

REGULATORY COMMITTEE
16th MAY 2007

**WESTBURY: CONSTRUCTION OF A NEW SINGLE CARRIAGEWAY ROAD WITH
A CLIMBING LANE OVER PART OF THE ROUTE, ROUNDABOUT JUNCTIONS,
ASSOCIATED INFRASTRUCTURE AND WORKS (PROPOSED WESTBURY
BYPASS)
LAND TO THE EAST AND NORTH OF THE TOWN OF WESTBURY
(Application No. W.07.09002)**

-

Purpose of Report

1. To consider the above planning application and to recommend that conditional planning permission be granted.

Background

2. The background and history leading to the promotion of Westbury Bypass is connected to the development of the County Council's strategy for Western Wiltshire. The 1987 Structure Plan outlined the importance of the A350 corridor and the need to implement improvements.
3. In 1990 the County Council appointed Acer Freeman Fox and Halcrow Fox and Associates to undertake a study of the A350/A429 route, from Warminster to the M4 to:
 - 1 Identify the traffic, economic and environmental case for improvements on the route
 - 2 Develop and assess route corridors for these improvements and
 - 3 Recommend the relative priorities which should be given to such schemes.
4. With regard to Westbury the report considered an eastern, inner western and outer western bypass, concluding that an eastern route provided the most economically viable option. However, the report recommended that any action on a Westbury Bypass wait until a decision in respect of and the impacts of a proposed A361 West Wilts Bypass were fully understood.
5. In July 1995, the County Council's Transport Policies and Programme (TPP) reported that the strategy for highway improvement schemes in western Wiltshire had been halted due to proposed improvements on the A36 promoted by the Department for Transport (DfT). Consequently the status of the A361 West Wilts Bypass and highway improvements to the A350 were subject to review.
6. Following a review by the DfT in 1996, the A36 East of Bath to Beckington Improvement was withdrawn from the Trunk Road Programme. Subsequently, the County Council reviewed the proposed A361 West Wilts

Bypass and further work was halted, as without the improvements to the A36 the viability of a West Wilts Bypass was substantially reduced.

7. The A350 north of Warminster provides the connection from the west Wiltshire towns to the A36 trunk road and M4 in the north. The County Council's TPP published in July 1996 set a policy to divert traffic from the north and east away from the routes through Devizes and Marlborough onto the A350/M4 route further adding to the need to improve this corridor.
8. In 1996, the County Council commissioned a Working Group to set out the strategic context for the improvements to the A350 transport corridor in order to help achieve the regeneration of the economy of the towns in the western part of Wiltshire. The Western Wiltshire Regeneration Report published the same year set out a strategy that concluded that a bypass for Westbury was the long-term resolution to the traffic problems in this location.
9. Promotion of improvements to the A350 was 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.
10. In 1997-8 the County Council held a Planning Conference to consider traffic problems in Westbury with the following objectives:
 - 1 To improve the transport links into West Wiltshire and between the West Wiltshire towns in order to facilitate economic regeneration
 - 2 To 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
 - 3 To provide traffic relief for residents and visitors to Westbury.
11. In parallel with the Planning Conference, a substantial postal Public Consultation was held in order to allow residents to express their views regarding possible bypass routes. 90% of respondents considered the existing A350 through Westbury unsuitable for the volume of traffic using it and 87% considered a bypass necessary and that existing access routes to the West Wilts Trading Estate were inadequate.
12. Although there was clear public support for such a scheme, identifying a preferred route was less straight forward. The results of the Planning Conference were reported to Committee in May 1998 and a preferred route for Westbury Bypass was considered in September 1998, with the Eastern Route adopted.
13. In 1999, the County Council commissioned Parkman Consultants to undertake a further investigation and review of route options. The eastern route was concluded as the most viable option. However, a further detailed examination of the two principal routes, eastern and far western was subsequently commissioned.
14. The detailed route study report, prepared by Parkman Consultants, was published in early 2001 reconfirming the status of the Eastern Route as the

most suitable solution for a bypass for Westbury. The additional investigation work was considered by Committee and the Eastern Route was reconfirmed as the adopted route in July 2001.

15. The County Council has since sought to develop the Eastern Route and submitted a bid to the DfT for funding the scheme in 2001. A decision was deferred pending the outcome of the Bristol/Bath to South Coast Study (BBSCS) commissioned by the Government Office for the South West. In February 2004 the study was complete and in its recommendations identified a need for the A350 Westbury Bypass and one that should be pursued as a local scheme. During 2005, the South West Regional Assembly developed criteria linked to its strategic objectives as set out in the draft Regional Spatial Strategy to enable all major transport projects to be prioritised. The DfT confirmed in December 2006 that following consideration of the 10 year Regional Funding Allocation programme submitted by the South West Regional Assembly that it anticipates funding the A350 Westbury Bypass in the next three years.
16. During this period the Wiltshire Structure Plan has been published, identifying an A350 Westbury Bypass as an improvement to be made to the national primary route network. The West Wiltshire District Plan has also been published, with a policy safeguarding land for the implementation of an Eastern Bypass route.
17. A planning application for this route was submitted in March 2005. Consideration of that application identified the need for further investigations in relation to protected species, the water environment and contaminated land. Due to the seasonal nature of some of these investigations, work was carried out during 2006 and, subsequently, additional mitigation measures were developed. The inclusion of the measures resulted in alterations to the design of the scheme sufficient to necessitate the withdrawal of the 2005 application and submission of a fresh planning application and revised Environmental Statement (ES), which is the subject of this report.

The Site

18. The route corridor follows a broad curve around the eastern side of Westbury at a distance of between 200 to 600 metres from the edge of the built-up area of the town. The route runs through predominately open countryside.
19. The southern part of the corridor is dominated by the scarp slope of Salisbury Plain with large open arable fields at Chalford and Newtown leading up to steeper wooded slopes. The route follows a dry valley south-east of the town and a knoll of higher land separates the corridor from the built-up area. Apart from the hanging woodland and an area of woodland at Wellhead Springs existing vegetation is sparse with remnant hedgerows along field boundaries.
20. As the corridor continues north of Bratton Road the topography becomes flatter lowland with smaller fields defined by hedgerows and woodland belts. The route passes 600 metres west of the Westbury Cement Works and has a crossing with the railway before the intersection with the existing A350. The route corridor then extends due west across the lowland flood meadows

of the wide River Bitham corridor where there are lush pasture fields and low hedges. Small streams are lined with willow pollards and occasional alder.

21. Further west the route rises slightly to cross the railway again and passes through an area of past industrial activity and urban fringe before joining the B3097 Hawkeridge Road opposite Glenmore Farm. The West Wilts Trading Estate lies immediately to the west of the western end of the route at Hawkeridge Road.
22. A location plan is attached at **Appendix 1**.

Proposal

23. In total the proposed scheme would comprise approximately 5.8 kilometres of new single carriageway around the eastern and northern sides of Westbury that would provide:
 - 1 A new route for the A350 principal road past the town and
 - Strategic road access to the West Wilts Trading Estate.
24. Roundabouts would connect the bypass to the existing A350 both north and south of the town, between which there would be no junctions. For descriptive purposes the scheme is divided into the following sections:
 - 1 A350 at proposed roundabout immediately south of Madbrook Farm to the B3098 Bratton Road
 - 2 B3098 Bratton Road to the proposed Cement Works roundabout on the existing A350 immediately north of the railway line
 - 3 Glenmore section: a 1.2 km long single carriageway between the proposed Cement Works roundabout and the proposed roundabout adjacent to Glenmore Farm and
 - 4 Hawkeridge section: a 0.4 km long realignment of the B3097 Hawkeridge Road between the proposed Glenmore Farm roundabout and the proposed new roundabout at the entrance to the West Wilts Trading Estate at the northern end of the improved section of B3097, adjacent to Hawkeridge Farm.
25. In addition to the above a 0.55 km length of the B3098 Bratton Road would be realigned slightly to the south of its existing alignment to allow the construction of an over bridge to enable the B3098 to pass under the route of the bypass. There would be no vehicular connection between the new bypass and the Bratton Road.
26. Other bridges would be constructed to carry the proposed carriageway over two discrete railway lines (Cement Works Railway Bridge and Glenmore Railway Bridge) and three minor stream crossings (Bitham Brook).
27. A 'green' bridge would be built to allow the proposed carriageway under the minor Newtown Road, while at Chalford another 'green' accommodation bridge would maintain the route of the existing track/Bridleway West36.

28. At strategic locations wildlife tunnels and crossings would be provided. This includes the Beres Mere Farm Underpass and the Wellhead Underpass (the latter also carrying a public footpath beneath the highway). A number of gantries would be installed to facilitate the movement of bats across the highway.
29. New flood attenuation ponds would be located at strategic locations as part of the scheme's drainage system. Flood compensation would also be provided.
30. Lighting would be confined to each of the three northern roundabouts (Cement Works Roundabout, Glenmore Roundabout and Hawkeridge Roundabout) and the new cycle path between the Glenmore roundabout and the Hawkeridge roundabout. To accommodate known bat flight paths in the area of Madbrook Farm the roundabout would not be lit in the conventional way. At that location, low level lighting in the form of vehicle activated signs and solar powered road studs would be used in place of traditional lighting columns.
31. Comprehensive on-site landscape planting and features are integral to the overall scheme.

Environmental Impact Assessment

32. The planning application is accompanied by an Environmental Statement (ES). The ES reports the findings of an Environmental Impact Assessment (EIA) of the proposed scheme. The requirement for EIA arises from the development being of a type listed in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
33. EIA is a procedure which serves to provide information to a local planning authority, other regulators, other interested parties and the general public, about certain proposed developments and their likely effects on the environment.
34. The ES comprises Part B of the Stage 3 Scheme Assessment Report for the proposed Westbury Bypass, with Part A being the accompanying Technical Assessment. The ES comprises 5 volumes:

Volume 1 - provides the main text of the document and includes a Non-Technical Summary (NTS), chapters on the need for the scheme, alternatives studied, scheme proposals, construction environmental management, together with individual topic chapters relating to:

- 1 Land Use
- 2 Hydrology, Drainage and Water Quality
- 3 Landscape, Townscape and Views from Road
- 4 Ecology and Nature Conservation
- 5 Historic Environment
- 6 Geology, Soils, Contaminated Land and Earthworks
- 7 Noise and Vibration

- 8 Air Quality
- 9 Pedestrians, Cyclists, Equestrians and Community Effects
- 10 Planning Policy
- 11 Cumulative Effects
- 12 Conclusions

Volume 2 - all graphic material in the form of figures, plans, drawings, illustrations, photographs and photomontages.

Volume 3 - includes all the technical appendices referred to in Chapters 1-15 except for those in Chapter 9 on ecology and nature conservation.

Volumes 4A and 4B - include the technical reports that underpin the chapter on ecology and nature conservation in Volume 1.

35. The significance of impacts arising from the proposed scheme has been assessed according to a 7-point scale originally detailed in the Guidance on the Methodology for Multi-Modal Studies, GOMMMS (DETR 2000). The terminology of the 7-point scale is as follows:
 - 1 Large adverse
 - 2 Moderate adverse
 - 3 Slight adverse
 - 4 Neutral
 - 5 Slight beneficial
 - 6 Moderate beneficial
 - 7 Large beneficial
36. Further details of how individual significance levels are derived are provided separately for each topic within the relevant methodology sections.
37. A copy of the Non-Technical Summary of the ES is attached at **Appendix 2**.

Planning Policy

38. The following Development Plan policies are considered relevant to the determination of this planning application:
 - 1 Policies EN1, EN3, SSI, SS3, and TRAN2 of RPG10: Regional Planning Guidance for the South West.
 - 2 Policies C1, C3, C5, C9, C12, HE2, T11 and T12 of the Wiltshire and Swindon Structure Plan 2016.
 - 3 Policies C1, C3, C5, C6, C6a, C7, C9, C13, C14, C16, C36, C37 and T1a of the West Wiltshire District Plan 2004.
 - 4 Policy 10 of the Adopted Wiltshire and Swindon Waste Local Plan 2011.
 - 5 Policy 5 of the Adopted Wiltshire and Swindon Minerals Local Plan December 2001.
 - 6 All relevant policies are set out in the attached **Appendix 3**.

