

## **Day Twelve**

### **Alan James**

#### **Examination in Chief**

Mr James was asked to read his summary proof on planning. His main points were:

- the Eastern bypass does little to achieve aims of economic regeneration and the relief of traffic congestion
- a Far Western route would provide better access to the trading estate and allows integration with the railway.
- the environmental consequences of a Far Western route are less than of the Eastern route
- SLA confers presumption in favour of landscape presumption
- the Eastern bypass fails to relieve the congestion at Yarnbrook
- the scheme is not in accordance with PPG 13, 'to reduce the need to travel, especially by car'.
- the people of Westbury have consistently expressed support for a Western route.

Mr James was asked to read his summary proof on landscape and townscape. His main points were:

- the assessment of the effect of the bypass on the landscape should be 'large adverse'
- the FW route would have a less deleterious effect on the landscape than an E route.
- the townscape benefits have been overstated.
- current traffic has little impact on Westbury's historic town centre.
- it is questionable whether the bypass would achieve more than a 'slight beneficial' impact on the town centre, especially when it is considered that benefits could be achieved without the bypass

WHA R7.1, rebuttal to Kansarai. Main points:

- Para6.19/20. Chronology through the September 1998 adoption of the E bypass as preferred route. Documentation fails to explain reason for adoption of E route. Another route review in July 1999 – Parkman 1999 and 2001 report. Seems that area of contradiction in the way the route preference and option appraisal was handled at the time.
- Para9.5. Unequal treatment of FW route.
- Para9.12.1. Two schemes have not been treated like for like due to treatment of Station Rd HGV ban. E route requires Station Rd ban, FW route does not to the same extent. Modelling needs to be done on a like for like basis for both routes. FW route, without ban, removes 400 HGVs, compared to E route, with ban, removes 600 HGVs. FW route would carry 1800 HGVs, 16% of traffic HGVs, compared to 6-7% for E route. FW route removes additional HGVs from other

local communities. FW route removes vehicles from Westbury and from the A361. E route would increase HGVs on A361.

R7.2, rebuttal to Simkins. Main points:

-3.10-3.12. Self containment argument. Unsubstantiated hypothesis that E route would provide for self containment of WW towns. The effect of a scheme that increases mobility could lead to new jobs being taken by people from elsewhere. Too much reliance can be placed on self-containment.

-3.38. Alternative scheme does require the same level of detail as the proposed scheme.

-4.17-4.21. Simkins' proof suggested EiP panel recommendation suggests A350 corridor given enhanced status. London-Exeter corridor remains most important in SW, not in fact implied that A350 corridor has an enhanced status.

-4.41-4.42. Potential of demand management as an element of scheme modelling.

-4.61. Simkins' proof dismissive of SLA in rejecting or approving scheme on basis of PPS7. PPS7 isn't suggested underlying reason for SLAs should be forgotten. Alternative approach to policy making is the way forward rather than local designations.

R7.3, rebuttal to landscape proofs. Main points:

-10.28. Statement that large adverse impact on SLA – but characteristics of existing landscape preserved. Contradictory and untenable.

-5.28-5.40. Management strategy objectives proposed in landscape character assessment. Overall strategy to resist development that would interrupt views, conserve views to White Horse, conserve hedgerows.

-5.47-5.49. Suggestion in Betts' landscape proof that boundary should have been at foot of Salisbury plain. Several reasons for disagreeing with this statement.

Supplementary proof. Main points.

-Boundary of SLA as defined close to earlier boundary.

-1950 guidance stated that until designations confirmed, local authorities should consult with National Parks Authority in areas of interest.

-Area of escarpment of Salisbury Plain potentially merited designation as National Park. However large presence of MoD land could be reasonably assumed to be a reason why Salisbury Plain not designated as National Park.

-1945 and 1947 reports: areas have to be a certain size. Relatively narrow strip would appear to be a plausible reason for not designating.

-Shows that in terms of landscape quality seen to merit national designation in 1950. Boundary of current SLAs close to suggested boundaries of National Park.

Other comments:

-WWC landscape rebuttal. Comment that I have made a selective quote from WCC's landscape architect. Full quote provided as an appendix.

-Rawlings said that Westbury had a high level of assemblage of listed buildings. If Westbury is considered high, there is no higher designation for places such as Devizes or Marlborough or Wells, which clearly have a higher value townscape.  
-Questionable if reduction in traffic sufficient to merit 'moderate beneficial' impact  
-Rebuttal by UPRAWW. Confirm that did exhaustively survey area and stand by statements made in evidence.

### Cross Examination

Given present policy as applies to this area, are we actually allowed to construct roads?

-Yes

No bar on road construction?

-No embargo in national policy

Comes down to justification for road scheme?

-Agreed

-Refer to underlying reasons plus balance of harm

No different to any development proposal that is seeking planning permission?

-Development that is being promoted by public bodies using public money, not a private development

In terms of the essence of the planning balance, no difference from other scheme?

