

THE PROPOSED A350 WESTBURY EASTERN BYPASS - Ready-to-fund road, or environmental disaster in the making?

A briefing from the White Horse Alliance

Background. The Westbury bypass would carry the A350 round the eastern side of this small market town in West Wiltshire. The scheme would reduce the number of heavy lorries going through the town itself while increasing HGV movements in villages to the north that already suffer from more and faster lorry traffic. The council is now planning a scheme to relieve congestion on the A350 at Yarnbrook and West Ashton and hopes that the region will pay most of the estimated £17M cost, with property developers contributing the rest. This section of the original eastern bypass scheme, dropped to reduce the cost of the county council's 2003 funding bid, would further its ambition to increase capacity on the whole A350 from the M4 to Warminster. It would do little for the villages on the A361 rat-run between Yarnbrook and the A36 at Rode where HGV traffic would continue to increase.

The other main benefit claimed for the scheme is that improved access to the trading estates and the trunk road and motorway network would assist economic regeneration. West Wiltshire is not a deprived area; the main trading estate is thriving and has plans for further expansion. The eastern bypass would require a link road across the flood plain of the river Biss to connect industrial areas to the A350. To force trucks to use this diversion and not rat-run the town, a weight limit would need to be imposed between the town and the trading estates.

In defiance of public opinion and the recommendations of the District Plan inspector, Wiltshire county council chose a route through the tranquil Wellhead Valley between the town and the western escarpment of Salisbury Plain. The road would be three lanes wide as it climbed up from the flood plain of the river Biss, in full view of the town's famous White Horse and the Bratton Camp iron-age hill fort. It would then cross the protected water source at Wellhead Springs and sever the habitats of some of Europe's most strictly protected wildlife. The road would separate areas of woodland needed to support a vulnerable population of dormice and would disturb the foraging and commuting routes of 13 species of bat. All four of our rarest and most endangered bat species rely on this habitat. Like dormice, they are scheduled in Annex II of the Habitats Directive.

The county council's attempts to overcome these environmental obstacles have so far cost it over £4M. Allowing for cost overruns and developer contributions, the final cost of the road is likely to be £40M. This would include £1.3M for town centre enhancements but nothing for transport integration measures such as a bus-train interchange for Westbury's regionally important railway junction.

Current position. .

Planning: The county council gave itself conditional planning permission in May 2007. The scale of opposition to the scheme is believed to have been one of the main factors persuading the Secretary of State to call it in for a full planning inquiry. The inquiry began in June 2008 and ended, after adjournments to consider new and revised evidence, on 8 October.

The case against the plan was led by the White Horse Alliance, a coalition of local, regional and national groups representing local objectors, parish councils and environmental and transport campaigns. The WHA believes that it represents 5,000 people in West Wiltshire and 6,000 in the county as a whole. Thanks mainly to the fundraising efforts of local people the alliance was able to retain a specialist environmental lawyer and a formidable team of expert witnesses including the bat ecologist Professor John Altringham of Leeds University, leading dormouse expert

Michael Woods and transport academic Professor John Whitelegg. The international authority on traffic modelling and induced traffic, Professor Phil Goodwin, provided a devastating critique of the council's economic case for building the road.

Because the inquiry revealed so many weaknesses in the council's arguments for the transport benefits of the road and its ability to prevent unacceptable environmental damage it seems extremely unlikely that the inspectors can recommend in favour of the scheme. Their report is expected to reach the Secretary of State before the end of the year

While the Secretary of State has the power to reject the advice of planning inspectors, approval of this road would contradict her recent proposal that the whole of the A350 route should be deleted from the list of strategically important transport corridors in the draft regional spatial strategy (RSS) for the SW. The Secretary of State usually takes several months to decide whether planning permission should be granted or refused.

Funding: Wiltshire County Council submitted its funding bid (Major Scheme Business Case or MSBC) to the DfT in July. Because of errors in the traffic modelling exposed during the inquiry it seems likely that the MSBC has since undergone further revision. The DfT usually takes five or six months to decide if a scheme should get funding.

Government plans for fast-track funding of major infrastructure projects. As part of its plans for heading off a recession the government has asked regional assemblies to compile a list of capital projects that could be ready for funding in the next two years. We understand that the Westbury bypass is among schemes being considered for listing.

Its main claim to a place in the queue for this regional money is that it is 'deliverable' – ie ready to build. This was its main selling point when it first entered the regional funding contest in 2005, priced at £19M and with the objections lodged by NE and EA to the 2005 planning application conveniently omitted from the table of criteria.

Biodiversity and the Habitats Directive

NE and EA withdrew their opposition to this scheme. English Heritage had no objection to withdraw. The history of road schemes in the SW suggests that absence of objection from the statutory environmental bodies must not be taken as a definitive assessment of impacts on landscape, biodiversity or the water environment. It should never be forgotten that in the early 1990s none of the environmental watchdogs objected to the government's proposed A36 Salisbury bypass, a dual carriageway road that would have crossed the flood plain and water meadows of the Avon at Britford on a 20ft high embankment.