National Land Use Policy

39. National Planning Policy comes in the form of Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs). PPGs and PPSs of relevance to the determination of this planning application are as follows:
- 1 PPG13: Transport, 2001
 - 2 PPG15: Planning and the Historic Environment, 1994
 - 3 PPG16: Archaeology and Planning, 1990
 - 4 PPG24: Planning and Noise, 1994
 - 5 PPS1: Delivering Sustainable Development, 2005
 - 6 PPS7: Sustainable Development in Rural Areas, 2004
 - 7 PPS9: Biodiversity and Geological Conservation, 2005
 - 8 PPS23: Planning and Pollution Control, 2004
 - 9 PPS25: Development and Flood Risk, 2006

Consultations

40. The following is a brief resume of the consultation responses received:
41. **Local Member(s)** – no comments received.
42. **Regional Planning Body** – comments awaited.
43. **West Wiltshire District Council** – no comments received.
44. **Westbury Town Council** – welcomes the planning application and wholeheartedly supports it.
45. **Heywood Parish Council** – no objection to the generality of the proposals but concerned that:
- 1 The same techniques for lighting Madbrook Roundabout are employed at the other three roundabouts to reduce light pollution
 - 2 Dwellings on the south side of Heywood, Norleaze and Hawkeridge hamlets receive maximum reduction from noise and visual pollution through additional planting of trees and hedges along the length of the Glenmore Link
 - 3 The designations of areas at the Glenmore Roundabout as spoil disposal areas form part of an Area of Archaeological Significance and the opportunity for subsequent investigation in these areas would be jeopardised
 - 4 Projected traffic flow figures are in some cases mathematically incorrect and do not take account of more recent developments
 - 5 The arrangement of the Glenmore Roundabout will encourage traffic movements along The Ham to/from Northacre Park and the Brook Lane Trading Estate and this could be avoided with an alternative arrangement
 - 6 The scheme fails to provide alleviation to the increased traffic movements at the junctions of Church Road, Heywood and Park Lane, Heywood on the unimproved section of the A350

- 7 The scheme fails to take account of the likely creation of a 'rat-run' along Church Road and Dursley Road at times of traffic congestion at Yarnbrook
 - 8 The scheme fails to close-off the redundant length of the existing access road to the Cement Works and
 - 9 The arrangement of Heywood Footpath 28 where it crosses the bypass is unnecessarily circuitous and inconvenient.
46. **Environment Agency** – no objection in principle, subject to the imposition of various planning conditions and provided the safeguards set out in the planning application and ES are undertaken.

47. **Natural England** – does not support the scheme in principle, but raises no objection to the submitted proposals. It is satisfied that there would be no significant impact on sites protected for reasons of nature conservation or landscape. In relation to protected species, welcomes the thorough treatment bats have been given in the application, in terms of both baseline survey and proposed mitigation. Comments that the survey information indicates clearly that bats are using habitats and commuting routes that would be affected by the proposals. However, considers that the proposed mitigation measures are very comprehensive and is satisfied that such measures would be sufficient to compensate for potential negative impacts on the bat population. Advises that planning conditions should be imposed to secure a monitoring programme to cover the period during and after construction to ensure that the impact of construction and effectiveness of mitigation are identified:

- 1 To ensure the procedures are in place should individuals or populations of bats be encountered during construction
- 2 To provide for reasonable adjustments to the bat mitigation if monitoring shows that it is not achieving the intended results.

Having been provided with third party evidence relating to dormice, advises that the assumption has to be made that dormice are present on the route of the bypass. However, are satisfied that the proposed mitigation measures are sufficient to compensate for potential negative impacts on the dormice population. Satisfied that there would be no significant impact on other protected species.

48. **English Heritage** – English Heritage has worked closely with the County Archaeological Service and the applicant to secure a preferred route which avoids any direct impacts upon nationally important archaeological sites. Do not consider the proposed scheme would have a significant detrimental impact upon the setting of the Scheduled Monuments at Wellhead Farm and Bratton Camp/White Horse. Advises that the County Archaeological Service is the appropriate lead body to comment on archaeological mitigation and that its comments are weighted accordingly.
49. **Network Rail** – no objection in principle.

50. **County Archaeologist** – advises that the mitigation measures proposed will be sufficient to ensure the archaeological resource is adequately recorded and protected during the construction works. Recommends the imposition of a condition requiring submission and approval of a programme of archaeological work in accordance with PPG16 and Policy C16 of the District Plan.
51. **County Ecologist** – notes that the route for the bypass runs through some areas that are particularly ecologically diverse and that in many cases a particular landscape feature provides either a food source or shelter, or both, for more than one European Protected Species, with a particular ‘hot-spot’ being the area between Madbrook Farm and the B3098 Bratton Road. Acknowledges that the applicant has gone to some lengths to ensure that the majority of these features will be disturbed as little as possible and where avoidance is not feasible detailed, in-depth mitigation proposals have been provided to ensure that species and habitats are impacted as little as possible. Satisfied that the survey effort has been great enough to properly assess the ecological importance of the various habitats through which the proposed route would pass and to identify those areas that offer potentially important habitats for protected species and any constraints on the development that would result from the presence of any such species.

Concerned that mitigation and methods of working during the construction period have not been described for all wildlife species and that there is no connectivity between these proposals. Therefore, recommends that a full method statement that incorporates all species at each stage of development is required as a condition of any planning permission granted. Notes that a five year monitoring plan has only been proposed for bats and advises that this should be extended to cover other species (at the same structures) to inform the relevant bodies of the success rate for the mitigation and to provide the opportunity to alter any aspect of the mitigation in order to ensure its success.

52. **County Landscape Officer** – notes that more than one-third of the bypass passes through the Salisbury Plain Special Landscape Area which is an area of high landscape quality. Advises that, where the road would pass through the White Horse Vale, River Biss Valley and Westbury Industrial Urban Fringe local landscape character areas, there will be minor changes to the landscape characteristics which have on the whole been addressed through the proposed landscape mitigation and because these areas have a higher capacity to absorb development and the changes. In relation to the section of road between Madbrook Roundabout and Bratton Road, which is within the Special Landscape Area (SLA), even though substantial effort has been made to minimise landscape effects through careful planting, the road will remain highly intrusive within this quiet, rural landscape character area. Considers this would be a significant intrusion, sufficient to spoil the enjoyment of those people using footpaths, bridleways and open-access land in the local area. Acknowledges that the proposals include a substantial amount of cutting and filling to incorporate the road into the landscape as unobtrusively as possible. In addition, the plan has developed the opportunities to plant trees and shrubs not only to screen but also to join up and strengthen existing habitats both on and off site. However, does not feel that the landscape mitigation reducing visual impact has been effectively communicated as the photomontages are used to illustrate the view from certain predetermined points at the moment of completion of works. This is described as the worst case scenario because much of the planting

mitigation will not be effective until 15 years time. The views are largely distant and difficult to read.

53. Copies of the all the consultation responses will be available for inspection in the **Members' Room**.

Publicity

54. The planning application has been publicised by way of public notice in the local newspaper and by a number of site notices posted along the route of the proposed bypass. Direct notification of the application was given to all those 1,373 persons who made representations in respect of the 2005 planning application. Press releases announcing the submission of the new application were also issued and approved in the local media.
55. As a result of these procedures, a total of 2,028 representations have been received comprising 982 in support and 1,046 objections.
56. The objections relate to:
- (i) The £33m cost of the road could be better spent in other ways.
 - (ii) The Applicant has not properly investigated alternatives.
 - (iii) Improved road access is needed on the west of town, for Westbury railway station, the future rail freight terminal, expanding trading estates and the new housing.
 - (iv) The major A350 traffic congestion is at Yarnbrook and the scheme is inadequate without the inclusion of improvements at West Ashton/Yarnbrook.
 - (v) Research shows that traffic levels through bypassed towns return to pre-bypass levels within a few years.
 - (vi) A bypass would end passing trade for the town centre and damage the economic health of the town.
 - (vii) The bypass is unsustainable and would merely push the problems further along the A350 and into surrounding areas.
 - (viii) In 2003, the District Plan Inspector recommended against the eastern bypass, on several grounds. The road is no longer included in the District Plan.
 - (ix) The proposed bypass is out-dated and should be abandoned.
 - (x) Air quality has already improved in Westbury, without a bypass.
 - (xi) The route runs beside the Town's Cemetery – its tranquillity would be spoilt by the noise of vehicles.
 - (xii) The peaceful area of the Wellhead Valley would be lost for local recreation and a main road would intrude into the SLA.
 - (xiii) At a time when plans are being developed to divert a road away from

an ancient monument (Stonehenge), this scheme proposes a major road next to two ancient monuments (Bratton Camp and the White Horse).

(xiv) Studies have shown the area to be particularly rich in wildlife all of which would be adversely affected by the road despite all the costly mitigation.

(xv) There is no scientific evidence which proves that the mitigation would work and the structures would be unsightly.

(xvi) An eastern bypass hazards the public water supply at Wellhead.

(xvii) The proposed membrane beneath the road has a finite life and will need to be replaced – such a solution is not sustainable.

(xviii) The proposals do not have public support.

57. Those in support refer to:

- 1 Westbury and the surrounding area is in dire need of traffic relief.
- 2 Westbury needs a bypass, the traffic through the town is very heavy and the fumes are intolerable.
- 3 The bypass will have a dramatic improvement on the community by reducing non-essential traffic through the town centre, particularly HGV's.
- 4 Adequate environmental consideration has been given to protecting wildlife, landscaping and improving access for leisure.

58. Adjoining Parish Councils and a number of interested organisations have also made representations.

59. **West Ashton Parish Council** – object to the scheme as it does not help address the major problems of traffic congestion at Yarnbrook or the Yarnbrook - North Bradley - Southwick area or the heavy traffic going to the West Wilts Trading Estate. Considers that the western route previously suggested for the bypass, which included the Yarnbrook spur, would help alleviate all the problems. Feel that the Wellhead Valley is totally unsuitable for such a main road, would intrude on the SLA and damage wildlife.

60. **North Bradley Parish Council** – object as the scheme would cause more congestion at Yarnbrook and be disastrous for West Ashton – Yarnbrook, Southwick and North Bradley where traffic would increase substantially. Considers that improved road access is needed on the west of Westbury for the expanding trading estates and new housing.

61. **Southwick Parish Council** – object for the following reasons:

- 1 Believe the £33 million the bypass is estimated to cost could be spent in better ways
- 2 The major A350 congestion is at Yarnbrook – a Westbury bypass alone would not be effectual

- 3 Alternatives have not been properly investigated which would be less damaging to the environment and would provide better traffic solutions to the west. Consider that improved road access is needed on the west of the town
 - 4 The scheme would result in the loss of the peaceful area of the Wellhead Valley and result in the intrusion of a main road into the SLA
 - 5 The scheme hazards the water supply at Wellhead and
 - 6 The bypass would cause unacceptable damage to wildlife despite all the costly mitigation.
62. **Great Hinton Parish Council** – objects on environmental grounds. Considers that:
- 1 The bypass would ruin the SLA
 - 2 The wildlife mitigation is unlikely to work
 - 3 The scheme would cause additional traffic and congestion at Yarnbrook
 - 4 The County Council should be seeking to reduce traffic
 - 5 One of the western routes is preferable to the eastern route for taking lorries out of Westbury and linking up with the rail network
 - 6 All experience shows that as soon as new routes are built traffic expands to fill them and
 - 7 The bypass would be a stupendous waste of £33m while at the same time hospitals are closing all over West Wiltshire.
63. **Sedgehill and Semley Parish Council** – object on the following grounds:
- 1 The likely impact on the A350 from increased traffic which is at variance with the Bristol to Bath South Coast Study (BBSCS) which recommended HGV traffic to be directed away from the A350
 - 2 The condition of the A350 in terms of maintenance and safety are inadequate and
 - 3 The funds available should be directed towards the maintenance and upkeep of the existing A350.
64. **Wiltshire Wildlife Trust** – object to the proposal as it will adversely affect biodiversity:
- (i) Notes that the importance of the area for protected species has been acknowledged by the applicant and efforts made to mitigate against adverse effects, but considers some details of the mitigation are lacking
 - (ii) Support the efforts made to ameliorate adverse impacts on bats through the substantial mitigation measures, but doubts remain as to

whether this suite of measures will work as the strategy relies on the unproven method of bat gantries

- (iii) Pleased that mitigation will be monitored for 5 years but concerned that there is no mention of any contingency measures if the mitigation fails to be effective
- (iv) Wishes to see measures adopted to enhance the area for bats through providing more roosting opportunities and enhancing foraging areas
- (v) Concerned that there is potential for significant adverse impacts on the population of water voles along the Bitham Brook and consider more details of bank and habitat enhancement and protection methodology during construction are required
- (vi) Believe that the presence of dormice cannot be ruled out of the mitigation strategy and request that such details be worked out as soon as possible
- (vii) Concerned that the full impacts on altered hydrology on the ecology of the area have not been properly assessed
- (viii) Concerned that the fencing should continue through the proposed underpasses to ensure connectivity of the landscape and maintain flight lines
- (ix) Concerned that the three bridges over the Bitham Brook will result in loss of connectivity and that design of bridges should ensure a continuous wildlife corridor
- (x) Consider that there is great potential for adverse impacts when constructing the bridges and request a detailed method statement for bridge construction
- (xi) Considers that the Council should have due regard for conserving biodiversity and that it is unacceptable for the scheme to result in a minor adverse environmental impact: there should be a net gain in biodiversity
- (xii) Wishes to see an overriding environmental management plan for the entire scheme, which includes future maintenance of the various mitigation structures.