-National policy part of process that generates development

-National transport policy is the driver of the development, not the driver for a business wanting to build a factory

What we need to do now is balance the reason for building the road with the effects that might arise from it

-Underlying reasons have to be looked at in the context of planning policy.

The essence of what we're doing is to do balance the planning merits and demerits?

-Agreed

As part of that we look at the situation today and the policy which applies today?

-Policy is an evolutionary process

-Do not disregard the origins of scheme or of policy development

The reality is that if we are looking at the matter today, the historical development of the scheme is of historical interest only if they are not relevant to the scheme as it stands.

-Agreed, but is a big 'if'

You are not a member of the WHA?

-No

Expert witness?

-Yes

When approached?

-last August, not formally commissioned until the early part of this year. First meeting in Jan 2008.

Were instructions given in a written form?

-Was not given a written brief, brief evolved through discussions

Between August 2007 and Jan 2008, how many times did you visit the project area?

-Once

Since Jan 2008, how long have you spent in Westbury?

-Seven or eight days

Your evidence is based on those seven or eight days?

-Also based on evidence that has been put before me

1997 planning conference. Strong groundswell of public opinion on the need for a bypass. Agree with need for bypass?

-marginal case for bypass

-understand why people living near road desire bypass, but a lot more complicated than that.

You recognise the need for a bypass?

-Did not say that

Do you recognise the need for a bypass for Westbury?

-No

-One of several options

Recognise problem that requires a remedy?

-Yes

That problem a traffic related problem?

-In terms of traffic in Westbury town

-Not in terms of economic regeneration, not a traffic problem

-Access to WWTE, is a traffic related problem

Seen planning application and ES, and all the evidence?

-Yes, all the evidence from my areas

Seen structure plan?

-Yes

District plan?

-Yes, not from cover to cover

RPG10 and RSS?

-Yes

LTP1 and 2?

-Not made extensive use of them

One of the matters Mr Kansarai cross examined about, was that the County headed straight towards build more roads and ignore everything else. Mr Kansarai referred to overall strategy, of which Westbury Bypass one part. Aware of that?

-Common to all LTPs.

Why is there no recognition anywhere in your evidence of that?

-Not sure where that question is coming from.

-Is not something arose in my lines of arguments

-WCC felt they had a sustainable transport strategy, does not mean that any given road essential to that strategy.

-Soft measures relied on construction of road, not a balanced and integrated strategy.

Essential part of your case that other measures should be tried?

-Road building last resort

Those measures can be identified from LTP1 list of factors. No reference in evidence.

-No suggestion that there is a sequential development

-Road either has to be essential for measures, or because measures do not deliver.

Are you aware of whether those sort of matters have been considered as part of the development plan process?

-Do not have detailed knowledge of process

Are you aware if those measures considered as a part of development plan process?

-Would assume that they would have been.

Are you aware?

-Not party to back ground discussions

Answer is no?

-Not aware

Heysham-M6 Link Road?

-Planning inquiry

Alternative promoted?

-Were people who took the view that W bypass preferred solution

No such promotion at this inquiry?

-There is a promotion of alternative strategy

-No road solution acceptable or essential, should be much greater effort to promote non-road alternatives

WHA position unclear and ever-changing.

-Do not agree

Have you seen all the WHA evidence?

-Seen statement of case

-WHA not promoting particular alternative, arguing that WCC has not established that E route preferable to FW route. Whole range of possible options not investigated.

Stressed relief as a result of FW route. At no stage did you take us to relief for Westbury itself as a result of E bypass.

-Compared level of HGV reduction on Warminster Rd

Did not acknowledge that E route provides far greater relief for Westbury.

-Do not agree with that

ES. Appendix 6. Fig3.4. 100% more relief provided by E route.

-For cars overall, not HGVs

-My comparison related to HGVs, accept that at certain locations E route achieves more than FW route, and vice versa

-Overall, FW route achieves objectives of relief of traffic in Westbury, E route does so to a greater extent.

-Additionally, FW route brings benefits elsewhere

Are you supportive of a FW route?

-Not supporting a particular scheme

Irrespective of what you have said, you still would not find FW route as something you would support.

- have not said would not support FW route
- need to go through adequate assessment process before deciding on route
- would argue that FW route preferable to E route.

In 1998 five options considered. Are you saying today that we need to consider all options in same detail?

- Accept arguments against Near W route
- Unsure about Outer Western route

When you gave your evidence, by reference to NATA, went through options then select down to arrive at preferred solution. Would then assess preferred solution against next best, and low cost alternative?

- Lots of stages to process

Process through 1997-1998 to select preferred route.

- Selected without sufficient appraisal of other options

Preferred route selected, acknowledge that now we do not have to assess other options at same level of detail.

- Part of my case that original process defective

Are you saying today that we need to consider all options at same level of detail?

- We should consider the FW options at equivalent level of detail

Comes a time to select preferred option.

- Quite a way down the line

Preferred option selected 1998. Then looked at again.

- In relation to FW route

Confirmed following LTP1 in 2003

- Confirmation of route preference in 2001.

