

Day Fifteen

Regulation 19

Mr Randle: WCC entirely content to meet request. WCC wish to ensure that information is complete, organised and considered. In large measure a lot of the information that has been requested is readily available, but there are matters which Mr Bullock has not been able to complete consideration of. Mr Bullock has confirmed that we would hope to be in a position to comply with the request in full by the end of the week.

Mr Gillham and Mr Nicholson would be interested in this information, and maybe Mr Smith as well. Have received Mr Gillham revised proof and have asked WCC witnesses to start looking at it. Witnesses would also need to look at revised information. Not possible to do both before Thursday and Friday. Best and most efficient way would be to see if it were feasible for Mr Gillham, Mr Nicholson and Mr Smith to be put off until Tuesday of next week, so that there would be time to consider the information over the weekend.

Note that are asking for publicity. The County accepts this. Clearly consultation with some parties is easier than others. Wiltshire Wildlife Trust should be simple, Natural England perhaps less straightforward. In terms of the inquiry progress, it may be that if Mr Smith, Mr Nicholson and Mr Gillham were available next week, we could meet request by Friday, have time to consider over the weekend, and then we will have finished consideration of evidence. That would mean we would only have advertisements in relation to the note, and closing speeches. Mr Bullock thought it might take a fortnight to complete consultation.

Mr Hopkins: Broadly in agreement, confess to being slightly concerned about what form the public consultation and advertisement will take. Should be advertised and publicised in a way that a Regulation 19 request would normally be. Normal period of consultation would be 21 days, although not suggesting that that number required. Would like to see it publicised and advertised as if were a Regulation 19 request outside the inquiry.

Mr Randle: Reject entirely that there is a requirement to publicise so widely, might create the wrong impression. Have not had time to consider how widely would go about consultation. May be better to visit people directly. That would be very much quicker.

Mr Hopkins: Para 110, Para 113. That section refers to further information provided for a public inquiry. States that by Reg 19 (2), publicity procedures do not apply, but will be regulated by rules concerning submission of evidence. Accept that regulations do not apply to these circumstances, but rules of evidence do apply. Notification of consultees rules should apply. Given wide

public interest, proper way of dealing with it is by normal advertisement in local press.

Mr Randle: Regulations do not apply, but rules on evidence do. Penultimate sentence in Para 113 states that these rules already require material to be advertised appropriately. Arguably the case that if we present the evidence in public and that evidence is available to public is more than sufficient. Offering to do more than that. Concerns about open ended process in terms of time and precedent.

Mr Hopkins: Those bodies originally consulted should be consulted in respect in this additional information. Reference to Berkeley case. Further information required to assess the effects of the development on the environment. An essential element is that ES should have been made available to public, public should have been able to express opinion. Emphasis on public participation and public consultation. Concerned that if not fully advertised, then the public and relevant bodies will not know what has happened during the course of the inquiry. Short of full advertising, cannot see how this can be got around.

Mr Randle: Not in a Berkeley situation. In Berkeley, there was no ES and it was held that members of the public cannot be expected to undertake a paper chase. Are in situation where we spotted error. No requirement for sort of publicity which Mr Hopkins is seeking. WCC will go about the process in the appropriate way, bearing in mind the change that has come about.

Mr Hopkins: WHA has been represented here and aware of the situation. However there are many who are not here, who have an interest in this application. Concerned that unless publicity is undertaken in a formal and proper way the public will not have been properly informed. Very unclear about what WCC suggesting in terms of notification of interested parties. Concern that there will not be broad enough consultation and that knowledge of revised evidence will not be widely enough available.

Mr Langton: The error does affect the ES and should be publicised. Lean towards Mr Randle's view. There is no requirement for the same level of publicity as in other circumstances. Want to know that people have had the chance to comment to the revised evidence. Cannot know whether Natural England would change their position in light of new evidence. Do want this information before the inquiry and do want people who have an interest in the information to be aware of it.

Mr Hopkins: Will Environment Agency be consulted?

Mr Randle: Natural England and Wiltshire Wildlife Trust. Have not had sufficient time to decide who will be consulted. Would not want to be in the position where

we are in the position where it is suggested that someone who should have been consulted has not been.

Mr Langton: Would make sense to delay Mr Smith, Mr Gillham and Mr Nicholson until next week. Wednesday may be a better day, as Tuesday may be too soon. Closing submissions likely to be heard towards the end of August or the beginning of September. At some point the Secretary of State's proposed modification for the RSS may be issued, and would be a material consideration if issued before the end of the inquiry.

Cate Le Grice Mack

Evidence in Chief

Mrs Mack read para 14 of her full proof. She stated that:

- the road fails to meet the needs of Westbury
- the road fails to meet the needs of the sub-regional area around Westbury
- the road fails to meet the as yet unidentified needs of the region

Mrs Mack read out her para 1 of her supplementary proof.

- Was surprised at Ms Tindale's suggestion that splitting fields would have little effect on arable activity. The accessibility of the fields would be changed
- Also surprised at Ms Tindale's suggestion that the soil would need only a couple of years to recover.