65. **The Wiltshire Archaeological and Natural History Society** – object for the reasons that the road would pass through the SLA and which is an historic landscape that should be protected from development:

- 1 The scheme would be visible from the scheduled monuments of Westbury White Horse and Bratton Camp and there would be direct adverse impacts on the settings of these monuments and on their enjoyment
- 2 The route of the road passes almost continuously through recorded archaeological remains of many periods necessitating mitigation which suggests that a less damaging solution should be given positive

consideration

- 3 The possibly internationally important Iron Age midden near Bratton Road is clearly part of a much larger archaeological complex and the proposed mitigation strategy would neither preserve all of those remains or permit their excavation in a satisfactory manner and locating a road here compromises the potential for planned research excavation in the future and
 - 4 No archaeological mitigation strategy has been specified for those areas where the road embankments will be extended.
66. **Westbury Bypass Alliance** – object strongly to the scheme for the following reasons:
- (i) **Cost** - concerned that the cost has risen from a projected £19m to an estimated £33m and feel that this money could be better spent elsewhere on public transport, small schemes to alleviate traffic congestion, environmental improvements, town centre measures and access to the town from the west. Alternatives - believe there are better alternatives that would damage the environment less and would ensure better solutions to prevent hold-ups in traffic flow. Concerned the applicant has not properly investigated alternatives. Considers that Westbury desperately needs improved access to the west to service the growing trading estates, proposed rail freight terminal and large growing housing estates on that side of town.
 - (ii) **Congestion** – contend that the major congestion point is at Yarnbrook, not in Westbury and surveys have shown this to be the case. Consider a Westbury bypass without solutions at Yarnbrook and West Ashton would therefore be ineffective. Concerned that an integrated solution is needed to deal with the problems of West Ashton, North Bradley, Yarnbrook and Westbury and that piecemeal solutions such as that proposed will not work.
 - (iii) **Tranquillity in the Wellhead Valley** – concerned that the Wellhead Valley is a tranquil haven between the town and Salisbury Plain used throughout the year by walkers and horse-riders. Consider that building a road through this SLA would be barbarous and conflicts with planning policy.
 - (iv) **Wildlife** – notes the applicant has proposed many costly mitigation procedures to minimise damage to wildlife but considers these to be fatally flawed because they only seek to reduce the damage when the duty on the Council is to enhance the value of the area. Contends that in relation to bats the applicant's consultants have concentrated upon the western end of the valley but they have been limited by short-term studies carried out only on selected nights for short times. Advise that consultants employed by the Alliance have concentrated upon the eastern end of the valley and have used long-term recording apparatus that has shown the presence of 13 species of bat in the region of Beggars Knoll. These studies have shown the movements of these bats to involve not just crossing the proposed bypass, but flying along it. Under these circumstances no effective mitigation would be possible. Concerned that the applicant's consultants have reported very few bat roosts, yet with the number and diversity of bats

flying in the Wellhead Valley there must be roosts. Consider that until these are located and the routes of bats to and from them mapped out there is very little that can be said about normal bat flyways and it is evident that many years of study are necessary before any overall picture of bat movements in the area could become clear. Note that English Nature have said the Wellhead Valley is of international importance for bats. Therefore, consider that under the circumstances the bats should be heavily protected rather than put at risk by mitigation procedures which have not been proven to work. Consider the applicant's attitude to dormice extraordinary. Advise that consultants employed by the Alliance have shown in two separate years that dormice are present very near to the route of the bypass. Concerned that the applicant's response has been to say its consultants found no dormice. Consider the proposed placing of ropes suitable for dormice over the bat gantries to be entirely unacceptable and suggests an unprecedented degree of arrogance and/or ignorance on the part of the applicant. Do not believe that sufficiently rigorous studies have been carried out by the applicant and more study is required before possible mitigation procedures can be considered.

- (v) **Water supply at Wellhead** – notes that the road would pass through the centre of a Zone I water supply and so conflicts with planning policy. Concerned that the proposed use of an impermeable membrane with a life of 100 years is entirely unacceptable and constitutes unsustainably in the extreme.
- (vi) **Public opinion** – contends that every single poll that has been carried out has shown that the people of Westbury object strongly to an eastern bypass and that the Council should listen to these objections and not ignore them.
- (vii) **Regional Spatial Strategy (RSS)** – considers the proposed road to conflict with all four sustainability policies that are supposed to guide the draft RSS. Concerned that the bypass is part of a strategy to grow West Wiltshire and this will increase the 'ecological footprint' of the region by increasing road travel along the A350 and thus increasing impact on climate change. Consider the proposals to also conflict with the environmental policies of the draft RSS as it would jeopardise the habitat of bats, dormice and red-listed bird species.
- (viii) **Relevance to the Local Plan** – the proposed bypass is not in the local plan and the Inspector reporting on the Local Plan Inquiry in 2003 expressed concerns about the effects of the bypass on the environment and the strength of local opinion. The Inspector recommended that WCC should undertake a review of routes, but WCC ignored this. This is yet another example of the arrogant way in which the Council has refused to take advice from anyone except itself.
- (ix) **Should the A350 be a Strategic Route?** – WCC wishes the A350 to be a regionally significant route, yet the BBSCS reported that the

A350 was not strategic. WCC has also designated the A350 from the M4 to the A303 as a regional freight route, but the route south of the A303 is not so designated. The BBSCS recommended using signage and route management to direct long-distance HGVs bound for Poole and Southampton to use the motorway and trunk network, yet despite requests to do so, WCC has not instituted appropriate signage. It seems WCC wishes to use the A350 as a strategic route, in other words promote traffic growth on the A350 presumably as part of a plan to promote growth in West Wiltshire. Believe this policy to be unacceptable to most people in West Wiltshire.

- (x) **Air quality** – much has been made by WCC of the effect that the bypass would have on the small Air Quality Management Area (AQMA) in Westbury. However, according to West Wilts District Council, improvements in engine quality will bring pollution levels in this AQMA below the statutory limit by 2011, without a bypass.
- (xi) **Overall environmental harm** – feel that the proposed bypass is an entirely unsustainable project. Object to the harm it would cause in Wiltshire both directly (as listed above) and indirectly by promoting growth of traffic.
- (xii) **Short consultation period** – object to the short time given for consultation on this application. Other County Councils have given twice as long where there are extensive environmental implications.

67. **A36/A350 Corridor Alliance (ACA)** - object for the following reasons:

- 1 **Habitats Regulations** – contend that scheme as it stands would constitute a breach of the European Habitats Directive 1992 and the Habitats Regulations 1994 in that the developer has not demonstrated the ‘imperative reasons of overriding public interest’ that would justify endangering the conservation status of species protected under the directive and in particular of species scheduled in Annexe 2 of the Directive, namely dormice and all four Annexe 2 species of bat:
 - (i) **Dormice** - the ACA has provided evidence confirming beyond reasonable scientific doubt that dormice have been active in this habitat as recently as November 2006. In addition, one of the country's leading experts on dormice advises that the mitigation measures proposed (ropes) are 'not sufficient'.
 - (ii) **Bats** - the road would have a ‘significant’ effect in terms of the Habitats Directive. Consider the acknowledgement of residual adverse impact on an assemblage of bats of international importance an admission that construction of the road would lead to a breach of the Habitats Directive and the 1994 Regulations. The experimental nature of the mitigation proposals and the uncertainty over their effectiveness in practice, which are admitted in the ES, mean that the applicant cannot be confident beyond scientific doubt that the residual

impact would not in practice be greater than 'slight adverse'. Do not see then how the mitigation design can be relied on to reduce likely impacts to a level that would bring the scheme into compliance with the Directive.

2 **Failure to demonstrate a need for the scheme** – concerned that under 'Need for the Scheme' the ES does not present a clear analysis of what the proposed bypass is for:

- (i) The statement that the A350 forms a key part of the strategic road network is considered questionable on several counts.
- (ii) All surveys have shown that most of the traffic is local. This can be tackled by a range of initiatives familiar to progressive local authorities.
- (iii) The recommendation of the BBSCS that long-distance traffic should be directed away from the A350 and onto the motorway and trunk network has not been embraced by WCC.
- (iv) The notion of road expansion as an engine of sustainable growth seems curiously outdated.
- (v) According to West Wiltshire District Council levels of the most toxic component of vehicle emissions, nitrogen oxides, are falling in Westbury and will reach acceptable levels by 2010 without further action.
- (vi) WCC's reliance on the eventual construction of a bypass as its solution to traffic pollution in Westbury has been criticised by the Government Office for the SW.
- (vii) The already unacceptable nuisance, danger and severance caused by congestion in Yarnbrook and West Ashton will worsen if this scheme is built yet WCC has no plans for traffic relief for these communities or made a bid for funding.
- (viii) WCC's own figures confirm that traffic growth on the A361 through North Bradley, Southwick and Rode will also worsen
- (ix) The north-south orientation of the proposed bypass has not been designed to address the changing geography of the area in which flows are increasingly east-west and the growth of employment areas in Frome has become an important influence.
- (x) It will be several years before traffic relief for the town would allow road space to be re-allocated to other modes.
- (xi) If the bypass package does not receive Government funding it appears that town centre enhancements will not go ahead either - as a means of meeting the 'need' for environmental improvements in Westbury the bypass plan seems indirect and uncertain.
- (xii) Delays on the A350 may be a problem for motorists and

hauliers but the few minutes spent traversing Westbury cannot be considered as problems whose solution is imperative and of overriding national interest. Delays at Yarnbrook and elsewhere in the corridor are more disruptive, yet no solution is currently proposed for Yarnbrook or West Ashton.

- (xiii) WCC has not selected the bypass route that would best service the West Wilts Trading Estate and has not considered the option of a short access road following the railway corridor between the SW extremity of the employment area and the A36.
 - (xiv) Do not agree that a long detour to the east and north of the town via bypass and Glenmore Link would constitute improved access to employment areas on the west of the town.
 - (xv) The applicant has not examined non-road solutions to the assortment of problems it has laid out in the ES.
 - (xvi) The applicant has also failed to set out a convincing case that the road would be justified as essential infrastructure. The mere absence of a bypass is not an imperative reason, nor is the improvement of journey-time reliability.
 - (xvii) The applicant's single-minded concentration on this bypass project has diverted attention and funding away from the package of measures that could meet the actual needs of the town and surrounding communities.
 - (xviii) Even in its own agenda for the pursuing road construction as the engine of economic growth, WCC is promoting a highway that has been overtaken by the changing development pattern of the sub-region and the SW as a whole.
- 1 **The transport case, traffic model and BCR** – do not believe the data provided with the planning application provides a convincing case for funding this scheme and raises doubts about the assumptions and quality of data fed into the traffic model, the assumptions about growth and the doubling of PVB figures since the last application.
 - 2 **Alternatives** - contend that the examination of alternatives is a requirement of PPG13 and is central to the process of testing compliance with the Habitats Directive and Regulations:
 - (i) No assessments of a 'do-nothing' option or non-road alternatives to a bypass have been produced. The requirements of PPG13 in relation to NATA have not been met and all required worksheets and current AST have not been supplied.
 - (ii) If a bypass for the town was indeed held to be essential infrastructure a 'far-western' route has been shown to have a sufficiently high BCR value, at 3.6, to be rated as 'good value for money' and therefore fundable under DfT criteria. This option would perform adequately against the applicant's

objectives, including reducing traffic in the town.

- 1 **Biodiversity** – ACA believes that this scheme is also subject to duties to carry out an Appropriate Assessment:
 - (i) The proximity of the proposed road to the boundary of the Salisbury Plain Special Area of Conservation (SAC) in their view places a duty on the developer to demonstrate absence of effect on the conservation status of the site.
 - (ii) Ecologists studying bats, barn owls and the Marsh Fritillary have noted commuting and foraging routes between the Plain and areas on or close to the proposed road, notably the Wellhead Valley and Beggars Knoll in the case of bats, the Glenmore Link in the case of Barn Owls and Bratton Camp in the case of the Marsh Fritillary.
 - (iii) It is also clear that the relationships between the grassland of the Plain and the varied habitats along the route of the road are not understood.
 - (iv) ACA legal advisers believe that an appropriate assessment is also required when European species could suffer adverse effects on their conservation status.
 - (v) Do not consider that the ES has correctly assessed potential in-combination, indirect and cumulative effects on the conservation status of the SAC and the strictly protected species outside it from potential sites for housing and other development.

