State decide that planning permission should be granted.
- 8.120 All told, I consider that the changes in air quality would not be so significant to create a substantive case either for or against the scheme.

#### *Noise and Vibration*

- 8.121 As with air quality, WCC's evidence on noise was subject to change due to the understatement of the numbers of HGVs. Although not all the relevant data from the ES and original evidence was updated, I am satisfied that sufficient was provided to assess the overall effects of the scheme.
- 8.122 For WHA, Mr Goss provided a report on existing noise conditions at locations likely to be affected by the scheme whilst Mrs Raggett commented on noise impacts. There was no suggestion from Mr Goss that his results, though expressed as hourly "A" weighted "level equivalent", were markedly different from those observed by WCC. Mrs Raggett queried whether the short duration of some of WCC's observations was sufficient to establish a true measure of the tranquillity of the area, given that some were taken during periods when additional traffic was likely to have been diverted from the A36 to the A350. Nevertheless, during the period of the inquiry, I was able to visit some of these locations both during the period of diverted traffic and in "normal" conditions and I consider it is unlikely that any change in sound levels would produce a meaningfully different result.
- 8.123 As might be expected, the most significant reductions in noise resulting from the scheme would be at locations along the A350 within Westbury. Table 2 in

WCC/112A indicates a total of 1,289 properties would experience a decrease greater than 3dB LA<sub>10,18hr</sub>, a magnitude of change generally accepted as significant in environmental noise terms. In contrast, 196 properties would experience an increase greater than 3dB, though none would be eligible for insulation under the terms of the Noise Insulation Regulations 1975. I place more weight on these numbers (ie of properties experiencing more than 3dB change) than the much larger numbers of properties quoted by WCC where the change would be less than 3dB and therefore less significant [2.200].

- 8.124 In terms of sensitive receptors, the increase of about 6dB in Westbury Cemetery on Bratton Road would be a significant adverse impact experienced by visitors at a location where current low noise levels contribute to the tranquillity of the surroundings.
- 8.125 Table 6.1 in WCC/P/9 shows the road traffic sound levels at the 3 SSSIs and one CWS before corrections for the understatement of HGV numbers. The noise changes at Upton Cow Down SSSI and White Scar Hanging CWS are close to the magnitudes where the semantic scale and significance ratings would change from "minor" to "moderate" and from "moderate" to "substantial/major adverse" respectively. Whilst the modelled locations are generally the closest points to the scheme, I do not accept the suggestion that a visitor could move further away within the site to preserve the same signal to noise ratio is a satisfactory response. The tranquillity of the areas of these sites closest to the scheme would be permanently degraded to a noticeable extent.
- 8.126 There are a number of rights of way in the vicinity of the scheme including the Wessex Ridgeway, a long distance footpath passing through the Wellhead Valley. Many routes are easily reached on foot from residential areas of the town. Horse riding appears to be a popular activity with the area relatively well served by bridleways. I have no doubt that the network of routes, particularly those in the Wellhead Valley, are considered a much valued amenity where it is possible to escape from the urban surroundings and enjoy the countryside. Whilst it is not always possible to completely escape the sights and sounds of the urban area, the introduction of the scheme would change the character of the area such that walking or riding these routes would be a much less pleasant experience.
- 8.127 There is a small car park with information boards on Bratton Road where visitors can stop to view the Westbury White Horse. The bypass would be on an embankment behind the car park, and traffic noise would certainly detract from the experience, albeit that viewing visits may well be fairly brief as there are no facilities provided. As with changes to visual impact, aural changes at the White Horse itself would be unlikely to detract from enjoyment of that area significantly, given the substantial separation.
- 8.128 Only limited evidence on the effects of vibration was provided and neither WCC nor WHA felt that ground-borne vibration was significant [2.211]. A number of representations have been made regarding the adverse impact of vibration and I do not doubt that some heavier vehicles in particular are responsible for this effect [3.29; 3.30; 5.153; 5.150]. I also accept that the design of the new road would make it unlikely that vibration would arise in the vicinity of the scheme. The reduction in the numbers of heavy vehicles passing through the town would therefore be a useful if not unduly significant benefit to the affected residents.

- 8.129 In reaching a conclusion on the matter of noise, it is necessary to balance the undoubted benefits of a reduction to residents living alongside the A350 in Westbury with those residents near the scheme who would experience an increase together with those, largely recreational, users of the footpath and bridleway network. For those alongside the A350, the reduction in noise would be noticeable but it would still be noisy. The benefits beyond the A350 within the retail areas and other residential areas would be of a much lower order and in the case of those residential areas and homes closest to the scheme there would be a dis-benefit.
- 8.130 The use of double glazing or other forms of insulation can be very successful in reducing traffic noise within dwellings and few homes have significant amenity areas fronting onto the A350. The increase in noise near the scheme would be experienced more generally over a large area as demonstrated by the noise contour maps submitted by WCC. Opportunities to mitigate against this spread of noise would be much more limited in gardens and on the footpath and bridleway network, particularly in the Wellhead Valley. Although individual users may only experience the noise for temporary periods whilst passing through the area, the valley would be permanently blighted by traffic noise from the scheme. This leads me to conclude on this matter that the adverse effects there would cause significant harm which adds to my concern on the harm to the landscape as a whole.

#### *Historic Environment and Archaeology*

- 8.131 The Wiltshire Archaeology and Natural History Society (WAANHS) did not give evidence at the inquiry but had objected to the planning application in writing. WCC provided a comprehensive rebuttal of the objection in its evidence on the impact of the scheme on the historic environment. Inevitably, a scheme of this size would have some impact on scheduled ancient monuments and archaeological sites of varying importance. However, there is no evidence to suggest that the investigations have not been thorough and it is encouraging to note that the alignment was modified to avoid the most important part of the Iron Age midden in the vicinity of Bratton Road. I also note that neither English Heritage nor the County Archaeologist maintain any objection to the scheme and would be involved in developing the mitigation strategy for further investigation prior to and during construction.
- 8.132 I consider the proposal to leave topsoil in place below the spoil disposal areas 'L' and 'M' in the vicinity of Glenmore roundabout, thus protecting the remains from further disturbance, is reasonable in the circumstances and would not unduly prevent future investigation in the event that should be required. Although of significance in relation to the scheme, it is not a designated Area of Higher Archaeological Potential within the Local Plan, and the investigation has achieved sufficient understanding of the impact of the scheme. Furthermore, the investigations as a whole would appear to have added considerably to knowledge of the area.
- 8.133 The overall impact of the scheme has been assessed as neutral for the archaeological resource and historic landscape and beneficial for the built heritage. I broadly agree with this, although the improved setting for a number of listed buildings in the town consequent on lower noise levels has to be weighed against considerable extra noise affecting the setting of important listed buildings in the cemetery. Whilst there does not appear to be a clearly objective process by which adverse effects from the scheme can be balanced

with those which are beneficial, I conclude that there would be little significant weight either for or against the scheme on these issues.

### *Drainage*

- 8.134 The only substantive objections regarding drainage concerns the Wellhead water supply and fears that its aquifer source could be polluted following a traffic accident in that vicinity, possibly leading to a major spillage from a tanker lorry. Such fears, although understandable, are misplaced. Contrary to WHA evidence there is no embargo that I am aware of against development above a Source Protection Zone provided of course that appropriate safeguards are ensured. In this case there are a series of sequential safeguards that for practical purposes eliminate any significant risk [2.243; 2.74; 2.81; 2.381; 5.184-186; 3.35; 6.22].
- 8.135 The relevant length of bypass would be a straightforward length of road, away from any substantial junction, where a major tanker or similar accident would be very infrequent. Risk assessments undertaken in accordance with DMRB put the figure as 1 in thousands of years [2.274; 3.35]. The scheme would be engineered with reinforced banks to contain most errant vehicles within the highway. The scheme itself would have effective sealed drains, with interceptors. Below that would be an impermeable membrane, wrongly likened by some to those installed at landfill sites. Landfill containment essentially comprises cells (or large "bowls") which may need to resist a hydraulic head of leachate, so that any leak would be continuous and require monitoring and remediation. Here the membrane would slope transversely below the road's camber and longitudinally following its incline. Only very infrequently, if ever, would it need to stop effluent, which would run along the slopes to accessible drains from where it could be assessed and recovered. A small puncture somewhere in the membrane would pose very much less risk than below a landfill site.
- 8.136 Finally, in the almost inconceivable event that the aquifer was ever polluted from the road, continuous water quality monitoring at the abstraction would shut down the supply. There would then doubtless be work for lawyers and insurance companies but not even a residual threat to public health. Considerable assurance can be taken from the fact that the Environment Agency (with statutory responsibilities) and Wessex Water (with statutory and commercial responsibilities) are satisfied; neither opposes the scheme.

### *Flood Risk*

- 8.137 The question of flood risk arises only with respect to the Glenmore Link running across the flood plain of the Bitham Brook watercourses. I do not accept WHA's general criticisms [2.249; 2.250; 2.290; 6.188]. The Secretary of State is hardly likely to grant planning permission without recognising the scheme to constitute "essential infrastructure" and no practical alternative route has been suggested that would not also traverse a flood plain. It seems to me therefore that in principle the scheme meets the sequential and exceptions tests in PPS25, subject to satisfactory measures to address flood risk.
- 8.138 I see nothing to criticise in the three bridges proposed crossing the respective water courses. Each would be wide enough and deep enough to handle flows even during times of exceptional rainfall. My only reservation concerns the location of the compensation excavation intended to replace the volume of flood storage lost to the lower part of the road embankment. It was rightly agreed

by both expert witness that to be effective the compensation has to be on a "level for level" basis with the flood volume lost to the development. Self evidently, if higher the compensation would be ineffectual since displaced flood water would not reach it. Less self evident, but of similar importance, flood compensation provided lower than the foot of the embankment would also be ineffective: the created void could be expected to fill with water some time before the peak of a flood event (perhaps days previously during extended wet weather) and be unavailable to take water rising to the peak of the flood.

- 8.139 I was able to determine during my subsequent accompanied site visit that the area of land identified in the scheme (and included in the CPO) would indeed be below the road embankment and not "level for level". This should not, in my view, be determinative for the scheme as a whole, it is a technical setback that could almost certainly be overcome on further consideration, though this would be likely to require the acquisition of another parcel of land in the vicinity either by negotiation or through a further CPO.

#### *Contaminated Land*

- 8.140 Potentially contaminated land is found only on one short length of the route, as it passes over backfilled former ironstone workings. WCC's environmental evidence and construction evidence respectively describe how the material could be safely excavated or, alternatively, surcharged and left in situ. Either way, subject to normal site management I see no significant risk to operatives, the public or the environment during the construction phase, nor would there be any residual risk following completion when any remaining containment would remain buried below the road [2.69; 2.75; 2.82].

#### *Conclusions on Rural and Sustainability Matters*

- 8.141 There would be very real improvements to conditions in the town centre, and the town centre measures may reasonably be seen as evidence of an integrated approach in the terms of PPS1. Hazards such as flood risk, contaminated land and ground water protection have all been satisfactorily addressed (or substantially so). However, there is little evidence of how the scheme would encourage sustainable economic growth or reinforce social cohesion. Taken as a whole, the route and details of the design would be out of context and harmful to the landscape in the terms of PPS7. There would be considerable harm caused to the countryside and its landscape, damaging in particular to leisure and recreational activities that require a countryside setting. Climate change emissions would be increased. On balance, I consider that the rural and sustainability matters weigh clearly against the scheme.

#### **Matter (d) PPS9 Biodiversity Considerations**

- 8.142 WCC's evidence that no nationally or internationally designated sites would be directly affected by the scheme was not challenged to any material extent [2.217]. Whilst air quality and noise effects had to be recalculated during the inquiry, the resultant changes did not alter the overall assessment of impacts except in respect of air quality at Picket and Clanger Wood SSSI. Here, the elevated levels of NO<sub>x</sub> and N deposition were sufficient for Natural England to conclude there would be a slight negative impact from both (WCC/129A). Nevertheless, WCC's proposed compensatory measures were considered by Natural England sufficient to ensure that there would be at worst, no overall adverse effect on the biodiversity of the SSSI. Accordingly, Natural England

sought a suitable condition to be attached to any grant of planning permission which I deal with later.

- 8.143 A number of individual wildlife species which receive statutory protection under a range of legislative provisions would be directly affected by the scheme and I deal with the principal species individually as follows:

*Badgers*

- 8.144 WHA disputed the adequacy of the surveys that had been carried out to identify the setts and territories of the different badger groups present in the vicinity of the scheme [2.226-227; 2.304; 2.391; 3.87; 5.178-181]. Whilst it is regrettable that useful additional survey information was only made available to WCC shortly before the start of the Inquiry, no additional sett was found to be directly affected by the scheme and the main point at issue was whether sufficient provision had been made for badgers to cross the road in safety.
- 8.145 In any event and in accordance with best practice, further surveys would be undertaken by WCC prior to construction to take account of changes and optimise the mitigation proposals. The proposals already include closing setts and the construction of a replacement sett which would be done under licence from Natural England. Any changes to the proposals would be unlikely to have a significant impact on the cost of the scheme. The mitigation proposals follow current best practice and would be expected to protect the welfare of the badger population effectively.

*Bats*

- 8.146 The assemblage of bat species is an important one and considerable effort has been made by WCC to identify the impact of the scheme on them and their habitat [2.231 et seq]. Whilst WHA have been able to provide additional useful information, in general the results of surveys have not been disputed [2.393; 5.162 et seq; 5.221; 5.264; 5.269-270; 5.289]. The main area of contention is whether the range of mitigation measures proposed would be sufficiently effective.
- 8.147 The approach proposed by WCC includes multiple elements of mitigation such that if one component is not fully effective, there are others available in the same location to maintain a safe route across the road. Each of the elements has been used previously on other schemes, but on the evidence there is probably no other scheme in the world with such a comprehensive set of proposals.
- 8.148 Nevertheless, there is a degree of uncertainty on their effectiveness, mainly due to the lack of statistically based comprehensive monitoring of before and after installation. This is acknowledged by WCC and reinforces the approach taken to provide multiple elements of mitigation and to plan comprehensive baseline, construction and post-construction monitoring.
- 8.149 There is no evidence to suggest that any other route for a bypass of the town would not encounter a significant assemblage of bat species which would require broadly similar mitigation proposals. Natural England is aware of the proposals and makes no objection to them. There is, therefore, no reason to believe that the necessary licences would not be granted by the appropriate authorities. Under the Habitats Regulations, they would need to be satisfied that there is no satisfactory alternative and that the action authorised

would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. Whilst it is accepted that non-roads build alternatives would be unlikely to affect any protected species, no comprehensive proposal has been put before the Inquiry by objectors.

- 8.150 WHA consider that the capture of bats during the survey which are known to visit the Bath and Bradford on Avon Bats SAC is evidence of the need to carry out an Appropriate Assessment of the implications on that designated site [2.235; 2.305; 5.163; 5.221; 5.267-269; 5.281; 5.294; 5.317]. Natural England attended ecological survey meetings with the project team during 2006 (WCC/116). The meeting held on 18 October 2006 records that WCC's consultants would include a section on the SAC in the Bat Survey report. This is included in the ES (Volume 4 Part 2 of 2, Section 9.15) and concluded that due to the mitigation measures proposed and the distance between local SACs and the scheme, the proposed road is unlikely to have a significant impact upon their integrity. Consequently an Appropriate Assessment was not considered necessary.
- 8.151 The SAC is upwards of some 10km from Westbury, with numerous heavily trafficked roads very much closer than the scheme route. I have no reason to do other than endorse Natural England's opinion as statutory adviser and accordingly I see no basis on which to conclude that an Appropriate Assessment is warranted.