Tindale suggested the impact of a FW route would be greater.

- Would like to see analysis.
- Tindale suggested that a road would effect pastoral more than arable. In personal experience, it is easier to move stock than heavy machinery.

Mrs Mack read out her para 5 of her supplementary proof.

In Frome, a bypass built in the 1990s led to a reduction of economic activity in the town centre, induced traffic and pressures on land between the bypass and the town.

BBSCS recommended that the corridor was best served by public transport. Concerned that the scheme is simply a road building proposal, rather than integrated scheme. Westbury Bypass scored only 2 points in RFA process as a result of poor public transport provisions.

SP8A, email between Dr Woodhead and various SWRA members. Reference made to EiP. Do you have a comment to make in respect of the position adopted by the assembly prior to the publication?

-Notable that as a result of the EiP, the detail that Woodhead said would be vital did not occur. Westbury bypass not put forward as a priority scheme by EiP. Emphasis on using conclusions of BB2SC as being the main decision making framework.

In light of the EiP report, what weight should be put on conformity letter from May 2007?

-Not a letter that members had seen, partial in its conclusions.

Cross Examination

SP8A. The email comment. Claim that partial in conclusions. Saying that you disagree with it?

-Wasn't referring to Mark Robin's comments.

SP8A. From Mark Robins. Response from Woodhead. Have just claimed response was partial

-Was commenting on letter that Woodhead sent out to members

Are you suggesting that the representations made by Woodhead were in some way dishonest or unbelievable?

-Cannot comment on email correspondence

-Was talking about letter that Woodhead sent round to conformity panel

-Was concerned that Woodhead did not cover the full appraisal process

-To put in context, had agonised over many meetings of the RFA about how much each scheme should be compliant with various policies. Felt that any scheme should be in compliance with a lot more policies

Were you part of conformity process?

-No

You found about conformity process?

-Didn't see letter at time.

When you say 'partial', you mean in the context of it being selective?

-Have the greatest respect for Woodhead, but feel that he had not looked carefully enough at RPG10 and RSS.

Have you anything from the regional body to put against?

-Have the EiP panel report, which reinforces the approach that the RFA advisory group had taken.

EiP panel report sufficient?

-Problem is that process not an exact science. RFA started at a time when RSS was emerging, were advised by DfT that we should be careful not to pick up historic schemes, but look at regionally significant schemes and check that they ticked all the boxes. Also need to be aware of climate change, fuel costs.
-Any scheme that were simply road based should be further down the list.

Further evidence. Rural economy impacts. No part of original evidence dealt with such matters?

-Agreed

Not entirely sure what main proof tells us specifically in relation to Westbury. Is it of historical interest rather than anything else?

-My involvement with Westbury is because I was concerned that any road interventions should have wider benefits and should be able to deal with unforeseen consequences.

What does your evidence tell us in relation to the WHA case. Right or wrong that evidence is of historical interest only?

-Historical in as much as that is how scheme is developed.

Dealing with planning application. You are familiar with process. Take into account policy ambitions?

-Agreed

Supplementary evidence. Where you give your evidence about rural economy impacts, need to look at in light of the objectives of the scheme?

-Agreed

Particularly important in light of call in letter?

-Agreed

Para3, following Foot and Mouth crisis, changes on accessibility have major impacts on rural economy.

-Countryside Agency has done analysis on effect of closure of footpaths, restrictions on farm based tourism. Concluded that closure of countryside caused huge reduction in income for farmers.

Para 4. Sector referred to rural economy?

-In terms of Para 1-3, yes.

-Haven't seen in proposals details of how that causes economic regeneration in urban area

Initial impact of bypass. Tell us that Frome got bypass. Were you opposed to Frome's bypass?

-Was not consulted as was not then resident of area

Frome bypass associated with other development proposals?

-Yes, including Commerce Park

Para 8. Refer to Para 10 of main evidence. Disagreement following BB2SC study. Indicated that BBSCS main framework?

-In terms of transport corridor, yes

What does that study tell us about Westbury bypass?

-Says should be investigated, does not approve particular route

And come forward?

-Was general in its approval for relief of Westbury

Can note that your evidence is that BBSCS provides main framework?

-In the corridor

Supplementary proof, Appendix 1. Two pages of tables attached. Table 2. Part and parcel of same process?

-Yes

Para 10, supplementary proof. This information only recently became available through FoIA. Referring to Question 3.2. But information is in main text as Appendix 19, so must have become available earlier. Back in 2006 the scheme consisted of bypass and other measures.

-Yes

That was your understanding at the time you wrote your evidence.

-Didn't have FoIA information at time wrote main proof.

-Attached to further evidence by other members of WHA

Questions from the panel, 3.2.6. Bypass designed to bring relief to town. Aware of that before wrote evidence?

-Doesn't answer the question. Doesn't go into unforeseen consequences.

SP, Para 13. Induced traffic. Specifically in relation to claim of relieving Bath of lorry traffic. 'Recently' means at this inquiry?

-Heard two-three months before at a public meeting in Bath.