- 2 **Bats and Dormice** – refer the planning authority to the objection from the ecologist Penny Lewns, and:
 - (i) Express concern that earlier recommendations that bat populations be monitored and mitigation measures reassessed as necessary over a five-year period are not included as part of the proposals.
 - (ii) Consider that the incomplete understanding of the bat populations in this area means that it would be unsafe to proceed without such a commitment.
 - (iii) The experimental and unproven mitigation measures proposed in the ES make monitoring even more of an imperative.
 - (iv) The safety requirements of walkers for lighting in the underpass will deter its use by bats.
 - (v) Concerned in the light of ecologists' experience with bat mitigation structures and planting elsewhere that the bat gantries and other mitigation measures here will be subject to vandalism.
 - (vi) In the case of dormice, refer the planning authority to the objection from Penny Lewns and also to the communications

from Michael Woods and the recommendation that further survey work would be needed over one or more years and that land bridges would need to be designed in the light of those findings.

- 3 **Contaminated land** - ACA has commissioned a report from an environmental health consultant who advises:
 - (i) That there are concerns over contamination of water resources due to leachate from the former landfill site and that putrescible matter in the landfill deposits is still gassing off.
 - (ii) Measures to prevent landfill gas presenting a toxic or explosion hazard during and after construction do not appear to be fully worked out.
 - (iii) That capping the site and surcharging it to achieve compaction before construction of the road represents an adequate response to these problems or
 - (iv) That such unresolved matters can be settled by means of conditions attached to a planning approval.
 - 4 **Noise** – concerned that the noise impacts of the scheme on residential areas on the eastern side of the town and on the tranquillity of the Wellhead Valley have been underestimated.
 - 5 **Landscape and cultural heritage** - do not believe that the ES has taken sufficient account of the relationship between this landscape and its cultural heritage.
 - 6 **Planning policy** - the route proposed for the A350 eastern bypass of Westbury is not safeguarded in the local Development Plan. The present application is therefore a departure application and subject to call-in by the Secretary of State.
68. **Campaign to Protect Rural England: Wiltshire Branch** – object to the proposed bypass as it would be highly damaging to amenity and the environment:
- 1 Concerned the bypass transgresses on national landscape character area, intrudes on important ecological and archaeological areas, crosses a ground water source protection zone, and would invade an important area of tranquillity which is used for local recreation purposes.
 - 2 Do not consider the proposed mitigation measures would offset the damage to amenity and environment.
 - 3 Consider the proposal to be in conflict with national planning policy and the provisions of the Wiltshire and Swindon Structure Plan.
 - 4 Question the robustness of the traffic model used to support the proposal.
 - 5 Concerned that alternatives to a bypass solution have not been considered and that in coming to the decision to promote this scheme

the applicant has not taken into account important factors.

6 Highlights that consultants commissioned by CPRE in connection to bats and dormice have advised that:

(i) In relation to bats despite the range of bat surveys undertaken by the applicant because of the size, complexity and range of species present, the full impact of the bypass scheme is not adequately understood.

(ii) In relation to dormice the absence of a comprehensive package of mitigation measures is likely to result in the bypass having a severely adverse impact on dormice present in the Wellhead Valley.

(iii) In relation to badgers it is likely that the proposed mitigation will not adequately cater for the complex badger movements within the Wellhead Valley.

69. **Campaign to Protect Rural England: Dorset Branch** – object strongly to the proposed bypass. Concerned that this scheme will encourage heavy traffic from the M4 down the A350 to Poole but the Dorset section is totally inadequate. Concerned the proposed route is through a national landscape character area and will cause unacceptable damage to wildlife. Considers that the applicant has not adequately investigated all other viable traffic alternatives. Concerned that the cost of the scheme is rising.
70. **Campaign to Protect Rural England: Essex Branch** – request that application is withdrawn. Have extensive experience of bypasses and they are not the solution to congestion problems. Concerned the landscape and wildlife that the bypass would destroy cannot be replaced. Concerned that to address climate change need to reduce travel, not encourage it.
71. **Friends of the Earth: West Wiltshire** – object to the proposed bypass because it would be an environmental disaster against the will of the people of Westbury. Consider the bypass to be a 1950s scheme for the 21st century long on repetition and short on any kind of ideas, imagination or thought. The vast cost for the bypass would be better spent resurrecting public transport. The bypass would cause damage to wildlife.
72. **Friends of the Earth: North Wiltshire** – object as the proposed route is through:
- 1 An SLA
 - 2 An area populated by 13 species of bats four of which are endangered
 - 3 An area believed to be populated by dormice
- Close to two sites of special scientific interest. Considers that a more suitable and alternative western route is available for a bypass.
73. **Transport 2000: South West Network** – object to the building of a bypass on the opposite side of a town to its trading estates and considers an eastern route would not only mar Westbury's saving grace, its landscape to the east, but would fail to improve access to its railhead which has been included in the Structure Plan as worthy of investment.

74. **Transport 2000: Wiltshire, Somerset and Cotswold** – object for the following reasons:
- (i) **Regional context** – the Westbury Bypass is inappropriate in the context of regional policy as it is environmentally contentious, damages the tranquillity and beauty of an area prized for its local character and is unassociated with integrated transport and model shift.
 - (ii) **Significance for local people** - every consultation has shown that the bypass is deeply unpopular with local people and its construction would bring about an increase of HGVs through other communities in West Wiltshire.
 - (iii) **Alternatives** – if economic growth and relief from HGVs is the driving force, then a western bypass is at least multi-functional in terms of delivering relief to other communities affected as well as being linked to the railway. Alternatives to a full bypass should be given serious consideration – major road construction to reduce journey time reliability is not supported.
 - (iv) **Traffic model** – the traffic model does not hold water with the main problem being that annual traffic growth rate in Westbury is negative yet the calculations assume a substantial yearly increase in traffic.
 - (v) **National planning policy** – an eastern bypass is contrary to planning guidance in PPG13, PPG24, PPS7, PPS9 and PPS12 and also to a number of policies in the Draft Regional Spatial Strategy.
 - (vi) **General sustainability** – the overall sustainability of reducing journey times along the A350 is questioned. The concept of the A350 as pivotal to the economic development of Western Wiltshire is considered to be an outdated model.
 - (vii) **Management and safety issues** – accidents on the A350 Warminster Road could have been prevented by the introduction of two new pedestrian crossings.
 - (viii) **Bypass in context of Regional Spatial Strategy policies** – the general thrust of regional policy is sustainable development to improve the south west as a place to live for generations to come as well as economic expansion. The bypass is contrary to the policies in the RSS.
 - (ix) **Traffic model and Cost Benefit Analysis (COBA)** – serious concerns raised regarding the robustness the traffic model used in the planning application and the predictions made regarding traffic figures. The assumption that traffic is increasing through Westbury is false: WCC's own traffic statistics show that it is decreasing. The COBA analysis indicates timesavings which contradict the observed journey times.
75. **The Ramblers' Association: Wiltshire and Swindon Area** – accepts that present traffic levels in Westbury are intolerable and hopes a bypass will make the town a more pleasant place in which to live and walk. Considers the best scenery and walking in the Westbury area to be to the east of the

town and there ought therefore to be minimal impact, visual and aural. Point out that the footpaths and bridleways on the east side lead to the White Horse, the Wessex Ridgeway and the Imber Range Perimeter Path and ought therefore to be improved as part of the works by replacing stiles with gates and improving surfaces. Also concerned that in future development will tend to be permitted between the town and the bypass.

Objects strongly to any at-grade crossings on account of the speed and volume of traffic. Concerned that to the west of the Bratton Road underpass there ought to be separate provision for pedestrians to avoid the need to walk along the B3098; that the bridleway between Newtown Bridge and Wellhead Underpass ought to be entirely one side of the road so as to avoid an at-grade crossing; opposed to at-grade crossings at Glenmore Railway Bridge, Bitham Bridge West and near the Cement Works.

76. **The Friends of Steeple Ashton** – object to the £33m cost which could be spent in better ways. Concerned that the applicant has not properly investigated alternatives. Considers the major A350 traffic congestion is at Yarnbrook and that a Westbury bypass alone would not be effectual. Object to the loss of the peaceful area of the Wellhead Valley. Concerned the road would cause unacceptable damage to wildlife, with bats and dormice severely depleted. Concerned that an eastern bypass hazards the water supply at Wellhead. Object to the overall environmental harm the bypass would cause.
77. **Calne Civic Society** – object because of the intrusion into agricultural land which is a particularly beautiful example of the true English landscape and the adverse effects the road would have for communities nearby and further afield.
78. Copies of the all the representations made will be available for inspection in the **Members' Room**.

Planning considerations

79. This planning application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
80. Having regard to the consultation responses, letters of representation and Development Plan policies, it is considered that the main issues in the determination of this application are:
- A. Whether there is a need for the proposed bypass, or whether any particular benefit would derive from the route proposed and, if so,
 - B. Whether the need, or those benefits, are sufficient to outweigh any harm to matters of acknowledged importance that may be identified.

A. NEED FOR THE SCHEME

Policy considerations

81. The A350 is identified by the Wiltshire Structure Plan (Policy T11) as a route of national and regional significance for through and long distance traffic, it being part of the strategic transport network. The strategic transport network is primarily intended to efficiently cater for through and inter-urban movements and in doing so can support the vision and aims of the Structure

Plan and RPG10.

82. Although Westbury Bypass is not identified specifically within RPG10, Policy TRAN2: 'Strategic Inter-Urban and Inter-Regional Transport Networks' states that local authorities and other agencies should work together to provide and maintain a strategic transport system and in particular aim to support selective infrastructure proposals to improve the safety and operational efficiency of the road network, reduce congestion and achieve environmental improvements.
83. Policy T12 of the Structure Plan states that improvements to enhance the Strategic Network are to be progressed to support other policies in the Structure Plan and the Local Transport Plan. An A350 Westbury Bypass is identified as a proposal to improve the non-trunk road national primary route network as included in the Wiltshire Local Transport Plan 2006-07 – 2010-11.
84. The supporting text to Policy T12 highlights, at paragraph 5.37, that the Bristol/Bath to South Coast Study (BBSCS) recommended that the Westbury Bypass as a scheme that should proceed as a local improvement measure for the town.
85. The West Wiltshire District Plan considers a Westbury Bypass package to be an important element of the required A350 improvements. Policy T1a of the District Plan safeguards the County Council's preferred route option for the A350 Westbury Eastern Bypass and the Glenmore Link, stating that other development will not be permitted on the safeguarded land if it would be likely to prejudice the implementation of this scheme.
86. The supporting text to Policy T1a states that the new road package offers the possibility of traffic relief and environmental improvement for Westbury and improved access to the West Wilts Trading Estate, via the Glenmore Link and a general opportunity for economic growth. The text goes on to say that the preferred eastern bypass route option will be safeguarded pending the results of the multi-modal study and determination of the funding application, with the route to be safeguarded if the funding application is successful. It is also stated that the route and other alternatives will be subject to full examination through the development control and inquiry processes.
87. The caveat contained within the supporting text to Policy T1a stating that the safeguarding is dependent on the results of the multi-modal study and funding application has been highlighted by those organisations objecting to this planning application. It is argued that because the funding application referred to in the supporting text was unsuccessful, the eastern route is no longer safeguarded and so the route is not in accordance with the Development Plan.
88. Officers have sought legal advice on this matter and are advised by Counsel that it would be wrong to take a highly technical approach to the concept of the supporting text that the route will be safeguarded "pending the results of the multi-modal study and the determination of the funding application." Counsel takes the view that the policy safeguards in the Local Plan a proposal that was being taken through the stages of appraisal of its funding and to continue that safeguarding if the funding is secured. Because the decision on funding application was remitted to the Regional Assembly and it may be funded, the project still has the protection of the policy. The DfT has subsequently confirmed that following consideration of the 10 year Regional

Funding Allocation programme submitted by the South West Regional Assembly, it anticipates funding the A350 Westbury Bypass in the next three years.

89. However, Counsel also advises that Direction 5 of the Town and Country Planning (Development Plans) (Departures) Directions 1999 requires that:

“a local planning authority shall consult the Secretary of State before granting planning permission on any application made by a local highway authority for development which consists of... the construction of a road, the route of which is not proposed in the relevant local plan...”.

90. Counsel advises that in the particular circumstances of this proposed development, the existence of the ‘safeguarded’ route in the District Plan does not mean that the route is ‘proposed’ in the Plan.

91. Counsel advises that it is a matter of construction of the local plan policy and supporting text as to whether the policy supports the given alignment or merely safeguards it pending a future decision. In this case, given the history, Counsel considers it does the latter, being particularly influenced by the words in the supporting text:

“The route and other alternatives will be subject to full examination through the development control and local plan processes.”

This text was adopted after the District Plan Inspector’s recommendation that no route be safeguarded. Counsel advises that the reference to full examination of alternatives through the development control process makes it clear that the final decision on alignment is not taken by the District Plan. For this reason, the application has been advertised as a departure from the Development Plan and there is therefore an obligation to consult the Secretary of State if the Committee is minded to grant planning permission.