#### *Dormice*

- 8.152 WHA were critical of WCC's surveys to establish the presence or otherwise of dormice in the vicinity of the scheme. This shy mammal appears to be particularly elusive despite a number of established methods to locate and estimate the population. Whilst WCC found no evidence of dormice in either the 2004 or 2006 surveys, the 2 records of dormice found in the hedgerow near Bere's Mere Farm are accepted by them and mitigation measures have been incorporated [2.221 et seq; 2.290; 2.304; 2.391; 2.375; 2.396-297; 5.174-177; 5.266; 5.270; 5.286-294; 5.317].
- 8.153 WCC's surveys satisfied Natural England's guidelines. I therefore find it difficult to agree with WHA's assessment of the evidence, as expressed by Mr Woods, that dormice can be considered to be at favourable conservation status and that the area represents a regionally important site. The precautionary approach adopted by WCC that accepts dormice are present and proposes mitigation appears to be right, with no objections from Natural England, the Wiltshire County Ecologist or the Wiltshire Wildlife Trust.
- 8.154 There are two parcels of woodland, one on either side of the bypass route, potentially suitable for these arboreal animals: the larger on the escarpment and, very much smaller, at Bere's Mere. In aggregate the two reach the 20ha minimum guideline area seen as needed to support a dormice population. As things stand though the two woods are linked only by a fragmented hedgerow, which can provide no more than poor connectivity given undisputed evidence regarding the reluctance of dormice to travel along the ground. No survey has found evidence of dormice on the Bere's Mere side of the route.
- 8.155 Improving the existing hedgerows and planting new ones is a conventional approach to improving habitat for dormice and one which, notwithstanding the period necessary for planting to mature, would benefit a number of species, not

just dormice. There is little evidence that the proposed crossings on the bat gantries to maintain connectivity of the habitat would be effective, a point acknowledged by WCC. But equally there is little evidence that the existing hedgerow that would be severed currently provides effective connectivity. If there was more evidence of the presence of dormice in significant numbers, or if it was more evident that the route truly severed occupied habitat, I would have greater concerns. However, I conclude that the proposals as a whole represent a satisfactory response in the light of the evidence, and indeed could provide a worthwhile opportunity to test options for dormice crossings over roads.

#### *Great Crested Newts*

- 8.156 No ponds where great crested newts have been recorded would be directly affected by the scheme. There would be some loss of terrestrial habitat within 500m of the ponds, but this would be mitigated by the enhancement of habitat through the provision of artificial hibernacula and refugia, as agreed with Natural England. WHA suggested that insufficient attention had been given to the possible impact on the wider newt population including those from Salisbury Plain. Nevertheless, given the limited scale of the local impact and the lack of objection from Natural England, the Wiltshire County Ecologist or the Wiltshire Wildlife Trust, I am satisfied that the effect on newts and the mitigation proposals should be satisfactory [2.216; 2.219; 2.304; 2.391-392; 5.183; 5.266; 5.294].

#### *Other Protected Species*

- 8.157 WCC's evidence in respect of otters, water voles, reptiles and barn owls was not significantly challenged [2.304; 2.220; 2.223-225]. Mitigation measures are proposed which would minimise adverse effects.

#### *Overall conclusions on biodiversity*

- 8.158 I consider Wiltshire Wildlife Trust's far reaching suggested variation to the scheme separately below. Subject to that, in the terms of PPS9 I conclude that national and international responsibilities and obligations for nature conservation could be fully met; that the scheme ensures effective conservation and enhancement of the diversity of England's wildlife and (to the extent material in this case) geology; and in line with the next section of this report, I consider that the required measures could be ensured through planning conditions. In short my conclusions on this topic are favourable to the scheme.

### **Matter (f) Planning Conditions**

- 8.159 A set of conditions is provided at Annex 1 which I consider are necessary if the proposal is to be granted permission. In addition to the standard time for commencement, 20 conditions were included in the Wiltshire County Council Planning Officer's Report to the Regulatory Committee (16 May 2007) (CD5.3). The conditions were discussed at the Inquiry where it was agreed that certain conditions could be combined and modifications made to comply with the advice and recommendations in Circular 11/95: *The Use of Conditions in Planning Permissions*. References in square brackets below are to the condition numbers in Annex 1.
- 8.160 Condition [2] requires a scheme for archaeological investigation which is necessary to ensure the recording of any archaeological interest on the site. Conditions [3, 4 & 5] deal with hard and soft landscaping works and are



necessary in the interests of visual amenity and nature conservation. They would help to ensure the development is assimilated into the landscape, the establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs and that existing trees, shrubs and other natural features to be retained are adequately protected from damage throughout the construction period.

- 8.161 Condition [6] requires a Wildlife Management Plan including mitigation measures for the protection of bats and breeding birds prior to, during and for 5 years monitoring after construction. It is necessary in the interests of nature conservation and biodiversity interest. It also safeguards protected species including the very important bat assemblage affected by the development, minimises disturbance to breeding birds and guides the success of the nature conservation and bat mitigation works. This condition combines the requirements of 3 separate conditions proposed by the Council.
- 8.162 Condition [7] requires details of the materials to be used on the exposed surfaces of highway structures in the interests of visual amenity and sustainable development.
- 8.163 Conditions [8, 9,10,11 & 12] deal with drainage, the prevention of flooding and water quality. Condition [8] requires details of surface water drainage and attenuation. It is necessary to prevent the increased risk of flooding by ensuring a satisfactory means of surface water disposal. Condition [9] requires details of the cross section and clearances over Bitham Brook and its tributaries to prevent any increased risk of flooding by ensuring satisfactory and appropriate means of bridging the watercourse. Condition [10] requires a scheme for an area of compensatory flood storage to alleviate the risk of flooding. Condition [11] requires submission of an Operation and Maintenance Manual to ensure the satisfactory future maintenance and operation of the drainage and flood conveyance works. Condition [12] seeks a programme for monitoring the effects of both the construction works and the completed road scheme on controlled waters. It is necessary to provide early warnings of changes to water quality.
- 8.164 Condition [13] requires a scheme detailing the Contaminated Land Risk Assessment and Risk Management Strategy for work in the vicinity of the Former Ironstone Quarry. It is necessary to reduce the risk of contamination arising from works in the area. Similarly, Conditions [14 & 15] require Construction Environmental Management Plans (CEMP), the first to deal specifically with work in the vicinity of the Wellhead Source Protection Zone (SPZ) to safeguard it from contamination during construction works. The second CEMP should address more general activities to safeguard the environment, for highway safety and the protection of ecological communities and sensitive receptors.
- 8.165 Conditions [16 & 17] deal with lighting in specific locations. Both conditions are necessary to minimise the impact of artificial light on protected species of bat. Condition [16] requires details of the scheme for illumination at Madbrook Roundabout and permits development of an appropriate design which would balance highway safety with environmental impact together with some future flexibility if changes are found to be necessary. Condition [17] specifically prevents lighting in 3 named underpasses which may be used by bats to cross the route.

- 8.166 Condition [18] requires details of the extent of low noise surfacing and is necessary to control noise at source in the interests of residential and local amenity.
- 8.167 The need for 4 further conditions arose from issues discussed during the Inquiry. Condition [19] requires a scheme for the installation of warning lights in the vicinity of the equestrian crossing on the Glenmore Link. It is necessary to safeguard horses and riders crossing in that location. Condition [20] requires a weight limit of not more than 7.5 tonnes to be imposed on Station Road, Westbury. The exact location and extent of the restriction would be identified in the submission. It is necessary to ensure that HGVs use the bypass and thereby protect the living conditions of residents. (The limit of 7.5 tonnes was agreed by WCC as appropriate for environmental traffic management purposes relating to the application scheme. Although a lower limit of 3 tonnes or 3.5 tonnes might in practice be required for structural reasons, this would be unrelated to the scheme and should not be subject to a planning condition). Condition [21] complements Condition [20] by imposing a 7.5 tonne weight restriction on The Ham and similarly minimises use of that residential road by HGVs to protect the living conditions of the residents. Condition [22] is a consequence of revised calculations for the effects of the proposals on air quality and requires a scheme for compensatory measures at Picket and Clanger Wood SSSI to offset the adverse impact from raised levels of NO<sub>x</sub> and N deposition.
- 8.168 A list of drawings considered at the Inquiry which WCC would wish to see referred to if planning permission is granted is attached at Annex 2. Further detailed design would be necessary before the scheme could be implemented. In these circumstances I consider it is not necessary to attach a further condition, as suggested by the Council, requiring the development to be carried out in strict accordance with the details shown on these plans.

### **Overall Conclusion and Recommendation on the Planning Application**

- 8.169 The approach to dealing with Westbury's traffic problems and the route were adopted upwards of 10 years ago, at the outset in the context of a strategic, inter and intra regional, role for the A350. Since then, although the route retains importance as part of the Primary Route Network, the BB2SC study, the emerging RSS Panel Report and most recently the Secretary of State's proposed modifications to the emerging RSS have progressively reduced its strategic significance. As WCC recognise, though there remain echoes of strategic importance in their evidence, the application should now be assessed as a local scheme.
- 8.170 On a number of important topics WCC succeed and the objections fail. These topics include the effects on: the public water source, wildlife, the White Horse/Bratton Camp, drainage, flood protection (subject to one technical caveat), agricultural severance and archaeology/built heritage. None of these, however, constitute positive reasons for the scheme, but rather overcome what might otherwise be valid objections.
- 8.171 There are existing adverse traffic impacts in the town, which should not be understated (as WHA undoubtedly have) but equally they should not be exaggerated. I understand fully the feelings of those most directly affected, living on the existing route, or having to cross it regularly, but objectively in absolute terms of traffic volumes, the proportion of HGVs and the accident rate

are not exceptional for a Primary Route passing through a town. Traffic delays and journey time unreliability are primarily caused by problems elsewhere (not least at Yarnbrook/West Ashton) rather than on the length of the A350 that would be bypassed.

- 8.172 Much of the town, including its main shopping area, the greater part of the conservation area and most of the residential areas, are little affected by the existing route. Only "slight" improvements to air quality and noise would result: traffic conditions would be noticeably improved but the existing route would remain busy. All told, although there would be benefits, these would not be of a degree so as to warrant more than moderate harm being created elsewhere.
- 8.173 The scheme would do little to encourage modal shift from cars, and might well encourage the reverse, nor of freight to rail notwithstanding Westbury's location at a junction of two main lines. There is no clear evidence of how the scheme would encourage economic development (and in particular sustainable economic development) in the Westbury locality or more widely in West Wiltshire. It would increase climate change emissions. The policy framework has moved away from the scheme as it has been progressed. There is no local consensus favouring this particular scheme.
- 8.174 The scheme would be very damaging to the Wellhead Valley, where it could not be adequately mitigated in the short or longer term. Perhaps ironically, the impacts have been made worse by measures introduced to address wildlife and public water supplies. There would also be significant, though less severe, harm caused to the water meadows, resulting from the construction of a road predicted to serve only moderate traffic flows. More generally there would be the modest adverse impacts as acknowledged by WCC. The suggested planning conditions would minimise but not overcome the adverse impacts.
- 8.175 I am conscious that my conclusions and recommendations will be disappointing to WCC, WBN and other supporters of the scheme. I stress again that there would be benefits in the town. However, my overall view is that the harms would outweigh the benefits.

#### *Recommendations on the Called In Application*

- 8.176 I recommend that planning permission be refused.
- 8.177 In the event that the Secretary of State does not agree with this recommendation, I recommend that permission be subject to the conditions annexed to this report.

## **VARIATIONS AND ALTERNATIVES**

### **The Glenmore Link Variation**

- 8.178 The alternative alignment for the northern end of the Glenmore Link was put forward by the Ham Road Residents Group (HRRG) and Heywood Parish Council (HPC). The proposal was drawn up by WCC following discussions with representatives of both these organisations. The essential differences between WCC's scheme and the alternative are the replacement of the Glenmore Roundabout with an at-grade priority "T" junction combined with a re-alignment of the Link from around the crossing of the railway at the Glenmore Railway Bridge to the Hawkeridge Roundabout. The re-alignment would pass to the east of the electricity sub-station and broadly follow the corridor of a dismantled

section of railway [1.26; 1.36; 1.54; 2.72; 2.173 et seq; 2.403; 4.1 et seq; 4.8 et seq].

- 8.179 A major concern of HRRG and HPC is the fear of an increase in traffic on The Ham which they felt would be encouraged by the Glenmore Roundabout. They were sceptical about WCC's forecast traffic figures indicating a reduction, and in any event argued that the flow would still represent a substantial increase compared with that prior to completion of the Hawkeridge Link. Be that as it may, the Hawkeridge Link is now an established part of the local highway network and present day traffic flows set the benchmark against which to assess the application scheme. For all the reasons set out by WCC I see no reason to question that, relative to today, the application layout would lead to a reduction in traffic on The Ham, to the benefit of residents.
- 8.180 This would be particularly so with WCC's proposed weight restriction on Station Road in combination with a 7.5 tonne weight limit on The Ham. In the opening year, HGV flows would be reduced from the current figure of about 350/12 hour period to about 60. Traffic analysis by WCC indicated that the "T" junction would be unlikely to make drivers choose a different route. Mr Stokes' evidence for WCC indicated that the leg of the roundabout connecting to The Ham would be designed and constructed to highlight a lower classification of road compared to the proposed re-alignment of Hawkeridge Road to the north. In combination with the HGV restriction and effective signing for all traffic, this would be likely to have a beneficial effect in minimising use of The Ham.
- 8.181 As the substantial majority of traffic passing through the junction would be turning into or out of The Ham, in my opinion, a "T" junction in this location would be unlikely to operate as safely as a roundabout. Such a junction would normally be designed to give priority to the major flow of through traffic whereas with this alternative proposal, priority would be given to the much lighter flows to and from the Glenmore Link. It would also introduce a different form of junction into the scheme, which otherwise has a consistent roundabout strategy. In addition, the sharp bend where Hawkeridge Road/The Ham meets Shallow Wagon Lane has been the location of a number of accidents and would be retained in the alternative proposal. I consider the retention of this feature which would be significantly improved in WCC's scheme would represent an unacceptable change in standard in such close proximity to the new road.
- 8.182 In terms of visual impact, there would be little to choose between the schemes. Glenmore Farm and Hawkeridge Farm are the closest properties. The alternative would be closer to Hawkeridge Farm but traffic would also run closer to the curtilage of Glenmore Farm and unlike WCC's scheme, there would be less opportunity to improve on the existing situation there by landscape mounding. Although the visual impact drawings indicate a slight adverse impact from the scheme on the most northerly properties in Hawkeridge Park, it appears unlikely that such impacts would be significantly reduced by the alternative.
- 8.183 WCC have pointed out that the dismantled railway corridor is an important reptile habitat and an area of mature vegetation. Whilst I agree with HPC that mitigation of the alternative would be possible, WCC's scheme would make better use of the existing road corridor, thereby reducing the overall impact of the scheme in this location. Any differences in cost between WCC's scheme and the alternative are unlikely to be significant.

- 8.184 The small reduction in the number of lighting columns required for the alternative by virtue of a "T" junction rather than a roundabout would not be significant within the length of road to be lit at this location. Both WCC's scheme and the alternative sever the agricultural land lying to the west of the Glenmore Railway Bridge and I can see no significant difference between them in this respect.
- 8.185 With no substantive evidence other than the perception that The Ham would be less attractive to traffic with a "T" junction, I conclude that it has not been demonstrated that WCC's scheme would be so harmful in this location that it would justify refusal of planning permission. I have identified no significant or over-riding advantages for the alternative scheme that overcome my reservations on the operational efficiency of its layout. This leads me to conclude it should not be taken further.

*Recommendation on the Glenmore Link variation*

- 8.186 In the event that the Secretary of State disagrees with my recommendation above to refuse planning permission for the called in application, then I recommend against instigating steps to incorporate the Glenmore Link variation.

**Madbrook Roundabout Variation**

- 8.187 Mr Shephard's home and business are based at Madbrook Farm. The principal access to the farm is directly from the existing A350, a short distance outside the Westbury 30mph limit. In the position proposed by WCC, Madbrook Roundabout would be located about 100m to the south of this access. I agree with Mr Shephard that moving the roundabout a further 100m to the south would be likely to reduce the adverse impacts of the proposals on his farm [6.83 et seq]. However, I consider the degree of improvement would be unlikely to be significant.
- 8.188 WCC's scheme would be effective in taking traffic further away from the farm which would result in improved access and better living conditions for Mr Shephard and his family. As the landscape planting reached maturity, adverse visual impact which has been assessed as "slight", would be reduced. Notwithstanding vehicles would be accelerating and braking near the farm, in general they would be travelling more slowly than at present and in fewer numbers. The relocation of the roundabout would extend the scheme further into the countryside in the designated Special Landscape Area and I consider that the likely adverse impact from this would not be outweighed by the benefits to Madbrook Farm. This leads me to conclude it should not be taken further.

*Recommendation on the Madbrook Farm Roundabout variation*

- 8.189 In the event that the Secretary of State disagrees with my recommendation above to refuse planning permission for the called in application, then I recommend against instigating steps to incorporate a repositioned roundabout in the vicinity of Madbrook Farm.

**Wiltshire Wildlife Trust Variation**

- 8.190 The variation promoted by Wiltshire Wildlife Trust raises issues of law (European and domestic) and its application to national policy. Their submissions if they prevail would have profound implications extending much beyond this individual scheme. I have reported their case and WCC's response

at some length (and attach the original submissions) for the Secretary of State's consideration, and will make no formal recommendation [2.326 et seq; 4.29 et seq]. My own view, however, is to disagree with the principle of the Trust's case.