LTP1. Diagram Pg95. At the time this document was published, shows that selection process still ongoing through consultation?

- WCC confirmed support for E route in 2001
- WWDC never confirmed support for E route.

We can agree that 1998 preferred route selected, exercise gone through again, preferred route selection confirmed?

- Preferred route confirmed in 2001

After 1998

- Subsequently confirmed

In your evidence have you identified the extent of the difference between the 1998 and 2001 assessments?

-As far as the discussion of the Parkman reports concerned

Landscape proof rebuttal. You are a landscape architect?

-Yes

Is it your view that if a scheme gives rise to change then it is unacceptable?

-Purpose of evaluation process to assess whether change is adverse or beneficial

-Generally, a road could be acceptable or unacceptable depending on the outcome of the appraisal

In your evidence, para 1.8, you make it clear you will not be carrying out exercise in fine detail.

-Have not carried out separate appraisal from scratch

-Used information provided in ES

You yourself have not carried out the appraisal?

-Have not carried out the detailed

-My areas are not with the fine detail, but with the conclusions that are drawn from it.

Rebuttal 8.27. Disagree with moderate adverse assessment. Discordant features distant. Is that the town of Westbury?

-No

Town included in undisturbed rural landscape?

-No

What are discordant features?

-WWTE an example of a discordant feature

Undisturbed rural landscape is the escarpment slope and the rural landscape?

-Yes

Are you raising a criticism of photo montages?

-Do not give adequate representation of effect of road

Is criticism relating to the static views?

-Static and 90 degrees to the road

Criticisms not in original evidence?

-Had not seen montages at that point.

Concerned only with Wellhead Valley?

-Railway southwards, especially Bratton Rd southwards

Reason for concern the area is an SLA?

-Reason for concern is the landscape that caused area to be recognised as an SLA

SLA itself dealt with by policy C3 in the District Plan. Policy T1A (pg96) deals with Westbury Bypass. C3 does not demand the preservation of views?

-Not specifically, but refers to conserving quality of landscape

Are you aware of the attitude of the District Council towards this scheme?

-Understand that they neither support or oppose

Have you seen their letter of representation?

-Have looked at their letter in response to planning application.

Are you a qualified planner?

-No

Can you tell me of any authority that exists for a council member to withdraw a policy from a district plan?

-Preston Borough Council proposed deletion from local plan

No such process undertaken here?

-Has not been a process of a formal statement of position from WWDC.

FW route. Para 1.6. Taken issue with certain matters, have not put a line on a plan of the FW route?

-Have indicated where FW route would be expected

Rebuttal to overview evidence. R7.1. Para 9.5. Do we have traffic figures for areas mentioned such as Berkley?

-Have not seen figures for Berkley

No proposal to upgrade A36 in area which would be effected by FW route?

-No

Aware of stated intention to improve road N of Westbury?

-Yes

Somerset County Council preferred FW route. Reason for that?

-Read their letter at the time, suggesting benefits would be brought to Somerset.

-E route takes more traffic off A350 in Westbury, but not significant difference.

FW route also meets objectives and deals with A361.

A significant proportion of traffic, in the region of 60%, in Westbury is through traffic.

- Depends on definition of significant
- Accept that there would be reduction of through traffic

If the A350 is presently carrying at least 50% through traffic, then the removal of that traffic will not reduce through traffic on adjacent roads?

- Agreed

Bypass is part of a package of measures, which have the potential to deal with other roads off the A350?

- Those measures do not depend on the bypass for their implementation

Depend on bypass for funding. If measures implemented, what would that do the 50% traffic that is through traffic?

- May reassign traffic elsewhere
- Other 50% could be reduced
- Soft measures work on the parts of the traffic that is susceptible to modal shift
- Doesn't matter which sector of traffic is reduced

That would mean local traffic reduced, not through traffic.

- Some through traffic could be reassigned

Essence of what you are suggesting is that soft measures penalise locals and free up the road to through traffic?

- Penalise is completely the wrong word

Soft measures, without bypass, effect local residents and the few people who may use public transport.

- And traffic reassigned

If not reassigned, road space freed up for through traffic?

- Adjust road space to suit traffic levels.

Additional measures needed on A350 as a deterrent?

- Traffic calming measures could influence reassignment

Deterrent influences drivers against using the current route?

- Yes

Aware that this is a lorry route?

- One lorry route

In order for it to operate as a deterrent must be to delay the traffic?

- Yes

Soft measures deter locals from using their vehicles, reassigning traffic to other location.

- Not matter of deterring residents from using vehicles.
- Also involves encouragement to use alternatives.
- Make walking, cycling and public transport more convenient in relation to the car

Where is the reassignment route?

- Several options
- Trunk route made more use of

A36 into Bath?

- Also A34 from Southampton

Any others?

- In principle the strategic aim is to get as much traffic onto strategic trunk network

Section 3, pg6, Route Comparison. 3.1. Important not to underestimate landscape impact.

- Agreed

Three main grounds for suggesting FW route area of a lesser landscape status. WWTE has a greater impact on FW route than cement works have on E route.