Alternatives/Proposed route

92. The 1999 EIA Regulations require an outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for their chosen option, taking into account the environmental effects.
93. Many of the objections raised focus on the criticism that there has been an inadequate consideration of alternative options to the currently submitted bypass scheme. In addition, many objectors have expressed the opinion that a bypass route to the west of Westbury would be more effective and many have queried why the proposals exclude improvements at Yarnbrook.
94. However, the EIA Regulations do not expressly require a developer to study alternatives, only that if they do so they must report them. Good practice recognises that consideration of alternatives facilitates the decision-making process.
95. The ES sets out in detail the history of route option development and alternative options, the recommendation of a 2001 route study report and the development of the chosen, preferred route considered since the identification of the need for the scheme. It is evident that a number of alternative routes for the Westbury Bypass have been examined extensively over a long time period and it is demonstrated that the chosen route option

meets the objectives for the bypass scheme (see paragraph 10 above).

96. The ES also includes a 2007 review of options, included in response to the request Officers made in respect of the 2005 planning application for further information concerning the environmental effects of the alternatives studied and the preferred option. The route options studied are an eastern bypass (the preferred route) and a far western route (see plan attached at **Appendix 4**). The ES records that the traffic modelling work undertaken demonstrates that the eastern route would be far more effective in removing traffic from the existing A350 through Westbury for all-vehicle types. Cost estimates for both the eastern route and the far western route have been produced and, together with an assessment of the traffic figures expected, have been incorporated into a Cost Benefit Analysis (COBA). The results of the analysis show that the eastern route would provide the best economic return. Both the eastern and far western routes would have environmental effects of a similar level of significance and, excluding specific measures for the protection of the groundwater Source Protection Zone at Wellhead, similar levels of mitigation would be required. Given the longer length of the far western route, there would be the potential for a greater number of crossings for protected species to be required.
97. In relation to Yarnbrook, the 2001 Route Study Report recommended an eastern bypass be developed as the preferred route in association with a suitable improvement at Yarnbrook. This option does not form part of the planning application, with the ES recording that improvements to Yarnbrook and West Ashton were removed from the proposals on advice from Government. However, improvements to Yarnbrook/West Ashton are identified in Policy T12 of the Structure Plan for improvements to A350 national primary route pending further study work.

Scheme Benefits

98. The A350 is the main north-south route on the western side of Wiltshire. North of Warminster, the A350 provides the connection from the West Wiltshire towns to the A36 Trunk Road and M4, and is the County Council's preferred route for diverting traffic from routes through Devizes and Marlborough.
99. A section of this route passes through the Westbury town centre, passing through the conservation area, part of the shopping area and running close to many public amenities and schools. Generally, it has a sub-standard alignment for the volume of traffic and the number of heavy goods vehicles using it, the resultant impacts causing a detrimental effect on the environment for residents and visitors. Traffic flows on Haynes Road are currently in the region of 15,700 vehicles per day (7 Day Average). There are significant lengths with properties fronting directly on to the road particularly in the conservation area. The route takes sharp turns at a number of places including at two mini-roundabouts. The volume of traffic also creates problems for pedestrians and cyclists, with the A350 route causing severance within the town.

Air Quality

100. Levels of traffic noise and air pollution along Warminster Road have caused sufficient concern for an Air Quality Management Area (AQMA) to be declared. The ES concludes that the majority of assessed residential

locations would experience an improvement in air quality as a result of the bypass. All receptors within the AQMA are concluded to experience very substantial beneficial reduction in air pollutants.

Westbury and Westbury Town Centre

101. A section of the A350 runs through Westbury town centre. Removal of traffic from Westbury due to the construction of the bypass will present the opportunity to substantially improve the accessibility for non-car users and to promote walking and cycling. Measures for improving the town centre are currently being developed by the County Council but are not included in this Planning Application.
102. The measures promoted for improving the town centre will not only achieve the objectives of promoting walking and cycling but will also change the way in which vehicles move in and around Westbury. The potential improvements will deliver the overall objectives of creating a healthy and vibrant commercial centre easy to access, pleasant to visit and the hub of community life as promoted in the Local Transport Plan. The majority of the measures will be reliant on the reduction of traffic in the town as a whole.

West Wilts Trading Estate

103. The West Wilts Trading Estate is a major employment area close to the north-west of the town. The Trading Estate has poor access, especially for heavy goods vehicles, with access from the south passing through Westbury. Other routes into the estate are narrow roads with poor alignments and restricted visibility. The bypass would provide improved access to this important employment and business area.

Traffic Flows

104. Existing traffic flows on the A350 are currently in the region of 15,700 vehicles per day (7 Day Average) on Haynes Road. The weekend flows are an average of around 16,770 veh/24 hours. Peak hour flows are about 1,250 veh/hour in the am peak, and 1,300 veh/hour in the pm peak. The provision of the A350 Westbury Bypass would provide very substantial traffic relief for Westbury town centre, and will improve reliability of the A350 route serving an inter regional and local connectivity to the West Wiltshire towns.

Accidents

105. The existing A350 passes through the centre of Westbury with residential properties and businesses fronting directly onto the road. The road alignment is sub-standard for the volume and type of traffic using it, with sharp bends, mini-roundabouts and narrow footways. Inadequate crossing provision for pedestrians and a lack of facilities for cyclists contribute to a worsening situation for these vulnerable road users. Accidents have occurred along the route through the town, often associated with turning movements at the many side roads and accesses.
106. The removal of through traffic, particularly heavy goods vehicles, would enable traffic calming and safety measures to be introduced through the town. Removal of through traffic will directly reduce the risk of accidents.

Comment

107. Officers consider that the principle of the provision of a Westbury Bypass is established by the Wiltshire Structure Plan and that an eastern route is given strong support by the West Wiltshire District Plan and Local Transport Plan.
108. The provision of a bypass would provide substantial traffic relief for Westbury town centre, and will improve reliability of the A350 route serving an intra-regional and local connectivity to West Wiltshire towns.
109. The determination of this application for planning permission should therefore be based on the acceptability of this specific scheme in terms of other material considerations, which include other Development Plan policies.

B. ENVIRONMENTAL IMPACTS

110. The following section considers the key environment and amenity issues raised and which are determinant to the consideration of the planning application.

Landscape

111. Landscape, in broad terms, is about the relationship between people and places. The ES assesses the landscape around Westbury to have a recognisable structure that is generally well maintained farmland with some worthy features, including the Westbury White Horse Hill Figure, and some detracting features such as Westbury's cement works.
112. No nationally designated landscapes are affected by the proposed route. However, a Special Landscape Area (SLA), as identified by the County Council and West Wiltshire District Council, lies immediately to the east of Westbury. The prime reason for the identification of the SLA is conservation of the natural beauty of the landscape. The SLA acts as a setting for a number of culturally significant landscape features, namely the Westbury White Horse Hill Figure and the remains of Bratton Camp Fort.
113. From the A350 immediately south of Madbrook Farm to south of Bratton Road, the proposed road would pass through landscape identified as part of this wider SLA, which extends over Salisbury Plain, its escarpment and lower slopes.
114. This is an attractive area and strong objections have been raised to the damaging effect the proposed bypass would have on the tranquillity of this area, referred to as the Wellhead Valley.
115. The Structure Plan highlights that parts of the County are of high landscape quality, and whilst not sufficient for designation as an Area of Outstanding Natural Beauty, these areas are of attractive and vulnerable landscape. The impact of development on these areas should therefore be considered very carefully.
116. Policy C9 of the Structure Plan states that within SLAs proposals for development should have regard to the need to protect landscape character

and scenic quality. Moreover, Policy C3 of the West Wiltshire District Plan states that the landscape character of SLAs will be conserved and enhanced and development will not be permitted which is considered to be detrimental to the high quality of these landscapes.

117. The ES includes a comprehensive analysis of the landscape character and visual impact effects of the development, setting out:

- 1 The methodology adopted
- 2 A baseline assessment of the affected landscapes and affected viewers
- 3 An assessment of predicted impacts
- 4 A mitigation strategy
- 5 An analysis of the residual impacts and
- 6 A set of conclusions.

The methodology followed is within the scope of current guidelines and the analysis of the six local landscape character areas within the study area for the proposed route and their capacity to absorb a development of this nature is accepted as accurate.

118. In relation to that section of road that would pass through the SLA (i.e. the A350 Madbrook to Bratton Road section), it is predicted that, without mitigation, the impact of the scheme on the landscape would be 'large adverse' and the impact on views would be 'moderate adverse'.

119. The mitigation strategy incorporates landscape proposals and mitigation measures that have been applied to integrate the new road with the landscape. 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. Remediation mitigation has included planting at structures to integrate them with the surrounding landscape. The ecological mitigation proposed has been linked with the landscape proposals to form a cohesive approach, particularly with the treatment of planting at the structures. This includes extending hedgerows across bridges and planting large trees at strategic locations in an effort to integrate the structures with the landscape, with the planting appropriate to the character of the area and reflecting the local species. Nevertheless, it is acknowledged in the ES that in the open areas, such as the fields below White Scar Hanging and Beggar's Knoll, the development would be conspicuous and disrupt the landscape pattern.

120. Despite the substantial effort demonstrated in the mitigation strategy to minimise landscape effects, the residual impact is assessed to be 'moderate adverse'. In terms of visual effects, whilst the proposed tree and shrub planting would successfully screen local views in those areas near Madbrook Farm and along the base of the dry valley, the elevated views of the road from Salisbury Plain Scarp would limit the effectiveness of such planting south of Bratton Road. The residual impact on views is judged to remain as 'moderate adverse'.

121. It is noteworthy that the contribution that the proposed vegetation would make to the integration of the scheme within the landscape would not become apparent until about 15 years after construction, after which time the full screening benefit of the planting would be achieved and the road screened from view from many viewpoint locations.

122. The proposed bypass would therefore remain highly intrusive in the SLA. Such impact would clearly be contrary to Development Plan policies which seek to protect the SLA, particularly Policy C3 of the District Plan which states that development detrimental to the high quality of these landscapes will not be permitted.
123. However, the supporting text to Policy C9 of the Structure Plan does acknowledge that road schemes, other infrastructure development and mineral extraction may need to be accommodated in SLAs. Moreover, Natural England does not consider the assessed impacts to be of regional or national importance and so has not objected to the proposed scheme on landscape grounds.
124. With regard to the landscape character and visual impact effects of the proposed development on the remainder of the areas through which the bypass passes, the ES assesses the residual impacts (i.e. those remaining after mitigation) to be 'slight adverse'. The Landscape Officer advises that where the proposed road passes through these areas there will be minor changes to the landscape characteristics, but these have on the whole been addressed through the proposed landscape mitigation and also because these areas have a higher capacity to absorb development and the changes.
125. However, the County Landscape Officer has identified certain properties on Coach Road, Bratton Road, Newtown, Wellhead Drove and Warminster Road that can expect a 'moderate adverse' impact, even 15 years beyond the completion of the development (i.e. when mitigation measures are deemed to become fully effective).
126. Officers consider that the proposed bypass would inevitably be damaging to the landscape, particularly over the short to medium term, to the extent that a careful judgement has to be reached as to whether the need for the proposed road overrides the identified landscape protection policies.

Historic Environment

127. The ES reports an assessment of the impacts of the proposed bypass on the historic environment in terms of archaeology, built heritage and the historic landscape. This has been carried out using data obtained from existing desk-based sources and through a programme of field evaluation surveys. Of particular significance are the archaeological remains present on the line of the proposed bypass.
128. English Heritage and Wiltshire County Council Archaeology Service were consulted during the assessment process. This included discussions on appropriate evaluation strategies and their implementation, monitoring visits during the trial trenching and auger survey fieldwork, advice on significant archaeological deposits warranting preservation in situ, and discussions on appropriate mitigation strategies.

Archaeology

129. Archaeological remains present on the line of the proposed bypass include prehistoric land surfaces recorded in a dry valley to the east of Wellhead Springs. An Early Iron Age midden (an archaeological feature consisting of a refuse heap) and other prehistoric remains lie adjacent to Bratton Road.

Bronze Age and Iron Age sites survive east of Hawkeridge Road, where later features of Romano-British date are also present. Other Romano-British remains lie east of Warminster Road. Remnants of prehistoric, Romano-British, medieval and post-medieval field systems also survive.