- 8.191 Put briefly, the Trust accept that the scheme incorporates extensive measures, which they do not adversely criticise, to mitigate impacts on wildlife. But they hold that even if benefits to human society from this and other schemes are individually held to outweigh residual adverse impacts on wildlife, this still leaves wildlife worse off, scheme by scheme: good mitigation slows but does not arrest or reverse cumulative erosion of the natural environment stemming from development schemes. Accordingly the Trust argues for positive enhancement measures in addition to the mitigation proposed in the scheme.
- 8.192 I look first to PPS9: Biodiversity and Geological Conservation. This was published by the Secretary of State in 2005, that is to say after the European and UK Regulations cited by the Trust, which will certainly have informed its drafting. The Key Principles include:
- 8.193 *... planning decisions should aim to maintain, and enhance, restore or add to biodiversity ... The aim of planning decisions should be to prevent harm to biodiversity ... Where granting planning permission would result in significant harm ... local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that ... adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity ... which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.*
- 8.194 I see little to support the Trust's position. The words "and enhance" should be read in context: some development proposals will inherently achieve biodiversity enhancement (for example schemes to create a wildlife reserve or some projects of managed coastline retreat) while others may achieve enhancement through negotiation (such as the Swindon scheme cited). However, had the Secretary of State, as a matter of law or policy, seen a requirement for all individual development schemes to provide a package of enhancement measures, this could have been straightforward to express but was not.
- 8.195 More recent statements from Defra do not constitute planning policy, and in any event I similarly do not construe them as signalling a change in the approach to assessing individual development schemes.
- 8.196 The application scheme incorporates extensive mitigation measures. Some of these, such as the creation of calcareous grassland and the extent of new planting, go beyond mitigation and amount to enhancement or compensation at least of these particular features. A non-road building programme may of course have no impact on wildlife but I do not read the guidance on alternative sites in that way: there is no evidence of a practicable alternative bypass alignment that would not give rise to a range of wildlife considerations at least broadly similar to those on the application route.

- 8.197 The Trust's particular proposals – strips of land managed for wildlife running roughly parallel to the bypass – are illustrative only, but any measures to achieve their objectives would require some significant land take, and as their witness acknowledged appropriate management could only be assured through WCC having some legal interest, probably full ownership. In the absence, as I see it, of a clear policy or legal imperative for such measures it is difficult to see on what basis WCC could be confident of acquiring a legal interest. The statutory safeguarding tests to justify compulsory purchase could not be met in my view.

*Conclusion on the Wiltshire Wildlife Trust Variation*

- 8.198 I hope that my thoughts have been helpful but as foreshadowed above I make no formal recommendation on this issue of law and national policy.

**Non Road Building Alternative**

- 8.199 Recurring themes in WHA evidence and submissions promoted the use of "soft measures" in the town as an alternative to a Bypass, with at least an undertone that WCC are overly focused on road building to the exclusion of such other measures. For their part WCC stressed both the limited number of road schemes they are progressing and that the application scheme must be seen in the wider context of the West Wiltshire Sustainable Transport Strategy (WWSTS). This Strategy was incorporated in the LTP 2001/02 – 2005/06 and carried forward in the current LTP 2006/07-2010/11 [2.41; 3.98; 2.318 et seq; 5.14-19; 5.101; 5.121; 5.124; 5.141; 5.230; 5.241; 5.302].
- 8.200 There is encouragement in the PPG13, in the emerging RSS and in Towards a Sustainable Transport System towards "demand management" and similar measures in preference to road building. However, WHA's position attracted little support, but rather scepticism, from individual local participants at the inquiry, regarding the efficacy of "soft measures" to address Westbury's traffic problems. WHA's stance might have been stronger had they made specific suggestions for assessment and debate. For example, I am very dubious whether some form of congestion charging would be practicable for this market town, whereas work place or school travel plans might have a role. WCC's position would have been strengthened had they implemented (or at least shown that they had actively explored) somewhat more by way of non road building initiatives, either those identified in the WWSTS or more generally. As things stand only the – commendable – real time bus passenger information service has been introduced.
- 8.201 On line measures to deter HGV traffic would be contrary to the emerging RSS Policy RTS4. There is also, as WCC say, an inherent problem that just as increased road capacity can generate new traffic, so the release of existing capacity by "soft" measures through the town might similarly simply attract new traffic. Additional through traffic replacing displaced local traffic would hardly be a beneficial outcome. But without further analysis it is simply impossible to conclude to what extent further such measures might be realistically helpful.

*Conclusion on Non Road Building Measures*

- 8.202 My recommendation on the application scheme does not depend upon speculative assumptions about what might or might not be possible by way of non road building measures. But if the Secretary of State accepts that recommendation to refuse planning permission for the application scheme, I

would expect any subsequent alternative proposals by WCC to include an express assessment of what could or could not be achieved by such measures.

### **Far Western Route**

- 8.203 Having considered the Council's scheme on its own merits, and concluded that the harms outweigh the benefits, it is I think material to consider now whether there is any other route for which the ratio of harmful impacts to consequent benefits might be more favourable [1.21 et seq; 1.69 et seq; 2.16 et seq; 2.171; 2.212; 2.286; 2.307 et seq; 3.37 et seq; 3.45 et seq; 2.61 et seq; 2.299 et seq; 2.302; 3.38 et seq; 5.28 et seq; 5.69 et seq; 6.1 et seq; 6.30 et seq].
- 8.204 Following the Planning Conference in 1998, two options emerged as front runners: an eastern route (since progressed to become the application scheme) and a Far Western Route (FWR), which itself had three variations towards its south western end. The FWR, and in particular the FWRz version running wholly within the county of Wiltshire, was subject to comparison studies for WCC in 1999, 2000 and 2001 and features in the ES (CD1.1b Appendix C; WCC/A/1 Appendix B; CD1.1d Section 3). As with the eastern route, earlier versions of the FWR extended north and east to bypass Yarnbrook/West Ashton, but as that length has been dropped from the application scheme, the FWR comparator considered at the inquiry likewise stops short of that locality, on Hawkeridge Road.
- 8.205 Despite opportunities at each PIM, no individual or organisation offered to act as promoter or sponsor for a FWR at the inquiry. This was a pity since WCC would have drawn up a scheme on that person or organisation's behalf, seeking to optimise the route and design features. As it is there is no more than a schematic alignment that could be subject to significant variations. Even so it was apparent from the outset to all concerned that there is considerable support locally for the principle of such a route, which was addressed in WCC's evidence.

### *Traffic and Economics*

- 8.206 A number of objectors have pointed out the merits of the FWR in reducing traffic on the A361 through Rode and on the continuation of that route as the C234 Wynsome Street leading to B3097 Hawkeridge Road. Such trips have not been intercepted by the roadside interviews on the A350 and therefore their representation in the traffic model is likely to be based on earlier surveys. Nevertheless, WCC are satisfied that the traffic model adequately represents traffic flows within the study area and therefore figures can be compared.
- 8.207 In contrast with the relatively low total and HGV flows on the Glenmore Link, total and HGV flows on the FWR would be significantly higher. The minimum HGV flows on the FWR would be 1472 north of the WWTE (with no weight ban on Station Road) and 1993 (with ban) between WWTE and the A36.
- 8.208 More generally, with a 3 tonne weight restriction on Station Road, the FWR would remove about 25% to 34% of all traffic from the A350 in Westbury, including about 60% to 70% of HGVs. Without the weight ban, the amount of all traffic removed remains similar, fewer HGVs would use A350 Fore Street and overall HGV flows would reduce by about 63% to 66%. Whilst the flow of all vehicles on Station Road would increase by about 8%, the number of HGVs would be reduced by about 43%. There would be a reduction of about 43% of all vehicles (73% to 75% of HGVs) on the A361 through Southwick and 83% of



all vehicles (91% to 92% of HGVs) on the C234 with or without weight bans on Station Road.

- 8.209 The FWR would therefore be less effective than the application scheme at reducing overall traffic on the A350 in Westbury. However, it would remove significant volumes of HGVs and, without a weight ban, be more effective than the application scheme at reducing HGVs on Station Road. It would also significantly reduce the volume of HGVs using the A361/C234 route through Southwick and North Bradley. The benefits of the FWR would be spread more widely and could be expected to contribute to the scheme objectives of facilitating regeneration and easing the transport of goods to and from commercial employment areas as well as providing a significant measure of relief within Westbury.
- 8.210 Amended figures for the FWR COBA analysis used for comparative purposes were also presented in Revision 1 to the MSBC. The Present Value of Costs (PVC) was increased by about £1.4m and the Present Value of Benefits (PVB) reduced by about £27.9m. Whereas previously, the PVB for the FWR exceeded that for the application scheme, it is now about £18m less. Overall, this resulted in a significant reduction of BCR from 3.525 to 2.795. It is surprising that coding changes some distance from either the application scheme or the FWR should have such a disproportionate impact on the FWR and that these should only be revealed at a late stage in the process.
- 8.211 Furthermore, the cost for the FWR includes a sum of about £7m set aside for unidentified improvements to the A36 trunk road consequent upon the additional traffic that would use it between junctions with the A361 Frome Bypass and the existing A36/A350 junction at Warminster Bypass. WCC advise that the Highways Agency, as authority for the trunk road, would require unspecified improvements to be carried out. In answering questions, Mr Helps confirmed that such improvements had not been modelled and therefore no benefits for such expenditure had been estimated. Thus any dis-benefit to traffic using the unimproved A36 has been calculated but no off-setting benefit from the £7m capital expenditure has been assessed. Whilst there is no information on whether such benefits would be significant, the lack of any assessment means that the justification for adding the £7m has not been adequately demonstrated.
- 8.212 In a final response (WCC/138) to points raised by Dr Gillham (GILL/106), WCC provided results from a further COBA run for the FWR ensuring exactly the same Do Minimum Flows were used as for the application scheme. This reduced the PVB by about £0.257m to £125.192m but more importantly the PVC was increased by about £4.1m to £48.986m. That is now about 49% more than the PVC for the application scheme, a far higher differential than had previously been identified. No explanation was provided for the change in PVC. The magnitude of the change at this late stage adds to my concern about the reliability of the analyses carried out. The overall effect of these latest changes is to reduce the BCR of the FWR to 2.556.
- 8.213 The nearby county boundary appears to have added a further possible constraint to the western termination of the FWR. There are 3 highway authorities with responsibilities in this area: Highways Agency, Somerset County Council and WCC. Whilst one option for the FWR could be constructed entirely within Wiltshire (Figure 1, WCC/SP/1), flow changes would impact on roads managed by all 3 authorities. If options other than an eastern bypass of

Westbury are to be considered, such complications should not prevent the identification of an optimum solution irrespective of boundary positions and responsibilities, which would deal with transport problems in the area as a whole.

- 8.214 The cost of improving the A36 is a significant factor contributing to the lower BCR for the FWR yet there appears to be little to justify this addition without taking account of the change in benefits which would accrue. The differential created between the 2 schemes as a result of changes at junctions some distance from them remains largely unexplained. It further highlights the sensitivity of the model to small changes in data input, a point that I made in considering the effect of induced traffic. However, even if the differential between the economic value of the FWR and the application scheme could be reduced, it would be unlikely to be better and it would be necessary to consider the other impacts of such a scheme before deciding if it would be an appropriate solution.

### *Landscape*

- 8.215 Much of the rural area west of Westbury potentially affected by a FWR is not unattractive. But not much less than half of such a putative route, towards its northern end, is influenced by the proximity of extensive trading estates, while much of the remainder of the route could, perhaps, run in general proximity to the mainline railway. Little, perhaps none, of the route need run through a designated Special Landscape Area: there is none of the dramatic scenic qualities of the Wellhead Valley, the character is that of "ordinary" low lying rolling clay land. Nor is there the same tranquillity: the area is to varying extents influenced by traffic on the B3099, by the railway and, towards the north, by the trading and industrial estates.
- 8.216 There are undulations within the overall low lying land form, perhaps offering some opportunities for shallow cuttings, but much of the route would be likely to be on shallow embankments, limiting landscaping opportunities to planting and perhaps false cuttings, because of flood and drainage constraints. A surplus of fill over cut would be likely to require material to be imported. Conversely, it seems highly improbable that a third, crawler, lane would be required anywhere, limiting the road's overall width, while the more gentle gradients would to some extent reduce traffic noise and fuel consumption, particularly for HGVs.

### *Biodiversity*

- 8.217 Although not surveyed to anything like the same extent as the eastern route, available data suggest that the wildlife value is likely to be broadly comparable with that to the east, not least as regards bats, and give rise to similar issues of mitigation. In her closing submissions, Mrs Underwood referred to having seen evidence of dormice on that side of the town, but no evidence was submitted and examined; in any event I see no reason why a route need sever dormice woodland habitat.

### *Flood Risk*

- 8.218 As much of the area west of Westbury is at flood risk, it seems probable that much of any route would need to be on shallow embankment, quite possibly rising to cross the railway. But as with the Glenmore Link, I see little technical

difficulty in catering for the passage of surface water and compensating for loss of storage capacity.

#### *Public and Stakeholder Opinion*

- 8.219 TAG Unit 1.1 and PPS1 confirm that public opinion can be a factor in determining the acceptability of a scheme. There has been no statistically robust sampling of opinion and several question marks were raised at the inquiry regarding the coverage and participation rates for questionnaires, and voting restrictions on the Town Council.
- 8.220 It does, however, seem more than clear firstly that from the outset there has been clear support for the principle of building a bypass, but whenever presented with a choice, at the planning conference and subsequently, the weight of public opinion has favoured a western scheme, and in particular one of the Far Western options. This has been consistently and understandably opposed by UPRAWW, but was the stated preference of the Town Council and the West Wiltshire Economic Partnership and Wessex Association of Chambers of Commerce. The group Westbury Bypass Now was initially created to support construction of a bypass rather than specifically an eastern one. Only when faced with the choice of the eastern route or nothing has some of this support swung behind the application scheme. There is no clear statement of where the District Council currently stands corporately, though there is written support for the application scheme from their Principal Planning Officer.

#### *Conclusions on a Far Western Route*

- 8.221 A Far Western Route would not be without adverse impacts. My inquiry was not a route selection process, but to consider whether planning permission should be granted for the called in application and whether its associated Orders should be confirmed. It is emphatically not my intention to endorse a Far Western Route – no such scheme is currently before the Secretary of State and the available information, which does not include an environmental assessment, would in any event be an inadequate basis for a firm decision either way.
- 8.222 However, the substantially lesser quality landscape, and potentially more direct access to the industrial area, to the station and to any future freight interchange, combined with substantial traffic benefits within the town and over a wide area, all lead me to conclude that this route was dropped too soon. I understand the views of UPRAWW, and realise that my conclusions will not be well received there. But just as I consider that the interests of three highway authorities should not stand in the way of an optimum outcome, so I see no merit in arguments that a bypass for Westbury should largely run within the parish of Westbury. The Parishes have administrative boundaries, not frontiers, and ought not to be a consideration in the choice of route.

#### *Conclusion on a Far Western Route*

- 8.223 All told I have little doubt that with equivalent design details as is evident in the eastern application scheme, a FWR has the potential to provide a more favourable balance of adverse impacts to benefits. Although my recommendation against the application scheme did not depend on this further conclusion, the putative better scheme adds weight to my recommendation against the application scheme, the more so for a development of public infrastructure where the applicant's aim is not the development of particular parcel of land but the provision of public benefits. Should such a scheme be

progressed, however, it would need to be assessed on its own merits in the light of information regarding it.

### **Mr Brakspear's Alternative**

- 8.224 Mr Brakspear's alternative proposal is fundamentally different from any other option considered by WCC or put forward by any other objectors who appeared at the Inquiry [123; 2.176 et seq; 2.316; 4.72 et seq]. Although he developed and amended his scheme during the Inquiry, in part to deal with practical considerations raised by WCC, the main element comprised a tunnel of between about 400m and 600m in length under the town centre between Haynes Road and Fore Street. Such a proposal would cost substantially more than a conventional bypass around the town and would require considerable advantages to be demonstrated to justify resources for any more detailed appraisal. Whilst I acknowledge that such a solution would prevent harm to the landscape and other adverse effects of WCC's scheme, it would be likely to create other more adverse harm in the town, not least during its construction.
- 8.225 The proposal would involve diverting significant proportions of local Westbury traffic away from the town centre onto residential roads. In my opinion, that would be a most unwelcome effect of the scheme which would have adverse implications for road safety and the living conditions of local people. In seeking to make the A350 route a high enough standard to avoid delays for through traffic, the grade separation on the approaches to the tunnel would be likely to increase the degree of severance already experienced by residents. The proposal would not improve access to WWTE without the addition of further new links across the railway. In my view, it would fail to make Westbury a more attractive location for business, for shoppers and for users of facilities. I therefore conclude that it has no significant advantages sufficient to make it worthy of further consideration.
- 8.226 I take the opportunity to record my thanks to Mr Brakspear for his active engagement and the work that he put into his tunnel scheme: he ensured that proper consideration was given to the option notwithstanding a negative outcome. However, I note and feel bound to endorse WCC's statement that they would not in any event seek to progress such a scheme.