- Cement works visible from escarpment in another landscape character area.

How tall is the chimney of the cement works?

- Not aware

Test a degree of landscape fit?

- Question of presence or absence perhaps more significant than question of fit.
- Mitigation often over-emphasised when fundamental change of character as a result of road

Need to look at scheme in detail to judge landscape fit?

- Fair to make preliminary assessment based on nature of landscape.
- Mitigatory tree planting in FW route can achieve greater degree of concordance than in E route, where there are few trees.

Hard to judge without having a detailed route?

- In principle judgement can be made

Is it your understanding that no part of the FW route would run through SLA?

- Could easily avoid SLA
- Only 500m of SLA affected by road.

Section 2, Landscape impact of E bypass. SLA does not enjoy same status as AONB?

-No

-Issues of importance not black and white

Is any point of the E bypass in an AONB?

-No

At least part of this area considered as part of AONB?

-At least part considered for national designation, either as an AONB or National Park.

Rejected as a candidate?

-Agreed

-Candidacy an indication of the landscape calibre being sufficient to merit designation as AONB.

The Secretary of State will note that it is not an AONB and did not achieve AONB when was a candidate?

-Agreed

-Other areas merit national designation, but have been rejected due to proximity of roads.

Para 2.1.2. The SLA of equivalent character to other chalk AONBs?

-Agreed

Ms Betts made it clear that MoD land in AONBs not at all unusual.

-Having such a large proportion of MoD land would be unusual

-90% MoD land, exempt from control

Fig3. Zone of visual influence. Accept that as accurate?

-Yes

Para 2.1.4. Important recreational area. Any information of level of usage of footpaths?

-Have observed that footpaths very well used

Extent of Wessex Ridgeway affected by scheme?

-Section running along Wellhead Valley

Betts, Appendix B and Appendix C, Landscape and Townscape definitions.

Large adverse negative effects, Pg5 of evidence. Essential difference between your and Ms Betts' evidence, is that she has sought to explain her assessments. We can dismiss sixth bullet point?

-Agreed

Proposals are damaging to landscape in that they are at considerable variance from pattern and scale of landscape. Which part of the scheme does that apply to?

- Madbrook Roundabout and Bratton Rd
- Wellhead Valley and from Bratton Rd.

How does the scheme damage landscape?

- Road on embankment in a valley
- Awkward earthworks at Bratton Rd junction
- Linear feature in an area that doesn't have linearity

Is the escarpment not a strong linear feature?

- Strong bendy feature

Cutting through major ridge. Newtown?

- Yes

Treatments at Newtown.

- Will still see cuttings going into green bridge.

Visually intrusive, destruct views of the area.

- Views from the escarpment and towards the escarpment

Not taken into account the FW route in terms of views from and towards the escarpment?

- Aware that there are views of the escarpment from the FW route area, but road would not be as damaging there due to greater distance
- Have not made specific comment about this issue, agree with moderate adverse impact assessment.

What characteristic features will the route destroy the view of?

- Overall assessment
- Characteristics of the area as a whole destroyed by presence of the road

Substantially damaging to high quality and high vulnerability landscape. What landscape referred to?

- Escarpment
- Take issue with the overall assessment being downgraded to moderate adverse.

Only Wellhead Valley?

- Would also include land down to Bratton Rd.

Para2.2.5. Reference to ES para 8.5.3. Ms Betts took us to ES Vol 1, Sec 8. Seen paragraph 8.1.06, Residual impact and conclusions. Moderate adverse impact. Seen rebuttal evidence and been through ES?

- Yes

She's correct isn't she?

-No

-Isn't an automatic assumption that mitigation will reduce impact level

Agree that ES set out in the way she described?

-Been through process to reach her conclusion

Proof 2.3.2. Disagree with summary. When arriving at your view, do you take into account the mitigation measures?

-Mitigation part of assessment

-The presence or absence of road is the real issue, cannot be mitigated to the extent that there is a change in impact level

Do you take into account mitigation measures?

-Mitigation part and parcel of scheme.

-Don't agree with mitigation measures proposed in relation to tree planting.

Take into account mitigation measures, unless you decide mitigation in itself are discordant elements?

-Degree of impact caused by mitigation small compared to presence or absence of the road itself.

You ignore any contribution from mitigation?

-No

-Give far less weight to presence or absence of scheme

Give less weight to mitigation?

-Agreed

View from White Horse panorama, bypass would be seen in conjunction with town itself, the cement works, railways and existing roads?

-Agreed

-Basic impact is that can no longer look across unbroken fields in front of town

-No major road between escarpment and Westbury

Can see trading estate on other side of town?

-Road would be a fragmentary feature before town.

Capable of answering questions on noise?

-Only in reference to tranquillity

Apart from White Horse and Wessex Ridgeway, there is no reference to specific location?

-Footpaths within Wellhead Valley

S4.2. Townscape. Do you agree with first quotation?

-No

Second quotation?