130. In the wider area are two cross ridge dykes and a round barrow on Upton Cow Down, several other prehistoric barrows, the Iron Age hillfort of Bratton Camp, Westbury White Horse and several medieval moated sites, which are all designated as scheduled monuments.
131. Concern has been expressed that the proposed bypass would be visible from the Westbury White Horse and Bratton Camp, with direct impacts on the settings of these monuments and on their enjoyment.
132. The ES acknowledges that the bypass would be visible from these locations, but assesses that they are sufficiently distant to avoid any significant noise or visual intrusion. English Heritage concurs with this assessment, advising that it does not consider the proposed bypass would have a detrimental impact upon the setting of these scheduled monuments.
133. Objections have also been raised to the impacts on important archaeological sites along the route of the proposed bypass. The Wiltshire Archaeological and Natural History Society (WANHS) is particularly concerned about impacts on the possibly internationally important Iron Age midden near Bratton Road, which it considers is clearly part of a much larger archaeological complex including associated settlement remains. WANHS considers the proposed mitigation strategy would neither preserve all of those remains nor permit their excavation in such a manner to obtain satisfactory information, with the location of the road here compromising the potential for future research excavation as well as the integrity of the whole site.
134. English Heritage and the Wiltshire County Council Archaeological Service have previously expressed a view that the Early Iron Age midden deposit to the south of the Bratton Road is of at least national significance and therefore warrants preservation in situ. This has been achieved by realigning an earlier route alignment such that the proposed route specifically avoids the deposit. Landscaping proposals have also had regard to the deposit and planting has been avoided in the area to prevent damage to it.
135. The cutting for the Bratton Road bridge, alignment, bridleway, underpass and benching for the embankment to the north would destroy individual features and deposits of at least regional importance, thereby damaging part of the Early Iron Age site, other prehistoric remains and former land surfaces. The effect on these features is assessed as 'moderate adverse'.
136. Neither English Heritage nor County Archaeological Service has placed a priority on the retention of the archaeological remains extending beyond the limits of the midden deposit. Mitigation would consist of the detailed excavation of Iron Age features, other prehistoric remains, former land surfaces and historic landscape boundaries, and elsewhere a targeted watching brief. This level of mitigation is considered adequate.
137. The County Archaeological Service was initially concerned that the widening of road embankments and the addition of soil dispersal areas would impact upon any buried archaeology at each of the proposed locations and that the

proposed methodology of using heavy earth-moving equipment to move topsoil together with a watching-brief was not sufficient to record the archaeology in these areas. This methodology has been reviewed and a revised mitigation strategy agreed which incorporates the use of different machinery and recording techniques for each area has been agreed with the County Archaeologist. These measures can be secured by planning condition.

138. Officers consider that, in relation to archaeology, the mitigation measures as proposed in the ES are acceptable and can be facilitated as a condition of any planning permission granted. It is considered that the proposals do not conflict with Policy HE2 of the Structure Plan and Policies C13 and C16 of the District Plan.

Hydrology, Drainage and Water Quality

139. The ES sets out the existing conditions in respect of ground and surface water, briefly summarises the drainage components of the proposed scheme, including the proposed mitigation measures which form an integral part of the scheme proposals and assesses the likely effects expected to arise from the scheme. A Flood Risk Assessment has also been completed.
140. The Westbury area is characterised by the River Biss system, whose main components are the Bitham Brook and the Biss Brook. The bypass would cross the 1 in 100 year floodplain of the Bitham Brook for approximately 450 metres. These watercourses, together with the local ground waters, are of a good quality and are very sensitive to pollution. Of particular significance at the southern end of the scheme is the groundwater Source Protection Zone (SPZ) around the public water supply at Wellhead Springs.

Public Water Supply

141. The proposed route would overlie an important groundwater resource of high sensitivity to pollution. The proposed route passes through Zone I of a groundwater source protection zone (SPZ) as defined by the Environment Agency for the protection of groundwater resources, and within 100 metres of a public water supply. The supply is referred to as the Wellhead Source.
142. Three groundwater Source Protection Zones are recognised:
- 1 Zone I (Inner Source Protection)
 - 2 Zone II (Outer Source Protection) and
 - 3 Zone III (Source Catchment)

The orientation, shape and size of the zones are determined by the hydrological characteristics of the strata and the direction of groundwater flow. The sources for which it is appropriate to define zones are those which are used for public supply, other private potable supply (including mineral and bottled water) or in commercial food and drink production. Zone I is designed to protect against the effects of human activity which might have an immediate effect upon the source. A high level of pollution control is therefore required to prevent deterioration of ground water quality due to

run-off from the new highway.

143. The Environment Agency publication 'Policy and Practice for the Protection of Groundwater' states that '*the Agency will seek to ensure that the line of new communication routes avoids Zone 1 areas.*' The document goes on to state that '*early discussion over new routes is encouraged*'. In its consultation response the Environment Agency advises that it has been engaged in extensive ongoing discussions with the applicant and its agents in relation to the proposed bypass scheme, and as a result many of the issues of concern to the Agency have been addressed.
144. The proposed bypass route centre-line passes within 60 metres of the public water abstraction borehole at Wellhead. In order to help protect the borehole supply, the bypass route has been aligned so that the highway is as far away from the borehole as practicable while providing an acceptable alignment relative to the local topography.
145. Several measures would be incorporated into the scheme to ensure that highway run-off and pollutants from potential spillage incidents are isolated from the groundwater throughout the SPZ. Highway run-off would be channelled along the kerb-line to gullies which will in turn discharge to a sealed carrier drain system that will pass through the SPZ beneath the highway verges. Any errant vehicles will be confined to the immediate highway corridor by reinforced earth banks at the back of both verges. To ensure that no highway run-off or pollutants from potential spillage incidents can permeate down through the fill material to the groundwater an impermeable membrane will be installed beneath the full width of the carriageway and verges, into the reinforced earth banks, at a level below the carrier drains. The impermeable membrane would be laid on a bed of sand to prevent damage during installation. Another layer of sand will be laid above the membrane to protect it during placement of successive layers of fill material. Contamination of the sand by fines from adjacent layers would be prevented by separation geotextile.
146. Because the proposed bypass would be isolated from the ground by an impermeable membrane and no highway run-off will be permitted to discharge into the ground or to the Wellhead Springs, the ES assesses that the proposed bypass would have no significant adverse impact on the groundwater within the SPZ at the Wellhead Source. This assessment has not been disputed by the Environment Agency, and the Agency raises no objection to the proposed route.
147. However, concerns have been raised about the use of an impermeable membrane beneath the highway carriageway in the long term and whether the reinforced earth banks are of sufficient height and length to contain errant vehicles, particularly bulk tanker lorry, in the event of a road traffic accident and prevent polluting liquids being discharged into the Wellhead Source. There are also concerns relating to how the SPZ will be protected during construction of the bypass.
148. The impermeable membrane would be made of a high-density polyethylene (HDPE) liner that would be installed in the drainage system. This material is widely used to prevent leachates entering groundwater from waste landfill sites. The longevity of this material when buried in the ground is indefinite.

However, information from the suppliers confirms that the lining system would be covered by a 20-year warranty and should be considered as having a working life in excess of 100 years.

149. The applicant advises that the height and length of the reinforced earth banks are sufficient to satisfy the relevant highway design code for safety barrier containment, which is the preliminary function of the earth wall and is comparable to that found on high speed roads. The road is straight as it passes through the SPZ, any HGVs striking the wall would most likely do so at an oblique angle so that they would be deflected towards the road rather than overturning or leaving the road. In the event of a tanker lorry discharging fuel from its tank any polluting liquids would be projected into the reinforced earth walls under which the impermeable membrane would extend. The liquid would then be transferred into the enclosed drainage system and discharged into an attenuation pond outside of the SPZ.
150. Construction methodologies for the works specific to the catchment of the Wellhead water supply have been outlined in the ES, with the inclusion of a draft Specialist Environmental Management Plan (SEMP) for Wellhead Springs. This is additional to the general Construction Environmental Management Plan (CEMP) that would be adopted for the whole bypass scheme and which would incorporate the measures set out to limit the impacts of construction. The draft SEMP for Wellhead includes various control measures to be adopted at times of specific construction activities and general mitigation procedures that would be put in place. For example, all plant to be used within the SPZ would be thoroughly inspected for leaks and be regularly maintained and refuelling of plant would take place outside the SPZ. Specialist training would also be given to staff working in this area. The submission of a fully detailed SEMP (and CEMP) for the approval of the County Planning Authority prior to the commencement of construction can be secured as a condition of any planning permission granted.
151. Officers consider that the potential impacts to the public water supply can be satisfactorily mitigated through appropriate design and pollution prevention measures. Groundwater monitoring is also proposed to ensure that the conceptual understanding of the risks is correct and, if necessary, develop contingency plans. Implementation of all these measures can be secured by planning condition. Therefore, it is considered the proposals are in compliance with the relevant Development Plan policies.

Ecology and Nature Conservation

152. A comprehensive assessment of the ecological interest of the route is reported in the ES. It summarises the various surveys and studies that have been undertaken to inform the EIA process between 2002 and 2007. The results of those studies are used to describe the baseline situation in terms of ecological assets. Having identified the importance of the ecological assets within, and adjacent to, the route corridor the ES then describes those elements of the environmental design and the construction methods introduced to minimise potential adverse impacts of the scheme. Finally the scheme is assessed in terms of impact on designated sites, habitats and protected species including the overall cumulative impact and an assessment assigned to each valued ecological receptor.

Habitats

153. There are no implications for any statutory designated sites (i.e. SSSI, SAC or SPA) or non-statutory designated sites (County Wildlife Sites). However, the proposed scheme would directly affect a number of other habitats such as woodland, grassland, aquatic habitat and hedgerows, either by direct land loss or by a combination of land loss, severance and fragmentation.

Species

154. The proposed development would also affect a wide range of statutory protected, rare and locally notable species. These include a number of European protected species, particularly bats, dormice, great crested newt and, possibly, otters. Others are given special protection through national legislation, particularly water voles, badgers and barn owls. Of particular significance are the impacts on bats and dormice.

Bats

155. All UK bat species have declined dramatically in recent years and as a consequence, all sixteen species of bat resident and breeding in the UK receive full legal protection. Four of the sixteen species (Greater Horseshoe, Lesser Horseshoe, Barbastelle and Bechstein's) are given further protection through the designation of Special Areas of Conservation (SACs) due to their inclusion on Annex II of the Habitats Directive (i.e. those habitats and species considered to be most in need of conservation at a European level). These species are referred to as 'Annex II species'. All four of these species in addition to the 'Pipistrelle' (incorporating both the Common Pipistrelle and Soprano Pipistrelle) are listed as Priority Species in the UK Biodiversity Action Plan (BAP). The Wiltshire BAP also includes a grouped Action Plan for all bat species.
156. At least twelve of the sixteen species of bat found in the UK, including all four 'Annex II species', have been recorded along the proposed route alignment during surveys. A number of roost sites were recorded in proximity to the proposed scheme during radio-tracking surveys and a number of significant bat flight routes were identified, particularly at the southern end of the scheme:
- (i) Surveys have revealed Greater Horseshoe, Barbastelle and Bechstein's bats, all of which are endangered or rare, in the general vicinity of Madbrook Roundabout. A Whiskered bat (uncommon) has also been recorded using a hedgerow as a commuting corridor, a section of which will be lost to the proposed roundabout.
 - (ii) At least eleven bat species, including all four endangered or rare species: Lesser Horseshoe, Greater Horseshoe, Bechstein's and Barbastelle bat have been found to be using the double hedge lined track that forms bridleway West36 over which the Chalford Accommodation Bridge would be built. Radio-tracking surveys have also showed this bridleway being used by commuting Whiskered bats.
 - (iii) It has also been shown that Greater Horseshoe bats recorded commuting south along the track scheduled for the Chalford Accommodation Bridge are related to the Bath and Bradford on Avon Bats SAC.

- (iv) The Wellhead Underpass would be built under the proposed bypass on the line of a double hedge lined track that forms bridleway West37. In common with the route of bridleway West36, surveys have identified a total of at least eleven bat species including all four endangered or rare species using this route, with a high number of passes. Whiskered and Daubenton's bats have also been shown to use the track.
 - (v) At least six species of bat, including Common Pipistrelle, long-eared and Lesser Horseshoe have been identified using the hedgerow due south of Bere's Mere Farm. A Barbastelle has also been recorded on a track at the northern point of the hedgerow.
 - (vi) In the Bratton Road and bridleway West51 area, numbers of Serotine, Noctule, Common Pipistrelle and *Myotis* bats have been recorded. Surveys also indicate bridleway West51 is a key commuting route for Greater Horseshoe bats roosting within a building at the cemetery on Bratton Road.
 - (vii) A variety of bat species have been recorded using the hedgerows that border the three branches of the Bitham Brook. Of particular note were possible recordings of Bechstein's and Barbastelle.
 - (viii) At Shallow Wagon Lane, surveys have recorded Noctule, Common Pipistrelle, Lesser Horseshoe, Soprano Pipistrelle and Whiskered/Brandt's bats.
157. The presence of such a wide variety of bat species, including all four Annex II species, means that the biodiversity value of the bat assemblage on the proposed scheme is judged to be very high. Under the relevant criteria for assigning nature conservation values to features, a value of 'very high' indicates the features to be of 'high importance and rarity, international scale and limited potential for substitution'. The example given for such features is: 'internationally designed sites' (e.g. SAC and SPA).
158. The proposed route would sever the flight lines used by these nationally and internationally important species of bat. This would result in the isolation of important feeding areas and some day and night roost sites. Construction and use of the proposed bypass may also disturb bats using known roost sites close to the preferred alignment.
159. The Bat Mitigation Guidelines published by English Nature in 2004 advise that as well as suitable sites for roosting, bats also need suitable food resources. All species eat insects, or similar small invertebrates, though they hunt them in a variety of ways and a variety of places. Understandably, the highest densities of bats occur where insects are most plentiful and surveys of hunting bats have shown that areas of wetland and woodland edges are particularly good for bats. Bats need to be able to move freely around the countryside between roosts and feeding areas. Research has shown that many species, particularly the smaller ones, follow linear features, such as hedges, tree-lines or waterways, and are reluctant to cross wide open

spaces. This behaviour means that activities which sever these types of connections are likely to have consequences for bats.