### *Conclusions on variations and alternatives*

- 8.227 If the Secretary of State concludes that planning permission should be granted for the application scheme, then I recommend this be for the scheme essentially as it stands, with no variation that would cause further redesign and procedural delay. If the Secretary of State concurs with my main recommendation and refuses planning permission, I recommend that the opportunity for the highway authorities to look further at a FWR should be a supporting though not a determinative reason; and that no weight be accorded to a tunnel option though the Secretary of State may wish to endorse my thanks to the promoter for his active citizenship.

### **THE SIDE ROADS ORDER AND COMPULSORY PURCHASE ORDER**

- 8.228 As I described in my Preamble, a number of inconsistencies were identified within the Orders, schedules, plans and statement of reasons during the course of the inquiry [7.1 et seq]. WCC responded by proposing amendments which were discussed. Final versions of the revised documents which reflected those discussions were submitted by WCC on 18 September 2008 (WCC/137) with the

changes highlighted. Should the Secretary of State be minded to grant planning permission, I am satisfied that the various documents which comprise the Orders, as amended, would be broadly consistent with each other and with the scheme described in the planning application.

- 8.229 A number of submissions regarding the Orders also raised points about the scheme itself (for example several objected to the level of lighting at the northern roundabouts) which I have taken into account in my conclusions on the planning application. I now limit my conclusions and comments to the various aspects of the Orders, as raised by objectors together with my own observations. However, my conclusions and recommendations on detailed aspects of the Orders do not alter my overall recommendation that planning permission should be refused and therefore that the Orders should not be confirmed.

### ***Statutory Objectors to the Orders***

#### *Mr F Shephard*

- 8.230 The amended SRO indicates that the existing secondary access to Madbrook Farm would be stopped up (Sheet 1 Ref d(i)) and replaced by a new access (Ref 2(i)) broadly in the position shown on FS Plan 1 supplied to Mr Shephard. WCC have indicated that this would be large enough to allow articulated vehicles to turn directly onto and from the Madbrook Roundabout. As such this would address Mr Shephard's concerns on access.
- 8.231 Notwithstanding this agreement, I do have significant reservations on the road safety aspects of these arrangements. The access point would be immediately adjacent to the exit lane from the roundabout, used by traffic heading into Westbury and separated by a splitter island from the entry lane. There would be a significant risk of conflict between vehicles using the exit lane and those turning out of it against the flow of traffic to reach the circulation area on the roundabout (FS Plan 2). Whilst daily movements might not be many, I consider this would be an unconventional arrangement which would be likely to prejudice the safe operation of the roundabout. An alternative layout which provided an access clearly separated from the immediate area of the roundabout and its approaches would be preferable. Should the Secretary of State for Transport confirm the SRO, I recommend that further investigations are undertaken with the objective of achieving a safe secondary access by agreement with the landowner.
- 8.232 The secondary access point would continue as a track around the north and west sides of the attenuation pond. To accommodate this change, the shape of the pond has been altered and extended further south. To accommodate this, Plot 1 has been retained at its original size. WCC indicated that they would only retain sufficient land around the pond to meet operational requirements for future maintenance. Nevertheless, I am satisfied that Plot 1 is necessary to implement the planning permission.

#### *Mr & Mrs Avery*

- 8.233 The proposals for Footpaths HEYW15, HEYW18 and HEYW28 described in the planning application differ from those set out in the SRO made by WCC. Together with issues regarding the designation of the adjacent length of access road to the cement works as a public highway and/or a private means of access, the proposals for the footpath network in this area were subject to discussion in

round table sessions of the inquiry. The proposed amendments would leave HEYW28 unaffected and it would not be joined up with HEYW15 as proposed in the planning application. Continuity in the network would be ensured by way of the connection to the short remaining length of HEYW18 on the east side of the access road to the cement works and the access road itself, to link up with HEYW15.

- 8.234 I understand and sympathise with Mr Avery's concern that having been involved in discussions with WCC on a pragmatic rationalisation of the footpath network across his land, he was not informed by WCC that it no longer intended to implement the agreed proposals in the planning application. Nevertheless, the latest proposals preserve the current footpath network as far as possible in the vicinity of the bypass and access road. Notwithstanding the introduction of an at-grade crossing of the bypass in the vicinity of HEYW15, the alterations would provide reasonably convenient routes for footpath users. The new link "Q" in the made SRO is no longer necessary and would not be provided. Plot 30 is therefore proposed for deletion from the CPO. I conclude that the proposed amendments to the SRO and CPO in this area are necessary and acceptable.

*Heywood Parish Council*

- 8.235 Many of the apparent discrepancies in the drafting of the SRO and CPO identified by HPC have been amended by WCC. Whilst HPC had been broadly content with the stopping up of lengths of HEYW18 and HEYW28 described in the planning application, they considered the alternative arrangements would be acceptable. HPC confirmed in closing that the SRO as amended now satisfactorily addresses most of their footpath concerns.
- 8.236 Both HPC and Mr Morland object to the spoil disposal areas L and M in the area of the Glenmore Roundabout (Layout Plan No 748034 – D049 Rev A (CD1.1)). Although the area has been identified as an Area of Archaeological Significance in terms of the scheme assessment, it is not a designated Area of Higher Archaeological Potential on the Proposals Map within the LP. The Updated Historic Environment Mitigation Strategy (CD9.7) indicates that topsoil would not be removed from these areas so that the known significant Roman and prehistoric remains there would be safeguarded through burial. WCCAS has agreed the various targeted approaches outlined in the strategy (WCC/A/14.1) and has not sought any additional investigation of the area.
- 8.237 The mounding in these areas would reduce the intrusion into the landscape of the embankment that would otherwise be created. I agree with WCC that re-using the spoil within the scheme would provide a more sustainable solution and reduce the number of HGV movements during construction. In my opinion the average depth of filling would not be so great that future investigation of these areas would be unduly prejudiced and a certain amount of investigation has already been undertaken which has added to the understanding of the value of the remains. This leads me to conclude that on balance, there is no justification on archaeological grounds to delete mounding in areas L and M.

***Written Objections (Statutory)***

*Mr & Mrs T Painter*

- 8.238 Mr & Mrs Painter, together with a number of other statutory and non-statutory objections, expressed concern regarding the at-grade crossing for horses at Shallow Wagon Lane. WCC have confirmed that the layout would be in

accordance with recognised standards and takes full account of the forecast traffic flow on the Glenmore Link. WCC have subsequently agreed to install flashing warning lights on the approaches to the crossing to alert drivers to the presence of equestrians. Forecast traffic flow on this section of the Glenmore Link would be quite low and I am satisfied that equestrians and footpath users would be able to cross in safety with good visibility of approaching traffic. In this location, I consider the installation of full traffic signals would be unlikely to make a significant contribution to road safety over and above the flashing warning lights.

- 8.239 Mr Painter also expressed concern at the lack of facilities for horses crossing the route in the vicinity of the Cement Works roundabout. There is no bridleway directly affected by the scheme in this location. Nevertheless, WCC indicated in correspondence with Mr Painter's agent that the detailed design of the roundabout would include provision for equestrians and provided a plan showing a crossing of the Glenmore Link and the southern leg of the existing A350. I am satisfied that these proposals would provide a satisfactory solution and that traffic signals would not be necessary in these circumstances.
- 8.240 Mr Painter raised a number of concerns regarding the CPO. I have seen no evidence to suggest that the verge widths either generally or specifically on the approaches to Glenmore Roundabout are wider than standards require. However, I note that WCC has given Mr Painter an assurance that the widths would be reviewed at detailed design stage. I am satisfied that the land take appears proportionate to satisfy the operational requirements of the road. Nevertheless, I recommend that the review by WCC should ensure that the highway boundary would be positioned as close to the carriageway as is practicable, consistent with necessary highway standards and maintenance requirements.
- 8.241 Mr Painter objects to the re-grading of the area designated M and disputes that it should be a matter for compensation. HPC and Mr Morland also raised objections to the re-grading of this land and that of area L but for archaeological reasons which I have dealt with already. Whilst I do not underestimate the likely impact of the Glenmore Link on Mr & Mrs Painter's business, maximising the area of land to be returned to its current agricultural use in this way would appear to be less harmful than the alternative arrangement which would reduce the area available. The integration of the scheme into the landscape and the reduction in disposal of material away from the site would have wider benefits in the public interest. In these circumstances, I consider the inclusion of Plot 37C is necessary and justifies interfering with Mr & Mrs Painter's human rights.
- 8.242 Plot 34 includes a parcel of land shown in the planning application as an indicative area of flood compensation. As I concluded previously, this location would be ineffective for the purpose as not offering scope for "level for level" compensation in the flood plain. This could result in uncertainty for Mr & Mrs Painter, but I recommend that the area of Plot 34 be reduced accordingly. If a different area within the holding is required then this should be identified and acquired by agreement with Mr & Mrs Painter or through the use of further CPO procedures.
- 8.243 In Plot 34, a triangular area of land on the north side of the Glenmore link would be severed from the remainder of OS Plot 1075. WCC have agreed with Mr Painter that the tree and shrub planting proposed in the planning application

in this location may be omitted and that it is the intention to reduce the size of Plot 34 accordingly.

*Mrs Brittain*

- 8.244 Mrs Brittain's objection includes a number of general points regarding the impact of the bypass on the area as a whole which I deal with elsewhere in my conclusions. In this section, I deal with Mrs Brittain's concerns regarding the impact on her property and the CPO.
- 8.245 The predicted visual impact of the bypass on her home is assessed as moderate. The noise increase is assessed as 7.1dB at first floor level taking the noise level to 60.7dB. These impacts would clearly have an adverse effect on the living conditions of the occupiers of 2 Coach Road and on their enjoyment of the long garden which shares a boundary with the main line railway. Nevertheless, when the planting on the embankment matures, the bypass would be partly assimilated into the landscape. I consider that neither these impacts nor the adverse effects on her human rights would be so significant in themselves to justify the refusal of planning permission on these grounds alone.
- 8.246 I note that Mrs Brittain considers the land area within the CPO to be incorrect. WCC understand this concern mainly relates to the boundary between her land in Plot 25 and the adjacent Plot 26 which she considers does not reflect the actual extent of her ownership. WCC have agreed to carry out a survey to clarify matters. In my opinion, the extent of land to be acquired here for the bypass has been correctly identified and any differences in actual ownership would be resolved during negotiations for the formal transfer of title.

*Robert Hitchens Limited*

- 8.247 The SRO would stop up 3 existing points of access from the A350 to Plot 0006 and provide a new access on the A350, south of the Madbrook Roundabout. In this position, I consider there would be adequate visibility in both directions. The relatively small forecast increase in traffic would be unlikely to make access significantly more hazardous and this leads me to conclude the proposal would not be unsatisfactory from a safety point of view.

***Other Written Objections (Non-statutory)***

- 8.248 I commented on the equestrian crossing on the Glenmore Link in considering Mr & Mrs Painter's objection above and concluded that it would be an acceptable facility. I have considered the general impact of noise and visual intrusion on rights of way within the Wellhead Valley and the overall merits of planning application earlier. I now deal with the remaining objections to a detailed aspect of the Orders.

*New Bridleway "F" in the Wellhead Valley*

- 8.249 This proposed bridleway would provide an alternative route between Newtown and the Wessex Ridgeway adding just over 1km to the existing bridleway network in the area. Essentially following the foot of the scarp slope alongside the eastern boundary of White Scar Hanging CWS for much of its length, the bridleway would then take a direct line up the scarp slope. WCC acknowledge this would be steep but consider that with a corridor width of about 10m, it would be possible to include measures which would enable equestrians to negotiate the ascent and descent in safety. Be that as it may, I agree with those objectors who consider this would represent a poor facility.



- 8.250 WCC also acknowledge that the need for the bridleway is not a direct consequence of the bypass proposals and accept that it represents enhancement rather than mitigation of adverse effects. There are currently 3 roughly parallel bridleways passing through this area: WEST35, the Wessex Ridgeway and the Imber Range Perimeter Path. These are linked by Newtown and WEST47 at the northern end of Wellhead Valley and by WEST36 and Wellhead Drove at the southern end. As such there is already good connectivity in the network. In consideration of this and the likely poor quality of the facility where it ascends the scarp slope, there is limited justification for adding this new route to the network and to use CPO powers to do so. I recommend that Bridleway F and the associated new means of access numbered 13 and 14 should be deleted from the SRO. Plot 10 would also be deleted from the CPO.

### ***Other Matters Relating to the SRO/CPO***

#### *Bridleway D*

- 8.251 This length of new bridleway would provide a connection between Bridleways WEST36 and WEST37 alongside the southern boundary of the bypass. WCC acknowledge that this bridleway is not a direct consequence of the bypass proposals. As such it would also represent enhancement of the network rather than mitigation of adverse effects. Chalford Accommodation Bridge and Wellhead Underpass would maintain the existing connectivity of the network in the vicinity of the bypass. The bridleway would be sited on Grade 3a land in the Agricultural Land Classification and effectively increases the footprint of the scheme.
- 8.252 WCC consider that WEST37 is not used to its full potential as it ceases to be a bridleway at the point it meets Footpath WEST38 where it enters the woods at White Scar Hanging. However, that is a matter which is unaffected by the bypass proposal and could be addressed by other means. In my opinion, the new bridleway alongside the highway boundary of the new road would not create a pleasant or attractive route and would be subject to relatively high noise levels. In view of this and the generally extensive provision of designated bridleways in the area, I reach a similar conclusion to that for Bridleway F, namely that there is only limited justification for adding this new route to the network and for using CPO powers to do so. I recommend that Bridleway D should be deleted from the SRO. The area of Plot 4 in the CPO would be reduced as a consequence.

#### *Amendments Requiring Consent of Landowners*

- 8.253 During the course of discussions during the inquiry, 3 additional stopping up of private means of access were identified which had been omitted from the SRO made by WCC (Refs d(i), k(i) and n(i)). I am satisfied that these are necessary to implement the scheme described in the planning application. Nevertheless, these amendments can only be included in the Orders to be confirmed by the Secretary of State if the affected landowners have given their consent. WCC wrote to the owners requesting their agreement but the matters were on going at the time the inquiry closed. These detailed matters would need to be concluded by correspondence.

***Overall Conclusions on the Orders****The Side Roads Order*

- 8.254 The SRO would be in exercise of powers conferred by sections 14 and 125 of the Highways Act 1980. These require the Secretary of State for Transport to be satisfied that alternative routes to highways being stopped up are reasonably convenient and that for any private means of access, another means of access is proposed, or no means of access is reasonably required. Subject to my recommendations on Bridleways D and F and receipt of the necessary agreements from landowners for the additional stopping ups, I am satisfied that the amended SRO, including the relevant schedules and plans and statement of reasons are now consistent with the proposals described in the planning application, other than where noted above.
- 8.255 If the Secretary of State accepts my recommendation to refuse planning permission for the called in application, it follows that the SRO could not be justified and I recommend accordingly. If planning permission is granted, I recommend that the SRO be confirmed subject to the detailed matters above.
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*The Compulsory Purchase Order*

- 8.256 If the Secretary of State accepts my recommendation to refuse planning permission for the called in application, it follows that the statutory tests under the Acquisition of Land Act 1981, as interpreted by advice in Circular 06/2004, could not be met and I recommend accordingly. If planning permission is granted, then this permission together with the support of the Regional Assembly and current application for funding, suggest to me that the tests would be sufficiently met subject to deletion of the areas as outlined above, and I recommend that the CPO be confirmed on that basis.