-Benefits town

-Not sure about term 'claustrophobic nature'

-Does not remove density of traffic from environment

-Does not create pedestrian friendly environment.

Greatest benefit quotation?

-Historic core experiences little experience from main road

-Little noise heard from Church yard.

Moving around town easier?

-Most of the routes through town do not rely on following A350

-Level of traffic not a significant impairment of local movement.

FP4.3. Traffic volumes quite low. Figures in the region of 13,000-15,000 quite low?

-In relation to 25-30,000, which is a more typical figure for a town

HGV levels at 6%?

-Level of HGV traffic not oppressive when compared to many other towns

Appendix 2. Photos of town. Morning peak 8.54am-9.36am?

-Beginning to move out of peak hour

Overlap in timing?

-Possible error

### **Day Thirteen**

1997 planning conference. Kansarai Appendix B. Confirm that as part of the planning conference, it was an open forum and public transport in WSB was one of the matters raised?

-As far as I'm aware

Funding. Can you confirm your understanding that there is a letter indicating funding within three years?

-Cannot recall, but accept it is there

Kansarai Appendix C. Second document, letter entitled 'Regional Funding Allocation, 6 July 2006'. Annex B. Schemes for funding within the next three years.

-Covered in my evidence that such schemes subject to certain conditions

Your evidence suggests that the funding arrangements should be treated with caution. Not saying that is an impediment to funding?

-Impediment, I would take to meaning a 'known barrier' to funding

You are not raising any impediment, you are raising a note of caution?

-The specific point I wanted to draw attention to is in Para4.5.2, containing context of Annex B list.

Planning policy. FP2.5.6. Not supported by West Wilts District Plan amendment. Letter indicating change from council member.

-Also referring to committee report, when legal adviser said position of District Council did not indicate support for scheme

Mack Appendices. Letter from Cllr Clegg, 22/02/05. Letter says District Plan first alteration improved in June, supporting text says route safeguarded for funding. District Plan Policy T1A. No requirement for it to be safeguarded until some event?

-In supporting text

Amendment would be the deletion of supporting text, would not otherwise affect the policy?

-Agreed

Confirm that no such note ever forthcoming?

-Not to my knowledge

RPG10. CD2.1. Section 8, Transport. Table 6, pg89. Infrastructure and Investment for Encouraging Sustainable Transport Systems. Also, Regional Transport Strategy Plan, pg86. One of the routes on the plan N-S transport links improvements, Southampton-Bath, Bath-Swindon. Any doubt that the Southampton-Bath route is the A36-A46 route?

-Yes

Bath-Swindon is the A350?

-Also doubt

-Both described as transport corridor

-A350 and A36 elements in corridor

Table 6, references include road references?

-Agreed

Roads do not include A350 or specifically the A36 and A46. What is the road that runs from Southampton and addresses Bath World Heritage Site?

-That would be the A36

Table 6. Improvements to N-S transport links, can include improvements to road?  
-Agreed

RPG10, Improvements to the A350 would be considered to fall within RPG10?  
-Would fall within it, but another issue whether RPG10 supports road improvements  
-Road improvement capable of being within policy

RPG10, roads mentioned specifically do not include A350?  
-Overall context strongly relating to sustainability  
-Proof 4.1.4, priority for sustainable transport. Four of five points speak strongly of thrust towards sustainable transport  
-In this context must read case for improvements to road other than those specifically mentioned

Tran4, pg88. You have summarised points?  
-Agreed  
-Westbury not close enough to PUA to manage congestion in PUA

Table 6. Confirm that the reference to specific roads, at the time this RPG10 was drafted all trunk roads and motorways?  
-Agreed

Within RPG10 it is important to take into account what is said in totality of section?  
-Agreed

Tran 2, Strategic inter-urban and inter-regional transport networks. In the context of this document., given the fact the A350 capable of falling within definition of improvements to N-S transport links, must be the case that policy Tran 2 must apply?  
-Don't think it must be the case  
-RPG10 not specific

Doesn't need to be specific?  
-Accept that in the context of RPG10, if you interpret the BB2SC corridor as being strategic inter-urban, then in that interpretation you could regard Tran 2 as applying.

RPG10, Para8.19. Efficient delivery of goods economically essential. Indicated yesterday that lorry route included the A350, but referred to as a local lorry route?  
-Referred to a local improvement, not local route

CD2.9, LTP1. Pg197. Fig showing strategic and local lorry routes. A350 a strategic route?

-In LTP1 it does

-Didn't refer to as a local lorry route

-Since then RSS and other reports indicated that the A350 does not have the same significance as the A36 for lorries.

Is the position that the A350 still a lorry route?

-Cannot confirm that

-LTP1 is from 2001-2006

Not aware if it is part of lorry route?

-Part of signed lorry route, not aware of whether it is a primary strategic lorry route or some other lorry route.

RSS, also Simkins rebuttal, 4.17/4.21. Refer to Mr Simkins conflating EiP recommendation, raise question of status, nothing in report saying A350 has increased status, does not enhance environment. Do accept scheme would do something for the built environment?