160. In considering the 2005 planning application for the proposed bypass it was determined that there was insufficient information to assess whether some of the proposed mitigation measures would be effective in reducing the impact of the road scheme to an acceptable level and that in certain cases the measures appeared inadequate.
161. Given the importance of the bat assemblage, the County Planning Authority and the Applicant jointly appointed ecological consultants, namely Nicholas Pearson Associates (NPA), to review and consider the appropriateness of the proposed mitigation design for the bypass scheme and to advise where further mitigation may be required.
162. NPA advised that subject to further survey, the impacts of the scheme could be reduced from “extreme adverse” effect to a “moderate” effect on bats. This meaning that the effects, while important at a local scale, are not likely to be key decision-making issues, though nevertheless the cumulative effect of such issues may lead to an increase in the overall effects on a particular area or on a particular resource.
163. Monthly meetings were subsequently held at County Hall offices attended by members of the Council’s Highways Department (the Applicant), the planning case officer, staff from NPA together with Mr. Geoff Billington of Greena Ecological Consultancy, the County Ecologist, and a representative from English Nature (now Natural England). The purpose of these meetings was to provide a forum for NPA and Mr. Billington to provide updates on the baseline survey work being carried out, to agree further survey work (as required), and to consult and agree on appropriate mitigation and monitoring requirements of the scheme.
164. NPA submitted its final report in January 2007, which specified the mitigation measures considered necessary to be incorporated into the bypass scheme to reduce the impact on bats. This includes the modification of existing structures to accommodate bat flight lines and the introduction of a number of bat gantries and screens.
165. The incorporation of the additional mitigation into the bypass scheme resulted in changes sufficient to require the submission of a new planning application in 2007, that application being the subject of this report. A description of the environmental design measures that have been developed and incorporated into the highway design to minimise the impact on bats is attached at **Appendix 5**.
166. The ES assesses the significance of the residual impact on the bat assemblage as being ‘slight adverse’, i.e. that the magnitude of the impact on the very high value bat assemblage would be minor negative once all of the environmental design measures have been taken into consideration.
167. In its response to consultation on the planning application, Natural England states that it welcomes the thorough treatment bats have been given in the application, in terms of both baseline survey and proposed mitigation. Natural England considers that the proposed mitigation measures to be very comprehensive and is satisfied that such measures would be sufficient to compensate for potential negative impacts on the bat population.

168. The County Ecologist considers the considerable amount of survey work completed to support the planning application sufficient to inform the proposals, both in respect of possible adverse impacts on bat populations and mitigation to reduce or prevent those impacts. The County Ecologist notes that mitigation is complicated and detailed, as it provides for up to 13 species of bat with a range of different ecological requirements, and aims to remove, or at least significantly reduce the adverse impacts on ecology both at specific locations and cumulatively across the whole area of development. However, the County Ecologist does point out that some of the mitigation is relatively innovative and recommends that monitoring immediately before, during and after construction will be crucial, to determine the success of the mitigation.
169. Natural England has also advised that planning conditions should be imposed to secure a monitoring programme to ensure that: the impact of construction and effectiveness of mitigation are identified and the procedures are in place should individuals or populations of bats be encountered during construction and to provide for reasonable adjustments to the bat mitigation if monitoring shows that it is not achieving the intended results.
170. The Wiltshire Wildlife Trust supports the efforts made to ameliorate the adverse impacts on bats through the substantial mitigation measures, but is concerned whether the proposed suite of measures will work.
171. Consultants employed by organisations objecting to the proposed bypass route have also raised the question as to whether the mitigation that is proposed would be both adequate and effective. This is because the consultants, who have carried out a series of bat surveys in and around Beggar's Knoll Wood, consider the various bat populations within the Wellhead Valley woodlands are likely to be interlinked and that, due to the survey methodology employed by NPA, the importance of Newtown Road/Wellhead Drove for commuting bats has been under-estimated and mitigation omitted. The consultants are of the opinion that despite the range of bat surveys undertaken, because of the size, complexity and range of species present, the full impact of the scheme is not adequately understood.
172. The County Ecologist advises that tried and tested methods of mitigation are not always appropriate to a particular location, feature or wildlife assemblage. There is relatively little documented information on the success or otherwise of mitigation in relation to roads and some of the proposed mitigation for this road scheme is innovative simply because the design is site specific. NPA also advise in its report that few scientific studies have been undertaken of green bridges and their bat-related success rate within the UK. Much of the mitigation proposed for the Westbury bypass is based on comparative analysis of data from research studies in Germany and the Netherlands on the success rate of bridges and tunnels for bat crossings and from case studies of schemes carried out in Wales. In order to increase the likelihood of use in this case, where possible, the known working examples have been combined.
173. The County Ecologist does not consider this to be a reason to doubt the potential success of the proposed mitigation, especially given that the design has resulted from extremely thorough survey of the route corridor, sound knowledge of ecological requirements of bats and many years experience in

this field of work by the designers.

174. Monitoring would be undertaken both during and post construction. Monitoring during construction would involve surveyors assessing the success rate of temporary fencing set up to maintain flight routes, and applying other methods if found to be unsuccessful. A five-year monitoring plan would be implemented upon completion of construction of the bypass, which would include measuring the success rate of mitigation throughout the scheme. An annual report assessing the data collected and the success rate of the mitigation would be provided to the County Planning Authority
175. The need to design innovative mitigation at this site and the subsequent monitoring of its success will also help to provide useful data that can be applied to the design of future projects and also improve the quality of future ESs. A detailed scheme for such monitoring can be secured by imposition of a suitable condition on any planning permission.
176. Officers consider that without measures to reduce impacts of the proposed road bypass scheme on this important assemblage of bats, the impact would be such that a refusal of planning permission would be necessary. However, very substantial measures have been incorporated into the scheme which ecological consultants, experts on bats and statutory consultees consider will be effective and secure the protection of the affected bats. It is not therefore considered that the proposed scheme conflicts with Policy C7 of the District Plan.

Dormice

177. Dormice are protected under the Wildlife and Countryside Act 1981 (as amended) and the EC Habitats Directive (European Protected Species). It is also a Priority Species in the UK Biodiversity Action Plan and a Key Species in the Wiltshire Biodiversity Action Plan.
178. Anecdotal information from the County Ecologist during preparation of the 2005 planning application indicated that dormice may be present in the general area of Wellhead Springs and White Scar Hanging. In 2004, the Applicant's agents undertook a dormouse survey to establish whether or not dormice were present and, if present, to estimate the population size. No evidence of dormouse activity was found.
179. However, a targeted survey of two hedgerows for dormice in the vicinity of Bere's Mere Farm undertaken by The Badger Consultancy in 2004 revealed a dormouse nest near to the eastern end of White Scar Hanging.
180. Further surveys were undertaken by the Applicant's agents during 2005, extending the 2004 survey to include the eastern end of White Scar Hanging and the hedgerows at Bere's Mere Farm. Again, the survey work did not identify any evidence of dormice.
181. However, following the completion of these surveys The Badger Consultancy recorded and reported a dormouse nest from the same hedgerow as that purported in 2004. This hedgerow had been included in the surveys undertaken by the Applicant's agents and where no evidence of dormice was found.
182. It is noteworthy that neither of the two commissioned dormouse surveys, nor

that submitted by The Badger Consultancy included honeysuckle on the species list for either Wellhead Springs woodland or White Scar Hanging woodland although this was one of the materials in the nest record.

183. Despite the divergence in survey results, Natural England advises that the assumption has to be made that dormice are present on the route of the bypass. The County Ecologist concurs with this view, advising that the precautionary principle must be applied.
184. The Badger Consultancy suggests the likelihood is that dormice are present throughout White Scar Hanging wood, and therefore likely to be present in any one of the connected hedgerows. They contend that a hedgerow which has been shown to contain dormice would be truncated by the proposed bypass, and remove sections of two further hedges linked to White Scar Hanging, in which dormice are likely to be present. This, they consider, would have both a direct impact on dormice through destruction of habitat and an indirect impact through interruption of dispersal routes/fragmentation of the wider habitat. The Badger Consultancy also contends that minimal mitigation has been proposed for dormice, and given that they are classed as vulnerable and locally endangered, such loss of habitat and isolation of a population in the absence of a comprehensive package of mitigation measures is likely to have a severely adverse impact.
185. In light of The Badger Consultancy comments, the CPRE and A36/A350 Corridor Alliance (ACA) suggest that the County Planning Authority is obliged under the EIA Regulations to request further information, in the form of an additional season of survey work, to confirm the presence of dormice, the extent and distribution of populations and their conservation status in habitats that would be severed by the proposed bypass. This they consider is necessary to carry out an informed impact assessment and develop adequate mitigation measures. However, both Natural England and the County Ecologist are of the opinion that the survey effort in respect of dormice presence in habitats affected by the proposed bypass is sufficient to inform a decision. Officers do not consider that there is any requirement for further survey.
186. In relation to the potential impacts on dormice indicated by The Badger Consultancy, the County Ecologist advises that currently the two areas of woodland at Wellhead Springs and White Scar Hanging are not physically connected, since they are separated by a gateway into an arable field. The gateway has to accommodate farm machinery and so is necessarily wide and kept clear. Even when trees and shrubs each side are in full leaf there is no aerial connectivity that would allow dormice to cross from one area to the other. Mammal Society publications suggest that dormice very rarely descend to ground level except for hibernation and are unlikely to cross open gaps on the ground. The County Ecologist considers it doubtful that the area of woodland at Wellhead Springs alone is large enough to support a genetically viable population of dormice.
187. The County Ecologist further advises that the field gateway is in the approximate position of the proposed route and, in the general area between Wellhead Springs, White Scar Hanging and Beggar's Knoll, there are no less than five crossing points designed for wildlife to avoid local habitats and their dependent wildlife populations becoming fragmented. This, in the opinion of the County Ecologist, would extend, rather than fragment, the potential habitat for dormice as these areas would be linked by the wildlife mitigation

for the development.

188. At present, the surrounding hedgerows are somewhat discontinuous and contain several large gaps and un-gated field entrances. The additional planting proposed as part of the bypass scheme would fill in gaps in hedgerows and further augment the present areas of woodland. The additional planting areas as identified in the mitigation measures for bats could extend the habitat even further.
189. Given the possible presence of dormice, the bypass proposals incorporate means by which dormice can use the wildlife crossing points. Aerial ropeways coiled around bat gantries and on the interior walls of bat/wildlife underpasses would provide crossing routes for dormice.
190. Concern has been raised over the adequacy of these 'ropeways', with Mr. Michael Woods, an ecologist and expert on dormice, commenting that such measures appear to be at odds with the advice contained in the Dormice Conservation Handbook (English Nature, 2006) and DfT guidance on the design of roads and bridges. Mr. Woods contends that rope bridges will not be sufficient to maintain links between the two woodlands and what is required is a full green-bridge, i.e. a structure over the road to link the woodlands and which incorporates scrub planting and linear hedgerow features.
191. This has led the ACA to question whether the proposed route is viable given that provision of such a feature could be difficult given the constraints imposed on construction by the groundwater source protection zone and the structures needed to accommodate bats. However, as stated above, it is not considered that the area of woodland at Wellhead Springs alone is large enough to support a genetically viable population of dormice, and the proposed additional planting would enhance the existing habitat. Officers do not consider that a green-bridge would be justified in this case.
192. Natural England is satisfied that the proposed mitigation would be sufficient to compensate for potential negative impacts on the dormice population and in light of the County Ecologist's advice, officers consider that the potential impacts on dormice can be satisfactorily mitigated. Therefore, it is considered the proposals are in compliance with the relevant Development Plan policies.