*Alan Langton*

Inspector

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Gaynor Polglase	53b Frome Road, Southwick, Trowbridge BA14 9QG
Paul Rossiter	22 Westbury Road, Yarnbrook, Trowbridge BA14 6AG
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Hugh Hancock	Dunge Farm, West Ashton, Trowbridge BA14 6AX
Steve King	49 Timor Road, Westbury BA13 2GA

**WESTBURY BYPASS INQUIRY****CORE DOCUMENTS LIST <sup>36</sup>****PLANNING APPLICATION & RELATED DOCUMENTS**

CD1.1a (DD01)	Part O - Planning Application February 2007
CD1.1b (DD01)	Part A Technical Statement
CD1.1c (DD01)	Part A Technical Statement - Appendix H Flood Risk Assessment
CD1.1d (DD01)	Part B Environmental Statement - Volume 1 Non Tech Statement and Main
CD1.1e (DD01)	Part B Environmental Statement - Volume 2 Figures
CD1.1f (DD01)	Part B Environmental Statement - Volume 3 Appendices
CD1.1g (DD01)	Part B Environmental Statement - Volume 4 part 1 of 2 Ecological Appendices
CD1.1h (DD01)	Part B Environmental Statement - Volume 4 part 2 of 2 Ecological Appendices
CD1.2 (DD29)	Representations Received Prior to the Inquiry
CD1.3 (DD28)	Side Roads And and Compulsory Purchase Orders

**DEVELOPMENT PLANS AND OTHER POLICY RELATED DOCUMENTS**

CD2.1 (DD08)	Regional Planning Guidance for the South West (RPG10) <a href="http://www.southwest-ra.gov.uk/media/SWRA/Transport/RPG10Fulltext.pdf">http://www.southwest-ra.gov.uk/media/SWRA/Transport/RPG10Fulltext.pdf</a>
CD2.2 (DD12)	Draft Regional Spatial Strategy (RSS) <a href="http://www.southwest-ra.gov.uk/media/SWRA/RSS%20Documents/Final%20Draft/draftrssfull.pdf">http://www.southwest-ra.gov.uk/media/SWRA/RSS%20Documents/Final%20Draft/draftrssfull.pdf</a>
CD2.3	<del>Draft RSS Strategic Sustainability Audit (WHA)</del> <i>Not required as a Core Document</i>
CD2.4	Panel Report on the Draft RSS <a href="http://www.southwest-ra.gov.uk/media/SWRA/RSS%20Documents/EiP%20Panels%20Report/SW_RSS_EiP_Report_-_in_full.pdf">http://www.southwest-ra.gov.uk/media/SWRA/RSS%20Documents/EiP%20Panels%20Report/SW_RSS_EiP_Report_-_in_full.pdf</a>
CD2.4.1	The Draft Revised RSS for the South West incorporating the Secretary of State's Proposed Changes – for For Public Consultation July 2008
CD2.4.2	Letter from Baroness Andrews to the South West Regional Assembly regarding the publication of the Secretary of State's Proposed Changes
CD2.4.3	The South West RSS: Schedule of the Secretary of State's Proposed Changes and reasons – For Public Consultation July 2008
CD2.5 (DD04)	Wiltshire and Swindon Structure Plan 2011
CD2.6 (DD09)	Wiltshire and Swindon Structure Plan 2016 <a href="http://www.wiltshire.gov.uk/wiltshire-structure-plan-2016-adopted-version.pdf">http://www.wiltshire.gov.uk/wiltshire-structure-plan-2016-adopted-version.pdf</a>
CD2.7	Wiltshire and Swindon Minerals Local Plan 2001

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<sup>36</sup> 'DD' numbers are WCC references, not used in this report



(DD10)	<a href="#">Wiltshire County Council   Adopted Minerals Local Plan</a>
CD2.8 (DD11)	Wiltshire and Swindon Waste Local Plan 2011 <a href="#">Wiltshire County Council   Adopted waste local plan</a>
CD2.9 (DD19)	Wiltshire Local Transport Plan 2001/02 - 2005/06 <a href="#">Wiltshire County Council   Local Transport Plan</a>
CD2.10 (DD02)	Wiltshire Local Transport Plan 2006/007- 2010/11 <a href="#">Wiltshire County Council   Local Transport Plan 2</a>
CD2.11 (DD03)	Western Wiltshire Sustainable Transport Strategy (Annex 1 LTP 2001/02 2005/06)
CD2.12 (DD06)	West Wiltshire District Plan 2004 <a href="#">West Wiltshire District Council</a>
CD2.13 (DD47)	West Wiltshire Chapter 1, Introduction To The Planning Process, First Alteration June 2004 <a href="#">West Wiltshire District Council</a>

## OTHER WILTSHIRE COUNTY COUNCIL DOCUMENTS

CD3.1 (DD07)	Wiltshire County Council 2009 Corporate Plan <a href="http://www.wiltshire.gov.uk/corporate-plan-2007-final.pdf">http://www.wiltshire.gov.uk/corporate-plan-2007-final.pdf</a>
CD3.2 (DD20)	Transport Policies and Programme 1997-98
CD3.3 (DD17)	Wiltshire County Council's Air Quality Action Plan (See Wiltshire Local Transport Plan Appendix 6) <a href="http://www.wiltshire.gov.uk/ltp2-appendix-6.pdf">http://www.wiltshire.gov.uk/ltp2-appendix-6.pdf</a>

## REPORTS, STUDIES & PUBLICATIONS

CD4.1 (DD05)	Bristol/Bath South Coast Study (BBSCS) <a href="http://www.southwest-ra.gov.uk/media/SWRA/RSS%20Documents/Technical%20Documents/02.07_Bristol_Bath_to_South_Coast_Study_-_Fin">http://www.southwest-ra.gov.uk/media/SWRA/RSS%20Documents/Technical%20Documents/02.07_Bristol_Bath_to_South_Coast_Study_-_Fin</a>
CD4.2 (DD18)	Acer Freeman Fox etc report dated August 1990
CD4.3 (DD23)	A350 Westbury Bypass and Town Centre Measures (Annex 2 of the Annual Progress Report 2003)
CD4.4 (DD21)	Western Wiltshire Regeneration Report 1996

## COMMITTEE REPORTS & MINUTES

CD5.1 (DD22)	Committee Report May 1998, Setting out Report on Planning Conference
CD5.2 (DD24)	Preferred Route Adopted September 1998: Relevant Committee Report
CD5.3 (DD53)	Wiltshire County Council Planning Officer's Report to the Regulatory Committee (16 May 2007)
CD5.4 (DD59)	Planning Application S/2007/2229 Agenda item 9 NOT USED

**CORRESPONDENCE & COMMUNICATIONS**

CD6.1 (DD25)	DfT letter to South West Regional Assembly July 2006
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**NATIONAL POLICY GUIDANCE**

CD7.1 (DD13)	PPG 13: Transport <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/155634">http://www.communities.gov.uk/documents/planningandbuilding/pdf/155634</a>
CD7.2 (DD14)	PPS1: Delivering Sustainable Development <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1">http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1</a>
CD7.3 (DD15)	PPS 7: Sustainable Development in Rural Areas <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/147402">http://www.communities.gov.uk/documents/planningandbuilding/pdf/147402</a>
CD7.4 (DD16)	PPS 9: Biodiversity and Geological Conservation <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/147408">http://www.communities.gov.uk/documents/planningandbuilding/pdf/147408</a>
CD7.5	PPS 25: Development and Flood Risk <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/153740">http://www.communities.gov.uk/documents/planningandbuilding/pdf/153740</a>
CD7.6 (DD43)	Planning Policy Statement: Planning And Climate Change; Supplement to PPS1 <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/ppsclimatechange.pdf">http://www.communities.gov.uk/documents/planningandbuilding/pdf/ppsclimatechange.pdf</a>
CD7.7 (DD44)	PPG 4: Industrial, Commercial Development And Small Firms <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/ppg4.pdf">http://www.communities.gov.uk/documents/planningandbuilding/pdf/ppg4.pdf</a>
CD7.8 (DD45)	PPS 6: Planning For Town Centres <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/147399.pdf">http://www.communities.gov.uk/documents/planningandbuilding/pdf/147399.pdf</a>
CD7.9 (DD63)	PPS 23: Planning and Pollution Control <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement23.pdf">http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement23.pdf</a>
CD7.10 (DD76)	PPG 24: Planning and Noise <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/156558.pdf">http://www.communities.gov.uk/documents/planningandbuilding/pdf/156558.pdf</a>
CD7.11	PPG 15: Planning and the Historic Environment <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/142838.pdf">http://www.communities.gov.uk/documents/planningandbuilding/pdf/142838.pdf</a>
CD7.12	PPG 16: Archaeology and Planning <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/156777.pdf">http://www.communities.gov.uk/documents/planningandbuilding/pdf/156777.pdf</a>

**NATIONAL & EUROPEAN LEGISLATION**

CD8.1	NOT USED
CD8.2 (DD48)	Conservation (Natural Habitats & c.) Regulations (SI1994 No 2716) <a href="#">The Conservation (Natural Habitats, &amp;c.) Regulations 1994</a>
CD8.3 (DD54)	The Wildlife and Countryside Act 1981 <a href="#">Wildlife and Countryside Act 1981</a>
CD8.4 (DD55)	Countryside and Rights of Way Act 2000 <a href="#">Countryside and Rights of Way Act 2000 (c. 37)</a>
CD8.5 (DD56)	Natural Environment and Rural Communities Act 2006 <a href="#">Natural Environment and Rural Communities Act 2006 (c. 16)</a>
CD8.6 (DD57)	Council Directive 79/409 EEC on the Conservation of Wild Birds <a href="http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1979/L/01979L0409-20070101-en.pdf">http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1979/L/01979L0409-20070101-en.pdf</a>
CD8.7	Council Directive 92/43/EEC on the Conservation of Natural Habitats and

(DD58)	of Wild Fauna and Flora <a href="#">EUR-Lex - 31992L0043 - EN</a>
CD8.7a	Guidance Document on the Strict Protection of Animal Species of Community Interest under the Habitats Directive 92/43/EEC Including European commission, Environment, Nature & Biodiversity Strict Protection of Animal Species –Guidance on Habitats Directive Articles 12 and 16 <a href="http://ec.europa.eu/environment/nature/conservation/species/guidance/index_en.htm">http://ec.europa.eu/environment/nature/conservation/species/guidance/index_en.htm</a>
CD8.8 (DD60)	Council Directive 96/62/EC of 27 September 1996 on Ambient Air Quality Assessment and Management <a href="#">celex-txt - 31996L0062 -</a>
CD8.9 (DD76)	ODPM/Defra Circular (ODPM 06/2005, Defra 01/2005): Biodiversity and Geological Conservation – Statutory Obligations and their Impact Within the Planning System <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/147570.pdf">http://www.communities.gov.uk/documents/planningandbuilding/pdf/147570.pdf</a>
CD8.10 (DD79)	Protection of Badgers Act 1992 <a href="#">Protection of Badgers Act 1992 (c. 51)</a>
CD8.11	Climate Change Bill 2007 <a href="#">Bills and Legislation - Climate Change Bill [HL]</a>
CD8.12 (DD46)	DfT Circular 02/2007 - Planning And The Strategic Road Network <a href="http://www.dft.gov.uk/162259/165237/circular207planningsrnpdf">http://www.dft.gov.uk/162259/165237/circular207planningsrnpdf</a>

## SCHEME RELATED DOCUMENTS

CD9.1 (DD94)	Westbury Bypass Desk Study Report, Report No. 2009/2/R001/0 Volumes 1-3, Wiltshire Civil Engineering Consultancy: August 1997
CD9.2 (DD95)	Factual Report on Ground Investigation at Westbury Bypass Ironstone Quarry landfill Site, Structural Soils Ltd., December 2006
CD9.3 (DD96)	Westbury Bypass Main Ground Investigation – Factual Report, J2102, Soil Mechanics Ltd: June 2003
CD9.4 (DD97)	Main Ground Investigation, Factual Report (Including Trial Pit Logs), Mouchel Parkman: 2003
CD9.5 (DD27)	Traffic In Westbury Planning Conference Report, M Cottell, 1998
CD9.6 (DD74)	A350 Westbury Bypass, Development of Detailed Route Options, Parkman, March 2000
CD9.7	Updated Historic Environment Mitigation Strategy, May 2008
CD9.8	A350 Westbury Bypass Major Scheme Business Case, June 2008
CD9.8a	Note on the A350 Westbury Bypass Major Scheme Business Case, June 2008
CD9.8b	Local Transport Major schemes – Information published on the Department for Transport website
CD9.8c	Addendum to the A350 Westbury Bypass Major Scheme Business Case – Revision 1, July 2008
CD9.8d	Amendments to the Contents Page of the Addendum to the A350 Westbury Bypass Major Scheme Business Case – Revision 1, July 2008

## TRANSPORT RELATED DOCUMENTS

CD10.1 (DD26)	Guidance for Local Authorities Seeking Government Funding for Major Transport Schemes. Main Document <a href="#">Department for Transport - Guidance for Local Authorities seeking Government</a>
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	<a href="#">funding for major transport schemes</a>
CD10.2	Beyond Transport Infrastructure—Lessons for the Future from Recent Road Projects, The Countryside Agency and CPRE, July 2006 (WHA) Extracts provided in OBJ/WHA/A/5.1 <a href="http://www.countryside.gov.uk/Images/Transport%20Planning%20290606_tcm2-29709.pdf">http://www.countryside.gov.uk/Images/Transport%20Planning%20290606_tcm2-29709.pdf</a>
CD10.3 (DD32)	<del>Design Manual for Roads and Bridges Volume 5, TA 46/97: Traffic Flow Ranges For Use In The Assessment Of New Rural Roads Not required as a Core Document</del>
CD10.4 (DD33)	<del>Design Manual for Roads and Bridges Volume 5, TA 79/99 (Incorporating Amendment No 1 dated May 1999): Traffic Capacity of Urban Roads Not required as a Core Document</del>
CD10.5 (DD34)	<del>Design Manual for Roads and Bridges Volume 6, TD 9/93: Highway Link Design Not required as a Core Document</del>
CD10.6 (DD35)	<del>Design Manual for Roads and Bridges Volume 6, TA 90/05: The Geometric Design of Pedestrian, Cycle and Equestrian Routes Not required as a Core Document</del>
CD10.7 (DD36)	<del>Design Manual for Roads and Bridges Volume 6, TD 54/07: Design of Mini Roundabouts Not required as a Core Document</del>
CD10.8 (DD37)	<del>Design Manual for Roads and Bridges Volume 6, TD 42/95: Geometric Design of Major/Minor Priority Junctions Not required as a Core Document</del>
CD10.9 (DD38)	<del>Design Manual for Roads and Bridges Volume 6, TD 16/07: Geometric Design of Roundabouts Not required as a Core Document</del>
CD10.10 (DD39)	<del>Design Manual for Roads and Bridges Volume 6, TD 27/05: Cross Sections and Headroom Not required as a Core Document</del>
CD10.11 (DD40)	<del>Design Manual for Roads and Bridges Volume 6, TD 41/95: Vehicular Access to All-Purpose Trunk Roads Not required as a Core Document</del>
CD10.12 (DD41)	<del>Design Manual for Roads and Bridges Volume 5, TA 91/05: Provision for Non-Motorised Users Not required as a Core Document</del>
CD10.13 (DD42)	<del>Design Manual for Roads and Bridges Volume 2, TD 19/06: Requirement for Road Restraint Systems Not required as a Core Document</del>
CD10.14 (DD82)	<del>Design Manual for Roads and Bridges, Volume 11, Section 3, Part 5, Landscape Effects, June 1993 Not required as a Core Document</del>
CD10.15 (DD89)	<del>Design Manual for Roads and Bridges, Volume 11, Section 3, Part 7 Traffic Noise and Vibration, August 1994 Not required as a Core Document</del>
CD10.16	NOT USED
CD10.17 (DD75)	<del>Roads for Prosperity, Department of Transport, 1998 Not required as a Core Document</del>
CD10.18 (DD80)	Transport Analysis Guidance, The Landscape Sub-Objective TAG Unit 3.3.7 December 2004 <a href="http://www.webtag.org.uk/webdocuments/3_Expert/3_Environment_Objective/3.3.7.pdf">http://www.webtag.org.uk/webdocuments/3_Expert/3_Environment_Objective/3.3.7.pdf</a>
CD10.19 (DD81)	Transport Analysis Guidance, The Townscape Sub-Objective TAG Unit 3.3.8 December 2004 <a href="http://www.webtag.org.uk/webdocuments/3_Expert/3_Environment_Objective/3.3.8.pdf">http://www.webtag.org.uk/webdocuments/3_Expert/3_Environment_Objective/3.3.8.pdf</a>

## NOISE RELATED DOCUMENTS

CD11.1 (DD91)	World Health Organisation, Guidelines for Community Noise (2000) <a href="#">WHO Guidelines for Community Noise</a>
CD11.2 (DD92)	CPRE – Tranquillity Mapping: Developing a Robust Methodology for Planning Support, January 2008 (revised) <a href="#">CPRE - Library</a>
CD11.3	Report on the Definition, Identification and Preservation of Urban and Rural

(DD93)	Quiet Areas' (Symonds Group Limited 4E 59492) July 2003
CD11.4 (DD90)	Calculation of Road Traffic Noise. Department of Transport (Welsh Office) HMSO 1988