-Agreed

What is the status of the A350 within the RSS?

-Intra-regional route, policy TR10.

RSS EiP, pgC60. Trans2 not a policy which applies to scheme?

-Agreed

Cross reference that to pgC31. Reference A. Priorities listed.

Trans 7, pgC62. Corridor management approach applied, we are in a strategic corridor?

-The caution has to be made that strategic means they all have equal status

In the context of the policy approach, they are not set out in order of priorities?

-Agreed

No comparative exercise?

-Saying that corridor management approach does not imply equal status.

Tran 7E makes it clear it does apply to the A350?

-Agreed

-Management approach for A350 very different to other corridors.

Tran 7, corridor management approach aims to improve reliability of journey times?

-Agreed

Tran 7. Highway authorities should reduce impact of travel on built and natural environment, quality of life, air quality, etc. Justification has been raised on the basis of impact on traffic on built and natural environment?

-Agreed

Quality of life?

-Agreed

Air quality?

-Agreed

Agree that bypass falls within approach?

-Basic conflict between built and natural environment

-Road construction not the only option.

RSS, Tran 7E . Point raised on next paragraph. Review on relationship between A36, A46 and A350 and traffic management at Bath. Need for review arises from activity within Bath?

-Agreed

Stronger traffic management in Bath intended to reduce traffic in Bath?

-Agreed

If that is the case and measures implemented, more traffic pushed onto A350?

-Cannot assume that before the review.

Consequence of Bath measures is that it is likely to increase traffic on A350?

-Do not accept conclusion

-Assuming fixed trip matrix across a very wide area. Wrong to assume that if traffic does not go through Bath it goes through A350.

-Wrong to make assumptions before review

-Possible that review will conclude that stronger demand management will reduce traffic in Bath and A350.

The one point not addressed in evidence or rebuttal, is the expressed attitude of the body responsible of RSS to importance of scheme on A350. Aware that body responsible for RSS have made views on bypass known?

-Aware that body supports bypass

Aware that body explained consistency of bypass with RPG10 and RSS?

-Regional funding allocation indicates consistency with regional strategies.

Kansarai Appendix C. Letter dated 24/05. Third paragraph – proposal in line with spatial strategy outlined, proposals will facilitate faster journey times to Trowbridge. Also complies with Policy Tran 2. A350 identified as regionally significant road. Represent attitude of body responsible for regional planning?  
-Inconsistencies and contradictions

Mack final appendix. Letter sent to members of conformity panel. Response to application, members informed on same basis.

-Agreed

-Responses to note indicate that panel members or other members of board say that they completely disagree with that.

Responses not before inquiry?

-Can be made available before Cate Mack's evidence

Structure Plan. Rebuttal to Simkins, Para 3.3.5. In essence para tells us that structure plan not similar to predecessor document. Latter document stipulates Eastern bypass?

-Agreed

District Plan, Policy T1A, safeguards route of Eastern bypass?

-Safeguards route without supporting

-Still subject to para 3.4.3

In terms of development plan, we have identified that structure plan stipulates Eastern bypass, and District Plan T1A safeguards route?

-Agreed

-Subject to all comments made in course of evidence

-Has a bearing to importance attached to Development Plan

Law requires regard to Development Plan unless material considerations?

-Material considerations suggest otherwise

Source of comment that scheme predicated on that basis of traffic growth?

-Traffic growth forecasted in models

Traffic scheme justified on basis of traffic growth?

-Starting point is that there will be traffic growth

Starting point is that it should be there today, position not changed if traffic growth does not occur. Fundamental error in your assumption.

-Would change economic evaluation of scheme affected drastically by forecasts on traffic growth

Wrong that scheme predicated on basis of traffic growth?

-Assumption of traffic growth a significant assumption of scheme

Will scheme assist with Journey Time Reliability?

-Not in my view, though know that evidence from council states otherwise

Evidence from council includes journey times surveys?

-Also seen WHA journey time surveys

Surveys show difference of 10-21 minutes?

-Difference in time for journey between Warminster and West Ashton, surveys do not show effect on Westbury

-Yarnbrook roundabout is a more significant point of journey unreliability than Westbury town centre.

Accept that there is significant out-commuting from Westbury?

-Yes

Planning system can facilitate creation of jobs?

-Agreed

Aware of the discussions that have taken place dealing with economic considerations?

-Aware, but evidence covered by others.

Pg3, Full proof 2.5.9. Scheme benefits. Scheme modelled with HGV ban on Station Rd, but not a firm proposal. Source of this understanding?

-Planning application said that following construction of bypass would seek HGV ban

-Correspondence between WCC and WHA saying no HGV ban

-Never discussed with Freight Quality Partnership.

### Westbury Bypass Now

Would you agree that choice of route emotive issue for local residents?

-In sense that people have opinions

How much weight placed on local opinion?

-Something that should be given full consideration

-Champion local participation

WBN proof. Table 2.4.

-Number of problems with figures

-Respondents supporting only bypass on offer

-Since 1997 conference a large majority of people support bypass

-Surveys consistently showed more support for W route.