Without the work of volunteer ecologists doing a competent survey of the meadow grasslands and the vigorous action taken by the Wiltshire Wildlife Trust, this violation of the landscape setting of the city and the ecology of the River Avon SAC would have been permitted.

Another A36 highway scheme, the Codford-Heytesbury 'improvement' attracted no objection from English Nature or the Countryside Agency even though it would have driven a deep cutting through chalk downland on the southern edge of Salisbury Plain within the Cranborne Chase and West Wilts Downs AONB and in the catchment of the Avon SAC. Fortunately the DfT accepted representations from CPRE and local transport campaigners, re-examined the landscape impact of the proposal and declined to fund it.

Evidence presented to the recent planning inquiry by the White Horse Alliance shows that the judgement of the statutory environmental bodies should be viewed with equal caution when it comes to assessing the impacts of the proposed Westbury bypass on protected landscape, protected wildlife and protected water resources.

Although the Wiltshire Wildlife Trust withdrew its trenchant objection to the planning application its evidence to the inquiry was highly critical of the wildlife mitigation plans for the road. Its head of biodiversity action, Bill Jenman, listed 17 protected species including bats and dormice that would experience an adverse impact if the road were built. Habitat loss through roads and other development meant wildlife faced 'death by a thousand cuts'.

White Horse Alliance witnesses presented expert evidence that challenged the county council's assessment of impacts on European species. Professor Altringham was concerned that an appropriate assessment had not been carried out under the Habitats Directive in view of the linkage between habitats on the route of the bypass and the Bath-Bradford bats SAC.

Dormice

Michael Woods, an internationally recognised expert on dormouse ecology, said in his conclusions:

"It is noted that the County Council has concluded that the impact on dormice from the construction and presence of the road will be 'Slight adverse' ... I strongly disagree with this conclusion because the proposal, as currently planned, is likely to adversely affect the conservation status of dormice across the area of its habitat here, which apparently enables it to sustain the population levels of the species at a favourable level (table 9.2). Without a green bridge directly linking the two woodlands, the population will be split in two and made vulnerable to chance events such as 'three bad years in a row'. Consequently I believe the magnitude of the effect will be 'Major negative'. The nature conservation value (table 9.3) of the dormouse is High given that it is a Priority Species in the UK Biodiversity Action Plan and a Key Species in the Wiltshire Biodiversity Action Plan under the Hedges and Woodland Local Action Plans. It is also protected under the Wildlife and Countryside Act 1981 (as amended) and included in Schedule 2 of the Habitats Regulations which implements EC Directive 92/43/EEC in the UK. It is listed in Appendix III of the Bern Convention (1979). It is a species which is still in decline, in spite of its protection, and may number as few as 40,000 individuals in the UK (unpublished data included in a paper given by Dr Paul Bright at The Mammal Society's autumn symposium 2004 'British Mammal Populations – 50 Years of Change'). The magnitude of the potential impact as 'Major negative' on a species with a 'High' nature conservation value is 'Very large adverse'. In my view this more truly reflects the potential impact on dormice in Wellhead Springs Wood and White Scar Hanging as a result of the siting, construction and use of the proposed road.

"Without the inclusion of a green bridge directly linking the two woodlands in areas where dormice have been recorded, it is impossible to see how the favourable conservation status of this population of dormice, fragmented by the road, can be maintained in this area and thus it cannot satisfy the third question posed by Paragraph 44 (3) (b) of ...the Habitats Regulations."

Bats

Professor John Altringham of Leeds University concluded that:

"The proposed A350 Westbury bypass 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 four Annex II species, afforded special protection by the Habitats Directive.

"There is no objective evidence to suggest the 'severe adverse' effects the road will have on bats will be significantly diminished by the proposed mitigation measures. Should the scheme go ahead, this important bat assemblage may well suffer significant population declines. As it presently stands, the proposed monitoring is unlikely to be able to convincingly assess the

effectiveness of mitigation. Another opportunity to promote and practice evidence-based conservation will be lost.”

Conclusions

The case against the road was summed up by Charlie Hopkins of EarthRights Solicitors in his closing statement for the White Horse Alliance:

“Building a major new road should be a last resort when all alternative measures have been tried and failed. New road building which threatens the conservation status of internationally protected species, which will cause damage to a valued and protected landscape, and which flies in the face of adopted and emerging policy at a national, regional and local level is wholly unacceptable.”

If this road were given planning permission the Alliance has been advised that this would constitute a breach of the Habitats Directive that could be successfully challenged in the High Court and the European Court of Justice. The Alliance is continuing to raise funds in case a legal challenge is required.

The full text of the WHA’s closing statement is on our website:

www.corridor-alliance.co.uk

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