## ENVIRONMENTAL RELATED DOCUMENTS

CD12.1	<del>18th Report of the Royal Commission on Environmental Pollution</del> "Transport and the Environment" 1994 (WHA) Extracts provided in OBJ/WHA/A/6
CD12.2 (DD49)	Biodiversity Action Plan
CD12.3 (DD50)	Wiltshire Biodiversity Action Plan, 2002
CD12.3.1 (DD50)	Wiltshire Biodiversity Action Plan, 2008
CD12.4 (DD52)	Working with the Grain of Nature A Biodiversity Strategy for England, Defra 2002 <a href="http://www.defra.gov.uk/wildlife-countryside/biodiversity/biostrat/indicators/pdf/grain/grainvol1v3.pdf">http://www.defra.gov.uk/wildlife-countryside/biodiversity/biostrat/indicators/pdf/grain/grainvol1v3.pdf</a>
CD12.5 (DD67)	Integrated Pollution Prevention and Control (IPPC) Environmental Assessment and Appraisal of BAT Horizontal Guidance note IPPC H1. Environmental Agency 2003 <a href="http://www.environment-agency.gov.uk/commondata/acrobat/h1v6_jul03guidance_608809.pdf">http://www.environment-agency.gov.uk/commondata/acrobat/h1v6_jul03guidance_608809.pdf</a>
CD12.6 (DD71)	The Ecological Effects of Diffuse Air Pollution from Road Transport. Report Number 580, English Nature, 2004
CD12.7 (DD78)	Planning for Biodiversity and Geological Conservation – A Guide to Good Practice, ODPM 2006 <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/143792.pdf">http://www.communities.gov.uk/documents/planningandbuilding/pdf/143792.pdf</a>
CD12.8 (DD83)	The Countryside Agency, Countryside Character, Volume 8: South West, 1999 <a href="http://www.countryside.gov.uk/Images/Volume%208%20Countryside%20Character%20South%20West%20Introduction_tcm2-21173.pdf">http://www.countryside.gov.uk/Images/Volume%208%20Countryside%20Character%20South%20West%20Introduction_tcm2-21173.pdf</a>
CD12.9 (DD84)	Wiltshire Landscape Character Assessment, Final Report, December 2005
CD12.10 (DD85)	West Wiltshire District Landscape Character Assessment, March 2007 <a href="#">Wiltshire County Council   Wiltshire Landscape Character Assessment Final Report</a>
CD12.11	Plan Showing Listed Buildings Along A350

## SUSTAINABILITY RELATED DOCUMENTS

CD13.1	Towards a Sustainable Transport System, CM 7226, October 2007 <a href="http://www.dft.gov.uk/about/strategy/transportstrategy/pdfsustaintranssystem.pdf">http://www.dft.gov.uk/about/strategy/transportstrategy/pdfsustaintranssystem.pdf</a>
CD13.2	Securing the Future—Sustainable Development Strategy, CM 6467, March 2005 (WHA)—Extracts provided in OBJ/WHA/A/5.1
CD13.3 (DD51)	Better Quality of Life strategy for Sustainable Development for UK

## CLIMATE CHANGE RELATED DOCUMENTS

CD14.1	<del>South West Climate Change Action Plan, Draft April 2008 (WHA) Extracts</del>
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	provided in OBJ/WHA/A/5.1
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**AIR QUALITY RELATED DOCUMENTS**

CD15.1 (DD61)	The Air Quality Standards Regulations, Defra 2007 <a href="#">The Air Quality Standards Regulations 2007 No. 64</a>
CD15.2 (DD62)	Air Quality Strategy for England, Scotland, Wales and Northern Ireland Working Together for Clean Air, Defra 2007 <a href="http://www.defra.gov.uk/environment/airquality/strategy/pdf/air-qualitystrategy-vol1.pdf">http://www.defra.gov.uk/environment/airquality/strategy/pdf/air-qualitystrategy-vol1.pdf</a> <a href="http://www.defra.gov.uk/environment/airquality/strategy/pdf/air-qualitystrategy-vol2.pdf">http://www.defra.gov.uk/environment/airquality/strategy/pdf/air-qualitystrategy-vol2.pdf</a>
CD15.3 (DD65)	Local Air Quality Management – Technical Guidance, Defra 2003 TG (03) <a href="http://www.defra.gov.uk/environment/airquality/local/guidance/pdf/laqm-tg03.pdf">http://www.defra.gov.uk/environment/airquality/local/guidance/pdf/laqm-tg03.pdf</a>
CD15.4 (DD66)	Development Control Planning for Air Quality, NSCA 2006 <a href="http://www.environmental-protection.org.uk/assets/library/documents/Development_Control_planning_for_air_quality.pdf">http://www.environmental-protection.org.uk/assets/library/documents/Development_Control_planning_for_air_quality.pdf</a>
CD15.5 (DD68)	West Wiltshire District Council Air Quality Updating and Screening Assessment, Environmental Protection 2006 <a href="http://www.westwiltshire.gov.uk/usa_june_06.pdf">http://www.westwiltshire.gov.uk/usa_june_06.pdf</a>
CD15.6 (DD69)	West Wiltshire District Council LAQM Progress Report 2007, Combined Air Quality Review and Assessment and Air Quality Action Plan Progress Report <a href="http://www.westwiltshire.gov.uk/w_wiltshire_progress_report_2007.pdf">http://www.westwiltshire.gov.uk/w_wiltshire_progress_report_2007.pdf</a>
CD15.7 (DD70)	AQEG (2005) Particulate Matter in the UK, Defra <a href="http://www.defra.gov.uk/environment/airquality/publications/particulate-matter/pdf/contents.pdf">http://www.defra.gov.uk/environment/airquality/publications/particulate-matter/pdf/contents.pdf</a>

## WESTBURY BYPASS INQUIRY

### LIST OF OTHER DOCUMENTS

P – Proof  
 A – Appendices  
 R – Rebuttal  
 SP – Supplementary  
 AD – Additional Information  
 CL – Points of Clarification  
 ST – Statements  
 W – Written representations  
*[italics denote documents submitted during the Inquiry]*

### INQUIRY DOCUMENTS

INQ/1	<i>Inspectors' Comments on SRO Schedules and Plans</i>
INQ/2	<i>Letter dated 11 July 2008 from the Department of Transport to Wiltshire county council regarding the CPO and SRO applications</i>
INQ/3	<i>Inspectors' Note Regarding the Application by WHA for the SoS to issue a notification in writing under Regulation 19 of the EIA Regulations</i>
INQ/4	<i>Outstanding Information requests as at 17 July 2008</i>
INQ/5	<i>Inspectors' Comments on CPO</i>
INQ/6	<i>SRO Additional Comments</i>
INQ/7	<i>Inspectors' Comments on Revised CPO and SRO Documents</i>
INQ/8	<i>Inspector's note on Regulation 19 Application</i>

### WILTSHIRE COUNTY COUNCIL

WCC/P/1	Proof of evidence of Parvis Khansari (Promoter)
WCC/A/1	Appendices to proof of evidence of Parvis Khansari
WCC/R/1	Rebuttal proof of evidence of Parvis Khansari
WCC/SP/1	Supplementary proof of evidence of Parvis Khansari
WCC/P/2	Proof of evidence of Nick Helps (Traffic & Transportation)
WCC/A/2	Appendices to proof of evidence of Nick Helps
WCC/R/2	Rebuttal proof of evidence of Nick Helps
WCC/SP/2	<i>Supplementary proof of evidence of Nick Helps, including revised proof of evidence (WCC/P/2A)</i>
WCC/AD/2	<i>Additional Information Requested Following Traffic Modelling &amp; Economic Evaluation Evidence</i>
WCC/P/3	Proof of evidence of Richard Stokes (Engineering)
WCC/A/3	Appendices to proof of evidence of Richard Stokes
WCC/R/3	Rebuttal proof of evidence and appendices of Richard Stokes
WCC/CL/3	<i>Points of clarification in relation to evidence of Richard Stokes</i>
WCC/P/4	Proof of evidence of Tommy Chambers (Construction)
WCC/A/4	Appendices to proof of evidence of Tommy Chambers
WCC/R/4	Rebuttal proof of evidence of Tommy Chambers



WCC/P/5	Proof of evidence of Jane Betts (Landscape)
WCC/A/5	Appendices to proof of evidence of Jane Betts
WCC/A/5.1	Appendix A to proof of evidence of Jane Betts
WCC/R/5	Rebuttal proof of evidence of Jane Betts
WCC/P/6	Proof of evidence of Chris Simkins (Planning)
WCC/A/6	Appendices to proof of evidence of Chris Simkins
WCC/R/6	Rebuttal proof of evidence of Chris Simkins
WCC/SP/6	SUPPLEMENTARY proof of evidence of Chris Simkins
WCC/R/6.1	<i>Rebuttal proof of evidence of Chris Simkins v Alan James</i>
WCC/P/7	Proof of evidence of Steve Boyle (Alternatives)
WCC/A/7	Appendices to proof of evidence of Steve Boyle
WCC/R/7	Rebuttal proof of evidence of Steve Boyle
WCC/R/7.1	Rebuttal proof of evidence of Steve Boyle v Nicholas Brakspear
WCC/CL/7	Clarification of response to objectors' evidence by Steve Boyle
WCC/P/8	Proof of evidence of Dan Smyth (Air Quality)
WCC/A/8	Appendices to proof of evidence of Dan Smyth
WCC/SP/8	<i>Supplementary proof of evidence of Dan Smyth</i>
WCC/SP/8.1	<i>Supplementary note of Dan Smyth</i>
WCC/P/9	Proof of evidence of Darran Humpheson (Noise)
WCC/A/9	Appendices to proof of evidence of Darran Humpheson
WCC/R/9	<i>Rebuttal proof of evidence of Darran Humpheson</i>
WCC/SP/9	<i>Supplementary note of Darran Humpheson</i>
WCC/P/10	Proof of evidence of Keith Jones (Ecology)
WCC/A/10	Appendices to proof of evidence of Keith Jones
WCC/R/10	<i>Rebuttal proof of evidence of Keith Jones</i>
WCC/P/11	Proof of evidence of Geoff Billington (Bats)
WCC/A/11	Appendices to proof of evidence of Geoff Billington
WCC/R/11	<i>Rebuttal proof of evidence of Geoff Billington</i>
WCC/P/12	Proof of evidence of Piers Sadler (Hydrogeology & Contaminated Land)
WCC/A/12	Appendices to proof of evidence of Piers Sadler
WCC/R/12	<i>Rebuttal proof of evidence of Piers Sadler</i>
WCC/P/13	Proof of evidence of Paul Swift (Hydrology)
WCC/A/13	Appendices to proof of evidence of Paul Swift
WCC/R/13	<i>Rebuttal proof of evidence of Paul Swift</i>
WCC/P/14	Proof of evidence of Mick Rawlings (Historic Environment)
WCC/A/14	Appendices to proof of evidence of Mick Rawlings
WCC/A/14.1	<i>Letter dated 20 June 2008 from Assistant County Archaeologist to RPS regarding the Updated Historic Environment Mitigation Strategy</i>
WCC/R/14	<i>Rebuttal proof of evidence of Mick Rawlings</i>
WCC/P/15	Proof of evidence of Julia Tindale (Land Use)
WCC/A/15	Appendices to proof of evidence of Julia Tindale



WCC/P/16 WCC/A/16	Proof of evidence of Peter Ireland (Rights of Way & Other Issues) Appendices to proof of evidence of Peter Ireland
WCC/100	<i>Opening submissions</i>
WCC/101	<i>Statement of Common Ground (also referenced WHA/114)</i>
WCC/102	<i>Consultation response objecting to the planning application in letter from Natural England to Wiltshire County Council dated 23 March 2007</i>
WCC/103	<i>Letter dated 10 April 2007 from Natural England to Wiltshire County Council, withdrawing their objection to the planning application</i>
WCC/104	<i>Document from the website of West Wiltshire DC showing Key Strategic Sites</i> <a href="http://www.westwiltshire.gov.uk/keysite-westbury-westwilts-trading-estate.pdf">www.westwiltshire.gov.uk/keysite-westbury-westwilts-trading-estate.pdf</a>
WCC/105	<i>Letter dated 30 June 2008 from Lafarge to WCC withdrawing their objection to the Compulsory Purchase Order</i>
WCC/106	<i>Plans showing the existing potential for dormouse movement and the potential for dormouse movement with scheme</i>
WCC/107	<i>Extracts from the Dormouse Conservation Handbook</i>
WCC/108	<i>Extract from "Surveying dormice using nest tubes, Results and experiences from the South West Dormice Project"</i>
WCC/109	<i>Bus routes map – existing services and frequency</i>
WCC/110	<i>Westbury Bypass Major scheme Business Case Minutes, Friday 5 December 2007</i>
WCC/111	<i>WCC's response to Inspectors' comments on SRO Schedules and Plans and to DfT's comments on SRO Schedules and Plans</i>
WCC/112	<i>Additional information requested by the Inspectors following remodelling of HGV flows</i>
WCC/112A	<i>Revised Table 2 – DRMB Noise Assessment Table</i>
WCC/113	<i>Council's Responses to Inspectors comments on the CPO and SRO Orders</i>
WCC/114	<i>Letter dated 27 March 2007 from the Environment Agency in response to the planning application</i>
WCC/115	<i>Plans and photographs showing weight and height restrictions with and an explanation why 17T limits have now become 18T limits</i>
WCC/116	<i>Note on HGV Ban Tests</i>
WCC/117	<i>HGV 12 to 24 hour Growth Rates</i>
WCC/118	<i>Planning Inquiry Drawings List</i>
WCC/119	<i>Limit of noise reducing surfacing drawings</i>
WCC/120	<i>SATURN Model: A Note on Warning Messages</i>
WCC/121	<i>Amended COBRA Nodes</i>
WCC/122	<i>COBA March 2008 v July 2008 – Comparison of Benefits</i>
WCC/123	<i>COBA Accident Rates – Mr Gillham's evidence rebuttal</i>
WCC/124	<i>Assessment report for Station Road Railway Bridge (also known as Ham No. 2 Overbridge)</i>
WCC/125	<i>2004 and 2009 HGV Ban SATURN Tests – Flow Summary (see also WCC/131)</i>
WCC/126	<i>Schedule of objections to WCC and PINS</i>
WCC/126A	<i>Schedule of supporting comments to WCC and PINS</i>
WCC/127	<i>Updated CPO and SRO Orders, schedules and plans (superseded)</i>
WCC/128	<i>Regulation 19 Request relating to the 2005 Planning Application</i>

WCC/129	<i>Additional Information Responses and Related Issues (Plus Appendices A, B, C &amp; D)</i>
WCC/129A	<i>Further Response on Additional Information Responses and Related Issues</i>
WCC/129A.1	<i>Addendum identified by WHA</i>
WCC/130	<i>Westbury Town Centre Measures – Proposed Weight Restriction – Station Road, Westbury</i>
WCC/131	<i>Westbury Bypass HGV Ban Tests, Comparison of Flows with no Ban – 2009 (see also WCC/125)</i>
WCC/131A	<i>Table showing changes to WCC/131 with amended plans</i>
WCC/132	<i>Distribution of Farm Holdings</i>
WCC/133	<i>WCC Response to Inspector's comments on Revised CPO &amp; SRO Schedules and Plans</i>
WCC/134	<i>Revised CPO &amp; SRO Schedules and Plans (superseded)</i>
WCC/135	<i>Letter dated 5 September 2008 from the South West Regional Assembly to WCC Confirming their Continued Support for the Scheme as a Regional Priority</i>
WCC/136	<i>Written responses to written technical evidence, September 2008</i>
WCC/136A	<i>Revised written responses to written technical evidence, September 2008</i>
WCC/137	<i>SRO Statement of Reasons and Response to Inspectors Comments on Revised CPO and SRO (Final Version)</i>
WCC/137A	<i>Email from WCC to the Programme Officer dated 7 October 2008, email from Helen Powdrill, WCC dated 7 October regarding DfT letter dated 2 October and DfT letter dated 2 October regarding SRO and CPO Orders</i>
WCC/138	<i>Response to Mr Gillham's Letter dated 11 September 2008</i>
WCC/139	<i>Emails and other correspondence relating to ownership and the variation of CPO and SRO rights</i>
WCC/139A	<i>Email from WCC to the Programme Officer dated 7 October 2008 relating to Mrs Jones regarding the replacing of the current access into the field from Bridleway West 51 by a new private means of access</i>
WCC/140	<i>Press Notice of Updated Information in relation to the Environmental Statement, White Horse News, 17 July 2008</i>
WCC/141	<i>Closing submissions</i>

## **SUPPORTER DOCUMENTS**

### **WESTBURY BYPASS NOW**

SUP/WBN/P/1	Proof of evidence of Peter White, Gwyn White, and Peter Sim, and evening session statements for Jennifer Ashen, Keith Miller and Douglas Firmager
SUP/WBN/A/1	Appendices to Peter White's evidence
SUP/WBN/A/2	Appendices to Peter Sim's evidence
SUP/WBN/R/1	Amended rebuttal proof of evidence of Peter White v John Bowley
SUP/WBN/R/	Rebuttal proof of evidence of Peter White v Michael Pearce
WBN/100	Opening submissions
WBN/101	Letter referred to in cross-examination of Mr Bowley
WBN/102	Closing submissions