-Current surveys only ask about E route.

-Respondents led to believe that there is no viable alternative, when in fact there is, as recognised by WCC.

Landscape Proof. Section 4. Impact on Townscape. 4.2, appendices show photographs. Who took photographs?

-Jenny Raggett

How did she determine what peak periods were?

-Not aware

-Photos indicate traffic at stated times

-Ideally am peak photos would have been taken earlier

Photos taken approximately every 30 seconds. Only 56 photographs, over period of 53 minutes. Doesn't equate to one every 30 seconds?

-May well not do

Also photographs of Yarnbrook roundabout. Is it fair to assume that the reason why these were taken was to compare Yarnbrook off-peak with Westbury at-peak?

-Photos taken after Inspector's visit, when traffic levels were exceptional

-Traffic levels have been exceptional throughout inquiry due to road closures elsewhere.

Final sentence, 4.3. Gives indication of real extent of traffic impact. Not correct?

-Static photo will never give full impression of traffic impact

### UPRAWW

Mr Randle asked how long you had spent on the site. You said seven-eight days. How much of that was spent on each route site?

-1 ½ days at W route area

Where did you go in the area, and at what time of year?

-Visited in March

-Drove along all roads, walked along main footpaths, including path from Dilton Marsh that crosses railway and ends near Rudge.

Refer to WCC last published FW alignment running close to Fairwood. Actually runs through Fairwood, close to Brokerswood. Agree?

-Depends on definition of Fairwood

-According to OS definition, route passes close Fairwood, not particularly close to Brokerswood

-Emphasise that do not regard route as optimal FW route.

Opportunity do cross railway in cuttings. One cutting in Fairwood, and others.  
Accept that is where cuttings are?

- Was referring to Round Wood area, to west of Fairwood farm
- In principle route should follow railway, on the northern side

Suggesting that might be possible to cross railway at that point. Would there be any point crossing so close to A36?

- Would take further away from Standerwick
- Would have more space at that section of road
- Would be closer to Warminster

Would mean demolition of property at cutting?

- No
- Emphasise that these are preliminary views, making in-principle assessment.
- Questioned why FW route has to go entirely to the N of WWTE – 1999 report pointed to several alternatives.

You refer to fact that route could come between trading estate?

- Because of existence of tree belt would not effect the Ham.
- Road could be thought of as more an access route to WWTE than a bypass

UPRAWW A/3.C. Flood risk map. Agree that serious challenges to extension of WWTE route to the west?

- Certainly challenges, unaware of whether these preclude extension

Accept that flood risk already for WWTE?

- Nature of these maps fail to show height of land close to river

Would you say flooding is a serious consideration for along FW route?

- Most of route avoids flood plain

Huge flooding area at Fairwood

- May well be that flood risk element prompted particular FW route as defined by WCC.

Map shows flooding areas that challenge routes that come closer to trading estate and the Ham?

- Clearly a flooding issue to address in the engineering design
- Similar to problems facing Glenmore link.

How has flooding impact been resolved at Glenmore Link?

- In principle crossing must be designed with sufficient capacity or with holding areas

Holding areas and some embankment of road?

- Not necessarily significant embankment of road

Level of noise coming from WWTE modest. What research did you do not industrial content of trading estate?

-Comments on W area based on visual impact, not noise.

Suggest that you witnessed considerable amount of noise from B3099. Where were you when you witnessed that?

-Where bridleway crosses railway.

-Could see and hear traffic.

-Also background hum from A36, can hear individual cars on B3099. Cars almost always present.

Comparing most tranquil part of E route with noisiest part of W route?

-Arguing that there is a not a critical difference between areas, apart from at Wellhead Valley

-Should not overstate impact on W route area, but less tranquillity in W route area.

Reference for assessment that W area less tranquil?

-See *re-examination*

B3099 only classified road that runs through W route area?

-Agreed

-Accept that more tranquil to the N of railway than to the S.

Suggest that biodiversity of W less than E.

-General point in evidence is that the level of information for FW route is not sufficiently equal to level of information of E route, for conclusion to be drawn that FW route not preferable.

-12 bat species affected by E route, 4-5 bats noted on W route, but less information available.

Aware that until the further surveys of the E route were undertaken following route selection, there was not the extent of information for E route either?

-Cannot confirm

-Not safe to conclude that there is greater impact on bat species on the FW route.

English Nature state that biodiversity increases westward?

-Not aware

Agree that we do not know which route has the greater impact?

-Agreed, but unless established that there is not a better alternative, cannot reach safe conclusion under habitats directive, that can proceed with preferred option.

Summary Proof 2.7. W route preferable, achieves more with lesser impact.  
-At the moment have no basis for claiming that the E bypass has less biodiversity impact

SP2.7 should refer only to SLA?

-Overall impact, noting that there is a very sensitive section of the E route.

Landscape fit. Focused on Wellhead Valley and area around Bratton Rd.

Because of embankment?

-Combination of cutting and embankment.