Letter from Transport 2000. Pg5. Dated October 2006. Not author of letter?

-No

'Town and Country' Heading. Sympathies lie with what is contained therein?

-Share some of the views of this letter

-Included in appendices because represent 12 environmental bodies. My role to do that representation. Letter sent to me by Transport 2000 HQ. Was not aware that RFA process was moving in a different direction. Letter triggered concerns.

Full proof para 14. State that scheme does not meet needs of Westbury. Mr Helps' evidence do show traffic relief within Westbury

-Westbury has huge amount of local traffic

-Bypass will not take all traffic out, because town must remain economically active. Will be need for access

-E bypass not easiest option for access to Trowbridge town

Seen through traffic figures?

-Aware of figures, cannot quote from memory.

Sub-regional needs of area around Westbury. Excluding or including Westbury as part of sub-region?

-Any transport scheme has complex impact. Any intervention to relieve Westbury would have other consequences.

Did you make it clear in 1997 conference that SCC support for a FW route was because of the relief that would be brought to area around Frome?

-Figures that WCC produced showed that relief of Westbury might be slightly less, other areas would benefit more. Therefore FW route better scheme.

Appendices to main text. Planning history. Appendix 2 to that appendix, dated April 1998. Would appear to be committee report. Thrust of what you were saying was about relief of roads in Somerset?

-Was member of SCC.

Need to bear in mind that your background is to seek to improve matters in Somerset?

-See need to make transport solutions that actually benefit wider benefit.

-Traffic doesn't stop at county boundaries.

Do you support a FW route?

-Favour relief of traffic from Westbury

-W route better than E route.

-Do not have information to answer question.

Appendix A. Letter from October 1997 from head of SCC. Para 1. Concern that route should connect with Frome and Beckington bypasses. At the time of the conference and following, SCC view that bypass should connect with Frome and Beckington to provide relief for roads in Somerset?

-Attempting to gain maximum benefit for E Somerset and W Wilts.

Main proof, para 4. Though Wilts were looking to benefit solely Westbury, you were seeking to extend benefits. Would not become strategic route. Which road referred to?

-Has been pressure for lorry routes from south coast to M4 J17. Dorset stretch full of protected land. Has never been strategic route.

Are you saying the A350 through Dorset is not a strategic route?

-Yes

-Only Northern section now identified as local strategic route

-Various bypasses planned for Wilts part of corridor. Implications for E Somerset from induced traffic.

Aware of importance of strategic nature of A350 through Westbury, or did you regard the A350 as something lesser?

-At lesser end of term strategic

-County route.

Did the A361 enjoy a similar status?

-Couldn't say what exact status is. Traffic on A361 very similar to A350.

Aware if SCC or Mendip District Council have made representation to this inquiry?

-No

Did you take part in the West Wilts District Plan, and consideration of Westbury bypass?

-Didn't play any part

Play any part in structure plan?

-No

-Had role in RPG10 as representative on planning conference.

Appendix 1, planning history. Para 26. RFA refresh panel.

-Supporting evidence to letter from Transport 2000, did not write myself.

Did you write the appendix?

-No

Did you have any input?

-No

Had you seen it before today?

-Yes

What is the current position with regards funding for the scheme?

-Still in the air

Re-examination

Taken to Dr Woodhead's letter to conformity panel. Took the view that Woodhead had not referred to various policies. Any particular policies?

-First four introductory policies to RSS, which were on sustainable development. Policies SD1-4.

-Policy SD1 refers to ecological footprint, 2 climate change, 3 environment and natural resources, 4 sustainable communities.

Is any particular reference made in Woodhead's letter to any of those policies?

-No

Why did you feel obliged to address impact on rural economy in supplementary proof?

-Have knowledge of rural economy

-Such a gap around urban economic issues, that there was very little to comment on.

Bullet 1 – promote inclusive rural communities, focus most new development in centres that are accessible to range of transport modes. Bullet 2 – support diverse economic activity in rural areas. Bullet 3 – protect and enhance character of countryside, support sustainable development.

-Illustrates why feel so strongly not meeting needs of urban area or its hinterland.

-As a farmer, I know how many bypasses have been infilled, currently happening in Frome.

-Any farmer who has land on or near main road is advised to take up options for redevelopment of land.

Within RFA process, reference made to BB2SC. Section B, Kansarai appendices. Second Appendix. CPO orders. Reference made to BB2SC. Para 5?

-BB2SC recommended that Westbury bypass be progressed as a local improvement measure.

Para 6.

-Recommended that Westbury bypass be approved with complementary traffic calming in the town centre

No mention of regional or national needs?

-No

Inspector's Questions

Mrs Mack was referred to Para 10 of her main proof and asked about the disagreement in advice that came from GOSW and the DfT. Mrs Mack said that DfT called for boldness in being including integrated transport schemes, however GOSW were concerned about too much money being allocated too quickly, which would be in danger of requiring the planning processes to be carried out speedily. GOSW advised that the schemes which were currently in a fit state for approval were predominantly road building schemes.