### **UNITED TO PROTECT THE RURAL AREA WEST OF WESTBURY (UPRAWW)**

SUP/UPRAWW/P/1	Proof of evidence of Julia Underwood
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SUP/UPRAWW/R/1	Rebuttal proof of evidence of Julia Underwood v Roy Inwood
SUP/UPRAWW/R/2	Rebuttal proof of evidence of Julia Underwood v Jenny Raggett, WHA
<i>SUP/UPRAWW/R/3</i>	<i>Rebuttal proof of evidence of Peter Campbell v Gavin Smith</i>
<i>SUP/UPRAWW/R/4</i>	<i>Rebuttal proof of evidence of Peter Campbell v David Davis</i>
<i>SUP/UPRAWW/R/5</i>	<i>Rebuttal proof of evidence of Julia Underwood v Alan James, WHA (Landscape/Townscape)</i>
<i>UPRAWW/100</i>	<i>Opening submissions</i>
<i>UPRAWW/101</i>	<i>Comments on a proposed railway crossing at Roundwood</i>
UPRAWW/102	Google Earth photograph showing location of UPRAWW's photographs
UPRAWW/103	Closing submissions

## **WESTBURY TOWN COUNCIL**

SUP/WTC/P/1	Proof of evidence
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## **WEST WILTSHIRE ECONOMIC PARTNERSHIP & WESSEX ASSOCIATION OF CHAMBERS OF COMMERCE**

SUP/WWEP/P/1	Proof of evidence of Len Turner
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## **HAM ROAD RESIDENTS GROUP**

SUP/HRRG/P/1	Proof of evidence of Joyce Smith
<i>HRRG/100</i>	<i>Speaking notes of Joyce Smith</i>
<i>HRRG/101</i>	<i>Speaking notes of Robert Hall</i>
<i>HRRG/102</i>	<i>Speaking notes of David Sharrocks</i>

## **OBJECTOR DOCUMENTS**

### **THE WHITE HORSE ALLIANCE**

OBJ/WHA/P/1	Proof of evidence of John Altringham (Bat Ecology & Migration)
OBJ/WHA/S/1	Summary proof of John Altringham
OBJ/WHA/P/2	Proof of evidence of Michael Woods (Dormouse Ecology & Mitigation)
OBJ/WHA/S/2	Summary proof of Michael Woods
<i>OBJ/WHA/A/2</i>	<i>Photograph of dormice nest and reference documents referred to in proof of evidence</i>
<i>OBJ/WHA/R/2</i>	<i>Rebuttal proof of evidence of Michael Woods</i>
OBJ/WHA/P/3	Proof of evidence of Alan James (Landscape & Townscape)
OBJ/WHA/S/3	Summary proof of Alan James
<i>OBJ/WHA/SP/3</i>	<i>Supplementary proof of evidence of Alan James</i>
OBJ/WHA/A/3	Appendices to proof of evidence of Alan James
<i>OBJ/WHA/R/3</i>	<i>Rebuttal proof of evidence of Alan James v Jane Betts</i>
OBJ/WHA/P/4	Proof of evidence of Robert Sargent (Groundwater & Flood Risks)
OBJ/WHA/P/5	Proof of evidence of John Whitelegg (Climate Change)

OBJ/WHA/S/5	Summary proof of John Whitelegg
OBJ/WHA/A/5	Appendices to proof of evidence of John Whitelegg
OBJ/WHA/A/5. 1	<i>Further Appendices to proof of evidence of John Whitelegg (separate folder)</i>
OBJ/WHA/R/5	<i>Rebuttal proof of evidence of John Whitelegg v Daniel Smyth</i>
OBJ/WHA/W/5	<i>Written representation on Carbon Emissions by John Whitelegg</i>
OBJ/WHA/P/6	Proof of evidence of John Whitelegg (Economic Impact Case)
OBJ/WHA/S/6	Summary proof of John Whitelegg
OBJ/WHA/A/6	<i>Appendices to proof of evidence of John Whitelegg (separate folder)</i>
OBJ/WHA/R/6	<i>Rebuttal proof of evidence of John Whitelegg v Nick Helps</i>
OBJ/WHA/P/7	Proof of evidence of Alan James (Planning, Guidance, Alternatives)
OBJ/WHA/S/7	Summary proof of Alan James
OBJ/WHA/A/7	Appendices to proof of evidence of Alan James
OBJ/WHA/SP/7	<i>Supplementary proof of evidence of Alan James on RSS</i>
OBJ/WHA/R/7. 1	<i>Rebuttal proof of evidence of Alan James v Parvis Khansari</i>
OBJ/WHA/R/7. 2	<i>Rebuttal proof of evidence of Alan James v Chris Simkins</i>
OBJ/WHA/W/7	<i>Supplementary note on changes to HGV Modelling by Alan James</i>
OBJ/WHA/P/8	Proof of evidence of Catherine Le Grice-Mack (Regional & Sub-Regional Context)
OBJ/WHA/A/8	Appendices to proof of evidence of Catherine Le Grice-Mack
OBJ/WHA/SP/8	<i>Supplementary proof of evidence of Catherine Le Grice-Mack</i>
OBJ/WHA/SP/8A	<i>Appendix to Supplementary proof of evidence of Catherine Le Grice-Mack</i>
OBJ/WHA/P/9	Proof of evidence of Gordon Edwards (Integrated Passenger Transport Solutions)
OBJ/WHA/W/9	<i>Written representation by Gordon Edwards</i>
OBJ/WHA/P/10	Proof of evidence of Jenny Raggett (HGV Impact)
OBJ/WHA/W/10	<i>Written representation on Weight Limits and HGV Flows by Jenny Raggett</i>
OBJ/WHA/W/10. 1	<i>Further written representation on Weight Limits and HGV Flows by Jenny Raggett</i>
OBJ/WHA/P/11	Proof of evidence of Jenny Raggett (Landscape Photographs)
OBJ/WHA/R/11	<i>Rebuttal proof of evidence of Jenny Raggett v Jane Betts</i>
OBJ/WHA/P/12	Proof of evidence of Jenny Raggett (Noise Impacts)
OBJ/WHA/R/12	<i>Rebuttal proof of evidence of Jenny Raggett v Darran Humpheson</i>
OBJ/WHA/W/12	<i>Written representation on Noise Increases With Doubling of HGV Numbers</i>
OBJ/WHA/P/13	Proof of evidence of Penny Lewns (Badger Ecology & Mitigation)
OBJ/WHA/R/13	<i>Rebuttal proof of evidence of Penny Lewns v Keith Jones</i>

OBJ/WHA/P/14	Proof of evidence of James Goss (Noise, Vibration & Air Quality)
OBJ/WHA/SP/14	Supplementary proof of evidence of James Goss
OBJ/WHA/14a	Locations of Noise Monitoring Points
OBJ/WHA/W/14	Written representation by James Goss
OBJ/WHA/R/15	Rebuttal proof of evidence of Jenny Raggett v Chris Simkins
OBJ/WHA/R/16	Rebuttal proof of evidence of Jenny Raggett v Stephen Boyle
OBJ/WHA/R/17	Rebuttal proof of evidence of Jenny Raggett v Nick Helps
WHA/100	The Contribution of Land Use Planning to Reducing Traffic Growth: the English Experience, Oxford Brookes University
WHA/101	West Wiltshire Trading Estate Brochure
WHA/102	Regenerating West Wiltshire
WHA/103	Regenerating West Wiltshire, November 2007
WHA/104	RSS for the South West 2006-2026 Consultation, Response of West Wiltshire DC, November 2004
WHA/105	West Wiltshire DC, Scrutiny, 19 March 2008
WHA/106	Cambridge Econometrics Information
WHA/107	TAG Tables
WHA/108	Worksheet 1- Economy- Reliability – Westbury Bypass, June 2008
WHA/109	AADT data for ATC sites to 2007
WHA/110	Opening submissions
WHA/111	Westbury Town Centre Measures Preliminary Design
WHA/112	Consultation sheet on LTP1
WHA/113	Westbury Area Community Plan
WHA/114	Statement of Common Ground (also referenced WCC/101)
WHA/115	Letter dated 31 March 2004 from GOSW to Jim Stewart, Dorset Chamber of Commerce & Industry
WHA/116	Minutes of Ecological Survey Meetings
WHA/117	Plans showing location of the Bristol and Bath Special Areas of Conservation
WHA/118	Extract from DRMB Volume 10, Section 4, Part 6 HA98/01 Nature Conservation Management Advice in Relation to Amphibians Appendix 1 Great Crested Newts
WHA/119	Extract from DRMB Volume 10, Section 1, Part 5 HA59/92 Amendment to Chapter 5.3 Chapter 7 Badger Survey
WHA/120	Extracts from CIRIA C624 - Development and Flood Risk – guidance for the construction industry
WHA/121	Extract from CIRIA C648 - Control of water pollution from linear construction projects. Technical guidance
WHA/122	Extracts from A350 Westbury Bypass – Ironstone Quarry Landfill – Environmental Desk Study B20 (A) February 2006
WHA/123	Articles from the White Horse News, 18 January 2007 and Warminster Journal, 12 January 2007
WHA/124	Extracts from Circular 02/99
WHA/125	Extracts from Berkley v Secretary of State for the Environment and Others

WHA/126	<i>Extract from The Dormouse Conservation Handbook – second edition</i>
WHA/127	<i>Written representation on Variable Demand Modelling by Phil Goodwin</i>
WHA/128	<i>Note to the Inspectors dated 2 September 2008</i>
WHA/129	<i>SWRA General Conformity Panel, 6 August 2008, Proposed Regional Planning Body Response to Planning Application Wheddon Cross/Cutcombe</i>
WHA/130	<i>Closing submissions</i>
WHA/130A	<i>Law report</i>
WHA/131	<i>Costs application</i>

**WILTSHIRE WILDLIFE TRUST**

OBJ/WWT/P/1	Proof of evidence of Bill Jenman
WWT/100	Opening submissions
WWT/101	Closing submissions with subsequent addendum added

**HEYWOOD PARISH COUNCIL**

OBJ/HPC/P/1	Proof of evidence of Peter Sexstone
HPC/100	<i>A350 Westbury Bypass Cultural Heritage, Extracts of Report</i>
HPC/101	<i>Letter dated 14 March 2008 from the Parish Council to West Wiltshire District Council commenting on the Core Strategy Issues and Options Paper, together with the relevant extract of the Paper</i>
HPC/102	<i>Plan showing Heywood Parish Boundary</i>
HPC/103	<i>Speaking notes of Peter Sexstone on 3 July</i>
HPC/104	<i>Modelled traffic flows – 1999 12 hour (2-way flows) existing road network</i>
HPC/105	<i>Plan showing traffic flows 2007 and 2022</i>
HPC/106	<i>Speaking notes of Peter Sexstone on 16 July</i>
HPC/107	<i>Correspondence relating to Station Road Bridge Assessment</i>
HPC/108	<i>Closing submissions</i>

**STATUTORY OBJECTORS****MR F SHEPHARD**

OBJ/SHEP/P/1	Proof of evidence of Francis Shephard
OBJ/SHEP/SP/1	<i>Supplementary proof of evidence of Francis Shephard</i>
SHEP/100	<i>Letter dated 11 July 2008 from Assetoptimal to the Programme Officer</i>

**MR T PAINTER**

OBJ/PAINT/P/1	Proof of evidence of Richard Edge (not presented orally)
PAINT/100	<i>Letter dated 11 July 2008 from Assetoptimal to the Programme Officer</i>

**MRS M BRITTAIN**

OBJ/BRITT/P/1	Proof of evidence of Richard Edge (not presented orally)
BRITT/100	<i>Letter dated 11 July 2008 from Assetoptimal to the Programme Officer</i>

**MR & MRS AVERY**

OBJ/AVERY/P/1  
AVERY/P/1A

*Proof of evidence of Michael Joyce*  
*Amended proof of evidence of Michael Joyce*

## HPH LTD

HPH/100  
HPH/W/1

Letter 16 May 2008 withdrawing objection to the scheme.  
*Written representation by HPH Ltd, relating to the variations to the Glenmore Link, as proposed by Ham Road Residents Group & Heywood PC*

## MR S PAINTER

OBJ/PAINT/W/1

Written representation on behalf of Mr S Painter

## INDIVIDUAL OBJECTORS

OBJ/AND/P/1

*Proof of evidence of N Anderson (not presented orally)*

OBJ/BOW/P/1

*Proof of evidence of John Bowley*

OBJ/BOW/R/1

*Rebuttal proof of evidence of John Bowley v Parvis Khansari, WCC*

OBJ/BOW/R/2

*Rebuttal proof of evidence of John Bowley v Stephen Boyle, WCC*

OBJ/BOW/R/3

*Rebuttal proof of evidence of John Bowley v Piers Sadler, WCC*

OBJ/BOW/R/4

*Rebuttal proof of evidence of John Bowley v Westbury Bypass Now*

OBJ/BOW/R/SUP  
BOW/100

*Supplement to rebuttal proofs of evidence of John Bowley*  
*Email from John Bowley to the Programme Officer dated 10 July 2008*

BOW/101

*Extract from Title for Fairview Farm, Bratton Road, Westbury*

BOW/102

*Email dated 21 July 2008*

OBJ/BRAK/P/1

*Proof of evidence of Nicholas Brakspear*

OBJ/BRAK/A/1

*Appendices to proof of evidence of Nicholas Brakspear*

OBJ/BRAK/SP/1

*Supplementary proof of evidence of Nicholas Brakspear*

BRAK/100

*OS plan of Westbury & Revised version*

BRAK/101

*Speaking notes of Nicholas Brakspear*

BRAK/102

*Tunnel routes parts 1,2 & 3*

BRAK/103

*Information on Tunnels*

OBJ/DAVIS/P/1

*Proof of evidence of David Davis*

OBJ/FISH/P/1

*Proof of evidence of Lynne Fish*

OBJ/FISH/R/1

*Rebuttal proof of evidence of Lynne Fish*

FISH/100

*Extracts from Wiltshire's White Horse Trail*

FISH/101

*Letter dated 18 August 2008 from Lynne Fish to the Inspectors*

OBJ/GILL/P/1

*Proof of evidence of Christopher Gillham*

OBJ/GILL/P/1A

*Amended proof of evidence of Christopher Gillham*

OBJ/GILL/S/1

*Summary proof of Christopher Gillham*

OBJ/GILL/SP/1

*Supplementary proof of evidence of Christopher Gillham*

OBJ/GILL/SP/1A

*Summary to supplementary proof of evidence of Christopher Gillham*

OBJ/GILL/SP/2

*Supplementary proof of evidence submitted on 23 July*

OBJ/GILL/R/1

*Rebuttal proof of evidence of Christopher Gillham*

GILL/100

*Westbury SATURN Model – Model Update and Validation Report*

GILL/101

*Junction delay costs*

GILL/102	<i>Letter dated 20 June 2008 to the Inspector, together with a response to the Inquiry from Wiltshire County Council, and the response dated 30 June 2008 to Mr Gillham on behalf of the Inspectors from the Programme Officer</i>
GILL/103	<i>Response to rebuttal by Wiltshire County Council and issues raised during appearance at the Inquiry</i>
GILL/104	<i>Letter dated 29 August 2008 from Chris Gillham to the Inspectors</i>
GILL/105	<i>Letter dated 1 September 2008 from Chris Gillham to the Inspectors</i>
GILL/106	<i>Letter dated 11 September 2008 from Chris Gillham to the Inspectors</i>
OBJ/INWO/P/1	<i>Proof of evidence of Roy Inwood</i>
OBJ/MOR/P/1	<i>Proof of evidence of Francis Morland</i>
MOR/100	<i>Comments on the CPO/SRO session</i>
MOR/101	<i>Letter dated 24 July regarding Councillor Mrs Marion Clegg</i>
OBJ/NICOL/P/1	<i>Proof of evidence of Andrew Nicolson</i>
OBJ/NICOL/A/1	<i>Appendices to proof of evidence of Andrew Nicolson</i>
OBJ/NICOL/R/1	<i>Rebuttal and supplementary proof of Andrew Nicolson</i>
OBJ/NICOL/W/1	<i>Supplementary written representation of Andrew Nicolson</i>
NICOL/100	<i>Exchange of emails between Mr Nicolson and WCC</i>
OBJ/SMITH/P/1	<i>Proof of evidence of Gavin Smith</i>
OBJ/SMITH/R/1	<i>Rebuttal proof of evidence of Gavin Smith</i>
OBJ/SMITH/R/1.1	<i>Additional rebuttal proof of evidence of Gavin Smith</i>
SMITH/100	<i>Extract on Model Behaviour</i>
SMITH/101	<i>Dft paper on TaSTs July 2008</i>
SMITH/102	<i>Article from Local Transport Today 5-18 September</i>