-Gradient for road inadvisable

Gradient of FW route coming to Black Dog Hill greater?

-Not aware. Meets A36 before Black Dog Hill.

Accept that considerable part of FW route would be embanked?

-Not necessarily

-WCC route crossed railway at inappropriate point so had to be embanked there.

Aware that Environment Agency would require embanked area of FW route to become a barrage to protect Trowbridge?

-Something that could be incorporated, could be seen as scheme benefit.

On railway through Fairwood a long embanked section

-Relatively low embankment

Rebuilt due to flooding issues after Hatfield

-Not aware

### Re-examination

Levels of relative tranquillity. Betts Appendix HI. Section of WW District landscape character assessment, pg88. Last bullet point?

-Generally low level of tranquillity due to main road and railway

In appendices, also a map, Fig 7, in Appendix A. Sets out extent of WW landscape types and character areas.

Helps' supplementary proof, para 2.1.7. States local traffic forecasts suggests growth of 8% by 2009, 28% by 2024. Relevance to Mr Randle's questions?

-Indicates that scheme was using fact of growth as a starting point for scheme justification.

Conformity letter, from SWRA, 24/05/07. Date of publication of panel report?

-20/12/07

Some time after letter from conformity officer?

-Agreed

-The panel report post dates the letter

EiP. Refer to list of priorities in terms of road schemes. When were they set out?

-In the EiP

-Post dates conformity letter

Taken to C31 EiP. Policy A. Trowbridge regionally significant town.

-Agreed

Mr Helps' additional information. Appendix 6. Coba model area. Does Trowbridge fall within modelled area?

-Yes

Taken to Policy Tran 2, pgC60. Suggested that this policy only applies to SSCTs. Does that mean that issue related to demand management don't apply to Westbury?

-Don't take it as meaning that.

-Must ask whether places in the vicinity of Trowbridge contribute to demand management.

Traffic volumes in urban areas. WHA109. Stated that 13-15,000 AADT quite low. Flows of 25,000 regarded as high. Suggested that that level not seen in West Wiltshire. Site 132, County Way, Trowbridge. AAWT figures in the region of 25,000.

-Agreed

Residual levels though Westbury of around 7,000 AADT. Put to you that that would be local traffic. If you were a pedestrian, what would be the difference between local and through traffic?

-None

-Possible that there would be higher proportion of HGVs in through traffic.

Landscape proof 3.1. Discussion of the scarp slope to the FW route. State that was highly visible but identifiably in another landscape character area.

Summarise differences in views of scarp slope from W viewpoint and E viewpoint?

-Escarpment distant horizon from FW route. Intermittent view, screened by trees in places.

-On E side of Westbury, is a prominent continuous foreground feature. Much greater opportunity to appreciate fine detail.

LTP1. Referring to package of town centre improvements. LTP1 was 2001-2006?

-Agreed

Put to you that £1.3m sought for town centres improvements. Current position in respect to sum sought for town centre improvements?

-Still the same figure as far as aware

Source?

-Major scheme business case

On the LTP, you stated that various measures not bypass dependent. Could be funded through LTP block funding. What is meant by LTP block funding?

-Scheme is a major scheme, cost over £5.

-LTP covers host of far more minor improvements, costing in the thousands rather than millions

-Measures could cumulatively achieve aims

Yarnbrook – West Ashton. Asked whether aware of WCC's intention to address situation at Yarnbrook. Understanding of present status of Yarnbrook-West Ashton in respect of RFA funding?

-Intention set out in structure plan

-No indication that Yarnbrook improvement programmed within plan period.

-Table 3 includes worthy schemes that do not have funding – Yarnbrook not even in Table 3. Prospect of funded in foreseeable future very remote

How long might it be before something down at Yarnbrook?

-Given RFA budget pressures, there is no prospect of funding within the next fifteen years.

Reference to £7m added to scheme costs of FW route for A36 upgrading. Traffic figures did not require sum to be factored in.

-Based on information in guidance on carriageway standards, GA46-97

-Flows on A36 around 13-15,000 at the point where FW would join. In the region of 20,000 at Beckington roundabout. Very similar to flows between Westbury and Yarnbrook. FW route would increase numbers by 1-2,000. Case for upgrading road not brought about as a result of increased traffic flows.

-Additional traffic flows do not merit upgrade.

### Inspector's Questions.

Mr James was asked about the increase on traffic on the A36 that would result from the construction of a FW bypass. Mr James said that there would be an increase of flows on the A36 to around 15-17,000, which was similar to the projected flows on the A350 following the construction of an E bypass.

Mr James was asked about his evidence that the area to the east of Westbury was considered for national designation in the 1940s and 1950s. Mr James noted that at the time there was no differentiation made between AONBs and National Parks. The Dower and Hobhouse reports appeared to favour upland areas for

National Park status. National Parks have the dual role of recreation and preservation, whereas AONBs are mostly for preservation, and have equal preservation status to National Parks. Mr James agreed that the area considered was a very narrow strip, but noted that it was not dissimilar in shape to Pembroke Coast National Park.