Other species/overall effects on biodiversity

193. Natural England is satisfied that there would be no significant impact on other protected species, or on any sites protected for reasons of nature conservation.
194. The County Ecologist is satisfied that the level of survey has been great enough to properly assess the ecological importance of the various habitats through which the proposed route would pass, and to identify those areas that offer potentially important habitats for protected species and any constraints on the development that would result from the presence of any such species. However, there is a concern that not all mitigation and methods of working during the construction period have been fully detailed for all identified wildlife species and that there is no linkages between the measures outlined. It is therefore considered that a full method statement that incorporates all species at each stage of development is required as a

condition of any planning permission granted. Furthermore, it is considered appropriate to extend the five year monitoring plan for bats to cover other species (at the same structures) to establish the success rate for the mitigation and to provide the opportunity to alter any aspect of the mitigation in order to ensure its success.

195. Officers consider that sufficient information has been provided about the application site's biological resource, the development proposed and its potential effects. This information has been subject to scrutiny by relevant consultees and independent ecological consultants. Officers are satisfied that all adverse effects on wildlife species and habitats have been avoided where possible, and where such effects have proved unavoidable they have been or can be minimised by the use of mitigation measures that can be secured by planning condition. Compensatory measures are also included in the scheme design, together with a commitment to monitoring of the effectiveness of the mitigation. Again, such matters can be secured by planning condition.

Habitats Regulations/Appropriate Assessment

196. The ACA contends that the presence of European protected species (i.e. bats and dormice) requires the County Planning Authority to carry out an Appropriate Assessment in accordance with the Habitats Regulations 1994.
197. Officers do not agree that this is the case. 'Appropriate Assessment' is a self-contained step in a wider decision-making process, required by the Habitats Regulations. It is required by law for all European Sites, such as Special Protection Areas or Special Areas of Conservation. Its purpose is to assess the implications of a development proposal in respect of a designated site's conservation objectives and ascertain whether the proposal would adversely affect the integrity of the site. The proposed scheme does not pose any likely significant effects on any European site and so appropriate assessment is not a requirement.
198. However, the County Planning Authority does have a statutory duty under the Habitats Regulations to have regard to the requirements of the Habitats Directive in the exercise of its functions. Planning Circular 06/2005 advises that the Directive's provisions are clearly relevant in reaching planning decisions, and these should be made in a manner which takes them fully into account.
199. The Directive's requirements include a strict system of protection for European protected species, prohibiting deliberate killing, catching or disturbing of species, the taking of eggs etc and damage to or destruction of their breeding sites or resting places. Derogations from this strict protection are allowed only in certain limited circumstances and subject to certain tests being met (see para 200 below). Circular 06/2005 states that planning authorities should give due weight to the presence of a European protected species on a development site to reflect these requirements, in reaching planning decisions, and this may potentially justify a refusal of planning permission.
200. Under the Habitats Directive, developments that would result in a breach of the protection afforded to European protected species of plants and animals require to be covered by a derogation (in the form of a licence). Natural

England has advised that in this case licences will be required in relation to the affected bats. Licences may only be granted where the licensing authority is satisfied that two tests are met. First, a licence must not be issued unless there is no satisfactory alternative. Secondly, it must not be issued unless the action authorised by the licence would not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.

201. Officers have had regard to these tests and consider that in relation to whether there is a satisfactory alternative, the ES comprehensively sets out why alternative routes are not considered suitable and how the proposed route meets the objectives of providing a bypass to the town of Westbury, the requirement for which has been established in the Development Plan. In relation to the second test, Natural England has not advised that the proposed development would be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range or objected to the proposals. Officers consider therefore that both tests could be met.
202. In practice, licence applications are determined by the Department for Environment, Food and Rural Affairs (Defra) following and separately from, the granting of planning permission. In accordance with Regulation 44, Defra will be required to consider whether issuing a licence would be for the purpose of: *“preserving public health or public safety, or for reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”*. Circular 06/2005 advises that “overriding public interest” is the purpose most likely to cover the implementation of planning permissions likely to affect an animal or plant that is a European protected species.

Comment

203. Officers consider that sufficient information to assess the environmental effects of the proposed development has been provided and the mitigation measures proposed to reduce the identified effects are broadly appropriate and adequate. However, it is recognised that it will be difficult to reduce impacts on the SLA.

Conclusion

204. Proposals to construct a bypass for the town of Westbury have been formally considered since 1987. By 2001, a preferred option to construct a bypass to the east of the town had been adopted and has since been acknowledged as a corporate priority of the County Council in the Local Transport Plan. The principle of an A350 Westbury Bypass is established by the Wiltshire Structure Plan 2016 and an eastern route is given strong support by the West Wiltshire District Plan 2004.
205. This application for planning permission has been the result of route option studies and subsequent development of the preferred option including amendments to address a number of issues associated with protected species and groundwater protection. It is considered that the proposed scheme would meet the objectives set by the County Council in 1997 by

providing substantial traffic relief for Westbury town centre and improving the reliability of the A350 route and the transport links into West Wiltshire and between the West Wiltshire towns. There would also be some significant environmental benefits in terms of reduced noise, air pollution and townscape effects.

206. However, the bypass will be a major development and its implementation will inevitably result in adverse impacts, particularly over the short to medium term. The impacts to some degree can be mitigated, but the EIA carried out for the scheme assesses that there will be residual adverse impacts.
207. This report considers the key environment and amenity issues raised by the proposed development, namely the predicted impacts on the landscape, archaeology, groundwater/public water supply and the protected species of bats and dormice. Officers consider that in relation to landscape impacts, and notably those predicted within the SLA, the scale of the impact is such that a careful judgement has to be reached as to whether the need for the proposed road overrides the identified landscape protection policies. In relation to archaeology, the public water supply and bats and dormice, Officers acknowledge that some of the mitigation measures proposed are innovative but are generally satisfied the proposed measures will mitigate the predicted impacts to an acceptable level.
208. Statutory consultees are generally in support of the application and the mitigation measures proposed, subject to some additional details and conditions being attached to any planning permission. Local support for the proposed bypass is based on the traffic relief the bypass would bring to the town, whereas local objections consider a western option would better serve the town and are concerned about the impacts the scheme would have on the landscape, public water supply and wildlife.
209. Therefore, the determination of this application is very much a balance of the need for the scheme and the benefits it would bring against its environmental impacts.
210. On balance, Officers consider that the established need for the scheme, together with its positive benefits is sufficiently great to outweigh the adverse impacts that will remain after mitigation. With no suitable alternative available to meet the policy requirements of the Structure Plan and Local Transport Plan it is recommended that the application be approved subject to conditions.

Recommendation

211. Having taken into consideration, in accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the environmental information relating to this application for planning permission, it is recommended that upon receipt of the advice of the Regional Planning Body the Assistant Director, Planning and Regeneration be authorised to:
- (i) Refer the application to the Secretary of State in accordance with

Direction 5 of the Town and Country Planning (Development Plans) (Departures) Directions 1999 advising that the Council is minded to grant conditional planning permission for the construction of the A350 Westbury Eastern Bypass; and

- (ii) Upon being notified that the Secretary of State does not wish to call-in the application, planning permission be granted subject to the following conditions:

Conditions

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.

Reason: In order to complete all necessary preparation work required for the commencement of a major development and to enable pre-construction environmental monitoring to be completed prior to works commencing and in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Unless otherwise approved in writing by the County Planning Authority, the development shall be carried out in strict accordance with the details shown on approved plans Nos:

748034 – D020 dated February 2007
748034 – D021 dated February 2007
748034 – D022 dated February 2007
748034 – D023 dated February 2007
748034 – D024 dated February 2007
748034 – D025 dated February 2007
748034 – D026 dated February 2007
748034 – D027 dated February 2007
748034 – D028 dated February 2007
748034 – D029 dated February 2007
748034 – D030 dated February 2007

Reason: To ensure the development is carried out in accordance with the approved plans.

3. No development shall take place until the applicant, or their agents or successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the County Planning Authority. Following approval the development shall be carried out in strict accordance with the approved scheme.

Reason: To ensure the recording of any archaeological interest on the site.

4. No development shall commence until full details of both hard and soft landscaping works have been submitted to and approved in

writing by the County Planning Authority. These details shall include:

- 1 Minor artefacts, including furniture, road signage and lighting
- 2 Highway structures, including elevational treatment materials and embankments to be used for all bridges
- 3 Planting plans
- 4 Schedules of plants, noting species, planting sizes and numbers
- 5 A method statement for dealing with the control of invasive Japanese Knotweed
- 6 A scheme for the creation of calcareous grassland on the slopes of the realigned B3098 Bratton Road and
- 7 Implementation timetables

The development shall be carried out at all times in strict accordance with the approved details, or such other details as may be subsequently agreed in writing by the County Planning Authority.

Reason: In order to assimilate the development into the landscape in the interests of visual amenity.

5. Pursuant to condition 4 above, all hard and soft landscape works shall be carried out in accordance with the approved details. 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 as soon as is reasonably practicable with others of species, size and number as originally approved.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

6. Prior to the commencement of the development all existing trees, hedgerows, shrubs and other natural features not scheduled for removal shall be fully safeguarded during the course of the site works and building operations, in accordance with a scheme that shall first be approved in writing by the County Planning Authority. The development shall be carried out at all times in strict accordance with the approved details, or such other details as may be subsequently agreed in writing by the County Planning Authority.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage throughout the construction period in the interests of visual amenity and nature conservation.

7. There shall be no clearing of vegetation including hedgerows during the main bird nesting season (March to August).

Reason: To minimise disturbance to breeding birds in the interests of nature conservation.

8. No development approved by this permission shall be commenced until a Wildlife Management Plan detailing the mitigation and enhancements referred to in Chapter 9 of Volume 1 of the Environmental Statement dated February 2007 and a five year monitoring plan has been submitted to and approved in writing by the County Planning Authority. The approved mitigation and

enhancement measures shall be implemented in accordance with approved plan.

Reason: To safeguard protected species and biodiversity interest and to guide the success of the nature conservation mitigation works.

9. No development approved by this permission shall be commenced until a Bat Management Plan detailing the mitigation measures 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:

- 1 Formation of a steering group to oversee the implementation of the approved plan
- 2 A programme and methodology for pre-construction surveys
- 3 Ecological supervision of construction and mitigation works
- 4 The post-construction monitoring programme and reporting procedures

The development shall be carried out at all times in strict accordance with the approved Plan, or such other details as may be subsequently agreed in writing by the County Planning Authority.

Reason: In the interest of nature conservation and protection of the very important bat assemblage affected by the development and to guide the success of the bat mitigation works.

10. Prior to the commencement of the development full details of materials and surface treatments to be used on external highway surfaces and structures shall be submitted for approval in writing by the County Planning Authority. The development shall be carried out in accordance with the approved details or such other alternative details as may subsequently be agreed in writing by the County Planning Authority.

Reason: In the interests of visual amenity and sustainable development.

11. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage, attenuation and landscaping 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.

Reason: To prevent the increased risk of flooding by ensuring a satisfactory means of surface water disposal.

12. No development approved by this permission shall be commenced until the detailed design of the bridges and embankments to the 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.

Reason: To prevent any increased risk of flooding by ensuring a satisfactory and appropriate means of bridging the watercourse.

13. No development approved by this permission shall be commenced 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.

Reason: To alleviate the risk of flooding.

14. No development approved by this permission shall be commenced 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. The scheme shall be maintained in accordance with the approved Operation and Maintenance Manual.

Reason: To ensure the satisfactory future maintenance and operation of the drainage and flood conveyance works.

15. A detailed programme for monitoring the effects of both the construction works and the completed road scheme on controlled waters shall be submitted to and approved in writing by the County Planning Authority. The programme shall be implemented in accordance with the approved details.

Reason: To provide early warning of changes to water quality.

16. Construction works in the vicinity of the Former Ironstone Quarry must comply with the Phase II Contaminated Risk Assessment and Outline Contaminated Land Risk Management Strategy contained within the Environmental Statement dated February 2007.

Reason: To reduce the risk of contamination arising from works in this area.

17. No development including preparatory works shall commence 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. Works shall be undertaken in accordance with the plan and method statement approved.

Reason: To safeguard the SPZ from contamination during construction works.

18. No development shall commence 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. Works shall be carried out in accordance with the approved

plan.

Reason: To safeguard the environment, for highway safety, protection of ecological communities and sensitive receptors.

19. Unless expressly authorised by this permission no lighting columns or other form of illumination shall be erected or installed at or on the approaches to Madbrook Roundabout.

Reason: To minimise the impact of light on protected species of bat.

20. Unless expressly authorised by this permission no lighting or other form of illumination shall be erected or installed in the Wellhead Underpass.

Reason: To minimise the impact of light on protected species of bat.

21. The road shall be constructed utilising a low road noise surface material as proposed in the submitted application and all maintenance thereafter shall utilise the same, or subsequently approved, type of low road noise construction materials.

Reason: To control noise at source in the interests of residential and local amenity.

ALAN FEIST

Assistant Director
Planning and Regeneration

Report Author

JASON DAY

Planning Control Manager

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

Consultation replies and correspondence