## STATEMENTS FOR THE EVENING SESSION

SUP/BUGL/ST/1	<i>Statement by Cathy Bugler</i>
SUP/GREG/ST1	<i>Statement by Richard Gregory</i>
SUP/JONES/ST/1	<i>Statement by Dorian Jones</i>
SUP/MURR/P/1	<i>Statement by Robert Murray</i>
SUP/MURR/ST/A	<i>Additional information</i>
SUP/MURR/ST/2	<i>Supplementary statement</i>
SUP/PHIP/ST/1	<i>Statement by Martin Phippard (was SUP/PHIP/W/1)</i>
SUP/PHIP/ST/A	<i>Additional information</i>
OBJ/COV/ST/1	<i>Statement by Richard Covingham</i>
OBJ/ELLIS/ST/1	<i>Statement by Graham Ellis</i>
OBJ/FIELD/ST/1	<i>Statement by Joyce Field</i>
OBJ/HANC/ST/1	<i>Statement by Hugh Hancock (written representations appended)</i>
OBJ/HANC/A/1	<i>Additional information</i>
OBJ/HARD/ST/1	<i>Statement by Warren Harding</i>
OBJ/HUME/ST/1	<i>Statement by Pauline Hume</i>
OBJ/KING/ST/1	<i>Statement by Steve King</i>
OBJ/MCCA/ST/1	<i>Statement by Ken McCall</i>
OBJ/OSBO/ST/1	<i>Statement by John Osborne</i>
OBJ/PEAR/ST/1	<i>Statement by Michael Pearce</i>
OBJ/POLG/ST/1	<i>Statement by Gaynor Polglase</i>
OBJ/POLG/ST/A	<i>Additional information</i>
OBJ/ROSS/ST/1	<i>Statement by Paul Rossiter</i>
OBJ/STAN/ST/1	<i>Statement by Roger Stanley</i>
OBJ/WALT/ST/1	<i>Statement by Michael Walter</i>



**WRITTEN REPRESENTATIONS****SUPPORTERS**

SUP/BAIL/W/1	Written <i>representation</i> by William Bailey
SUP/BATH/W/1	<i>Written</i> representation by Bath & North East Somerset Council
SUP/BECK/W/1	Written representation by Beckington Parish Council
SUP/BEAV/W/1	Written representation by Mr & Mrs Beaven
SUP/BERK/W/1	Written representation by Berkley Parish Council
SUP/BEUC/W/1	Written representation by C Beuce & J Coles
SUP/BOOT/W/1	Written representation by Pat Booth
SUP/CORP/W/1	Written representation by David Corp
SUP/CRAY/W/1	Written representation by Mrs Cray
SUP/DAVI/W/1	Written representation by Michael Davies
SUP/DMPC/W/1	Written representation by Dilton Marsh Parish Council
SUP/DOUG/W/1	Written representation by Maureen Doughty
SUP/EVAN/W/1	Written representation by Philip & Shelia Evans
SUP/GARR/W/1	Written representation by Mrs J Garrett
SUP/HALL/W/1	Written representation by Mrs K and Mr A Hall
SUP/HARP/W/1	Written representation by Mr & Mrs Harper
SUP/HOBB/W/1	<i>Written</i> representation by Steven Hobbs
SUP/HUNT/W/1	Written representation by Ian & Heidi Hunter
SUP/JONE/W/1	Written representation by S E & D W Jones
SUP/KIRK/W/1	Written representation by Gladys Kirby
SUP/LACK/W/1	Written representation by Mr & Mrs Lackmaker
SUP/MART/W/1	Written representation by Tim Martin
SUP/MCGR/W/1	Written representation by Andrew McGregor & Rowena Fox
SUP/NEWM/W/1	Written representation by J & H Newman
SUP/PARA/W/1	Written representation by Mrs Paramanis
SUP/PEAR/W/1	Written representation by Gordon Pearce
SUP/PICK/W/1	Written representation by Daren Pickford
SUP/ROBE/W/1	Written representation by M & P Roberts
SUP/ROBI/W/1	Written representation by John & Maureen Robinson
SUP/ROGE/W/1	Written representation by Mr & Mrs Rogers
SUP/SIM/W/ 1	Written representation by Gillian Sim
SUP/SMIT/W/1	Written representation by Mrs J Smith
SUP/SPAR/W/1	Written representation by Mrs J Sparey
SUP/TEED/W/1	Written representation by Reverend & Mr Teed
SUP/WARM/W/1	Written representation by Reverend Graham Warmington
SUP/WEBB/W/1	Written representation by Howard & Barbara Webber
SUP/WHIT/W/1	Written representation by Wendy White
SUP/WILL/W/1	Written representation by Mr & Mrs Williams

**OBJECTORS**

OBJ/AYLO/W/1	<i>Written</i> representation by Peter Aylott
OBJ/BART/W/1	<i>Written</i> representation by David Bartholomew
OBJ/BART/W/2	<i>Further</i> written representation
OBJ/CARE/W/1	<i>Written</i> representation by Stephen Carey
OBJ/CLEGG/W/1	<i>Written</i> representation by John Clegg
OBJ/CRANE/W/1	<i>Written</i> Representation by Peter Crane
OBJ/GREG/W/1	<i>Written</i> representation by Don Gregory
OBJ/LEVY/W/1	<i>Written</i> representation by David Levy

<i>OBJ/LOCK/W/1</i>	<i>Written representation by Anne Lock</i>
<i>OBJ/LOCK/101</i>	<i>Supplementary written representation by Anne Lock</i>
<i>OBJ/PCLG/W/1</i>	<i>Written representation by the Parish Council's Liaison Group</i>
<i>OBJ/PROW/W/1</i>	<i>Written representation by Alex Prowse</i>
<i>PROW/100</i>	<i>Additional drawings</i>
<i>OBJ/SERA/W/1</i>	<i>Written representation by David Redgewell on behalf of SERA</i>
<i>OBJ/SHER/W/1</i>	<i>Written representation by William Sherriff</i>
<i>OBJ/WATK/W/1</i>	<i>Written representation by G Watkins</i>
<i>OBJ/YEAD/W/1</i>	<i>Written Representation from Jennifer Yeadon</i>

**Annex 1: List of Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. No development shall take place until a scheme for archaeological investigation has been submitted to and approved in writing by the County Planning Authority. Development shall be carried out in accordance with the approved scheme.
3. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the County Planning Authority and these works shall be carried out as approved. These details shall include:
  - Planting plans
  - Schedules of plants, noting species, planting sizes and numbers
  - A scheme for the creation of calcareous grassland on the slopes of the realigned B3098 Bratton Road and
  - Implementation timetables
4. Pursuant to condition 3 above, any trees or plants that, within a period of five years after planting, are removed, die or become seriously diseased or damaged, shall be replaced not later than the next planting season with others of species, size and number as originally approved.
5. No development shall take place until a scheme for the safeguarding of all existing trees, hedgerows, shrubs and other natural features not scheduled for removal during the course of construction has been submitted to and approved in writing by the County Planning Authority. Development shall be carried out in accordance with the approved scheme.
6. No development shall take place until a Wildlife Management Plan including mitigation measures for the protection of bats and breeding birds prior to and during construction as referred to in Chapter 9 of Volume 1 of the Environmental Statement dated February 2007 and the five year post-construction monitoring plan has been submitted to and approved in writing by the County Planning Authority. The Plan shall include:
  - Formation of a steering group to oversee the implementation of the approved plan
  - A programme and methodology for pre-construction surveys
  - Ecological supervision of construction and mitigation works
  - The post-construction monitoring programme and reporting procedures

Development shall be carried out in accordance with the approved Plan.

7. No development shall take place until full details of the materials to be used on the exposed surfaces of highway structures have been submitted to and approved in writing by the County Planning Authority. Development shall be carried out in accordance with the approved details.
8. No development shall take place until a scheme for the provision of surface water drainage and attenuation has been submitted to and approved in writing by the County Planning Authority. The drainage works shall be completed in accordance with the details and time-scale agreed.

9. No development shall take place until a scheme indicating the cross section and clearances of the highway structures over Bitham Brook and its tributaries has been submitted to and approved in writing by the County Planning Authority. Development shall be carried out in accordance with the approved scheme.
10. No development shall take place until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
11. No development shall take place until an Operation and Maintenance Manual for drainage and flood conveyance works has been submitted to and approved in writing by the County Planning Authority. Development shall be in accordance with the approved Operation and Maintenance Manual.
12. No development shall take place until a detailed programme for monitoring the effects of both the construction works and the completed road scheme on controlled waters has been submitted to and approved in writing by the County Planning Authority. The programme shall be implemented in accordance with the approved details.
13. No development shall take place in the vicinity of the Former Ironstone Quarry until a scheme detailing the Contaminated Land Risk Assessment and Risk Management Strategy has been submitted to and approved in writing by the County Planning Authority. Development shall be carried out in accordance with the approved scheme.
14. No development shall take place within the vicinity of the Wellhead Source Protection Zone (SPZ) until a detailed Specialist Construction Environmental Management Plan and working method statement has been submitted to and approved in writing by the County Planning Authority. Development shall be in accordance with the plan and method statement approved.
15. No development shall take place until a detailed Construction Environmental Management Plan to address the environmental impacts of the construction phases of the development hereby permitted has been submitted to and approved in writing by the County Planning Authority. The plan shall relate to advance works and construction works and include as appropriate method statements for those receptors potentially affected during construction activities. Development shall be in accordance with the approved plan.
16. No development shall take place until details of a scheme for illumination at Madbrook Roundabout and its approaches to minimise the impact of artificial light on protected species of bat has been submitted to and approved in writing by the County Planning Authority. Development shall be in accordance with the approved scheme and shall be retained thereafter
17. Unless expressly authorised by this permission no lighting or other form of illumination shall be erected or installed in the Wellhead, Bere's Mere and Bratton Road Underpasses.
18. No development shall take place until a scheme showing the extent of low noise road surfacing has been submitted to and approved in writing by the County Planning Authority. Development shall be in accordance with the approved details and shall be retained thereafter.

19. Prior to opening Glenmore Link between the Glenmore Roundabout and the Cement Works Roundabout to public traffic, warning lights shall be installed in the vicinity of the diverted Shallow Wagon Lane in accordance with a scheme which has been submitted to and approved in writing by the County Planning Authority. Development shall be in accordance with the scheme and retained thereafter.
20. The Eastern Bypass shall not be opened to public traffic prior to a weight limit of not more than 7.5 tonnes imposed on Station Road, Westbury in accordance with a scheme which has been submitted to and approved in writing by the County Planning Authority. Development shall be in accordance with the approved scheme and retained thereafter.
21. The Glenmore Link between the Glenmore Roundabout and the Cement Works Roundabout shall not be opened to public traffic prior to a 7.5 tonne weight limit imposed on The Ham in accordance with a scheme which has been submitted to and approved in writing by the County Planning Authority. Development shall be in accordance with the approved scheme and retained thereafter.
22. No development shall take place until details of a scheme for compensatory measures to offset changes in air quality in Picket and Clanger Wood SSSI has been submitted to and approved in writing by the County Planning Authority. Development shall be carried out in accordance with the approved scheme.

## Annex 2: Drawing List

### Location Plan, Red Line & Land Ownership

- 748034 – D 001/A: Location Plan
- 748034 – D 020/A: Planning Application Layout (Sheet 1 of 2)
- 748034 – D 021/A: Planning Application Layout (Sheet 2 of 2)
- 748034 – D 041/A: Planning Application Acquisition Plan (Sheet 1 of 2)
- 748034 – D 042/A: Planning Application Acquisition Plan (Sheet 2 of 2)

### Scheme Layout Plans

- 748034 – D 043/A: Scheme Layout with Landscaping (Sheet 1 of 7)
- 748034 – D 044/A: Scheme Layout with Landscaping (Sheet 2 of 7)
- 748034 – D 045/A: Scheme Layout with Landscaping (Sheet 3 of 7)
- 748034 – D 046/A: Scheme Layout with Landscaping (Sheet 4 of 7)
- 748034 – D 047/A: Scheme Layout with Landscaping (Sheet 5 of 7)
- 748034 – D 048/A: Scheme Layout with Landscaping (Sheet 6 of 7)
- 748034 – D 049/A: Scheme Layout with Landscaping (Sheet 7 of 7)

### Cross Sections

- 748034 – D 050/A: Cross Sections with Landscaping (Sheet 1 of 7)
- 748034 – D 051/A: Cross Sections with Landscaping (Sheet 2 of 7)
- 748034 – D 052/A: Cross Sections with Landscaping (Sheet 3 of 7)
- 748034 – D 053/A: Cross Sections with Landscaping (Sheet 4 of 7)
- 748034 – D 054/A: Cross Sections with Landscaping (Sheet 5 of 7)
- 748034 – D 055/A: Cross Sections with Landscaping (Sheet 6 of 7)
- 748034 – D 056/A: Cross Sections with Landscaping (Sheet 7 of 7)

### Longitudinal Profiles

- 748034 – D 016/A: Profiles (Sheet 1 of 4)
- 748034 – D 017/A: Profiles (Sheet 2 of 4)
- 748034 – D 018/A: Profiles (Sheet 3 of 4)
- 748034 – D 019/A: Profiles (Sheet 4 of 4)

### Structures

- 748034 – D 022/A: Chalford Accommodation Bridge - Preliminary General Arrangement
- 748034 – D 023/A: Wellhead Underpass - Preliminary General Arrangement
- 748034 – D 024/A: Bere's Mere Farm Bat Underpass-Preliminary General Arrangement
- 748034 – D 025/A: Newtown Bridge - Preliminary General Arrangement
- 748034 – D 026/A: Bratton Road Bridge - Preliminary General Arrangement
- 748034 – D 027/A: Bratton Road Underpass - Preliminary General Arrangement
- 748034 – D 028/A: Cement Works Railway Bridge - Preliminary General Arrangement
- 748034 – D 029/A: Bitham Bridges - Preliminary General Arrangement
- 748034 – D 030/A: Glenmore Railway Bridge - Preliminary General Arrangement
- 40916 – D 1201/B: Bat Gantry - Preliminary General Arrangement for AIP
- 748358/14.0/AIP2: Bat Gantry - Preliminary General Arrangement for AIP
- 748358/2.0/AIP2: Reinforced Earth Retaining Structures Through GWSPZ

### Bat Mitigation Planting

- NPA – 10254 – 001: Madbrook Roundabout
- NPA – 10254 – 002/1: Chalford Accommodation Bridge South to North
- NPA – 10254 – 002/1: Chalford Accommodation Bridge East to West
- NPA – 10254 – 003: Wellhead Underpass
- NPA – 10254 – 004: Hedge South of Bere's Mere Farm Woodland
- NPA – 10254 – 005: Bratton Road Underpass
- NPA – 10254 – 006/1: Bitham Bridges East, Central and West (Sheet 1 of 3)

- NPA – 10254 – 006/2: Bitham Bridges East, Central and West (Sheet 2 of 3)
- NPA – 10254 – 006/3: Bitham Bridges East, Central and West (Sheet 3 of 3)
- NPA – 10254 – 007: Shallow Wagon Lane

#### Drainage

- 748034 – D034/A: Balancing Pond A
- 748034 – D035/A: Balancing Pond B
- 748034 – D036/A: Detention Basin C
- 748034 – D037/A: Balancing Pond D
- 748034 – D038/A: Highway Drainage Preliminary Cross Sections (Sheet 1 of 3)
- 748034 – D039/A: Highway Drainage Preliminary Cross Sections (Sheet 2 of 3)
- 748034 – D040/A: Highway Drainage Preliminary Cross Sections (Sheet 3 of 3)

#### Surfacing

- 40916 – D2105/A: Limit of Noise Reducing Surfacing (Sheet 1 of 7)
- 40916 – D2106/A: Limit of Noise Reducing Surfacing (Sheet 2 of 7)
- 40916 – D2107/A: Limit of Noise Reducing Surfacing (Sheet 3 of 7)
- 40916 – D2108/A: Limit of Noise Reducing Surfacing (Sheet 4 of 7)
- 40916 – D2109/A: Limit of Noise Reducing Surfacing (Sheet 5 of 7)
- 40916 – D2110/A: Limit of Noise Reducing Surfacing (Sheet 6 of 7)
- 40916 – D2111/A: Limit of Noise Reducing Surfacing (Sheet 7 of 7)

- 748034 – D032/B: Madbrook Roundabout Proposed Approach Signing
- 40916 – D2112/A: Bridge Heights. Environmental and Structural Weight Restrictions