

## **White Horse Alliance**

### **Response to the Draft Wiltshire Housing Sites Allocations Plan and supporting documents**

7 March 2018

#### **Introduction**

This statement is submitted as a consultation response to the draft **Strategic Housing Sites Allocations Plan (WHSAP)** and to the separate Wiltshire Council consultation on its draft **Trowbridge Bat Mitigation Strategy (TBMS)**.

It should be read in conjunction with '*Review by Dr John Altringham: Trowbridge Bat Mitigation Strategy SPD. Draft for consultation*', submitted with this statement.

We have reluctantly accepted the Inspector's ruling that responses to both consultations must be submitted by 8 March, resulting in a halving of the consultation period for the TBMS.

Our statement on the WHSAP also contains comments on the **Trowbridge Transport Strategy** ('Refresh' May 2018), questioning the ability of the strategy to ensure that the proposed development sites can be served by sustainable transport. We believe that housing, biodiversity and transport strategies need to be considered together rather than as separate topics.

#### **1. The Draft Trowbridge Bat Mitigation Strategy**

Inspector's issues: 4.5, 5.10, 5.15

The TBMS is rightly classed as a supplementary planning document (SPD). The proposed strategic housing sites cannot be approved unless Wiltshire Council can show that the TBMS will prevent the proposed developments causing unlawful damage to the conservation status of bat species listed in Annex II of the European Habitats Directive and to the integrity of the special area of conservation (SAC) established for their protection.

We understand that the Inspector is concerned to examine the soundness of the WHSAP and not the long tail of history that led to this document. We submit that some understanding of that history is required if the imperatives of complying with European biodiversity law are, belatedly, to be accepted and obeyed.

#### **Background – chronicle of a disaster foretold**

The White Horse Alliance (WHA) has been involved in this matter since 2009 when we objected to the first draft of Wiltshire's Core Strategy (WCS). We reiterated the warning issued by Natural England that it might not be possible to locate a large urban extension on farmland east of Trowbridge without breaching the Habitats Directive because the development would be adjacent to ancient woodlands containing maternity roosts of

Bechstein's bat. We objected to every subsequent iteration of the WCS, the planning application for Ashton Park urban extension and its A350 relief road (both embodied in planning application No.15/04736/OUT) and all iterations of the WHSAP, Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA).

Our ecological adviser, Professor Altringham, presenting evidence at the Examination in Public of the WCS in 2013, warned that the urban extension and its relief road could lead to the eventual extinction of the colonies of Bechstein's bat roosting in these woods, foraging in surrounding habitats and commuting to hibernation sites in the Bath and Bradford-on-Avon SAC for bats.

By then Natural England had withdrawn its objection to the WCS, worked with the Council to develop draft planning guidance on the conservation of bats linked to the SAC and signed a memorandum of understanding with the Council.

This consensus between NE and WC – both exercising delegated powers as 'competent bodies' acting on behalf of the Member State – prevailed over the warning from Dr Altringham and arguments presented by our legal representative that 'satisfactory alternatives' to Ashton Park had not been considered as required by the Habitats Directive. The urban extension was not relocated or dispersed. The allocation of housing required in the Trowbridge Housing Market Area (HMA) was increased.

Successive HR and Sustainability assessments made similar assertions to the HRA of the WCS submitted to the EiP in 2013, which concluded that *'the general quantum of development at Ashton Park could be delivered without having an adverse effect upon the integrity of the local Bechstein's bat populations, subject to sensitive design and incorporation of mitigation measures identified in the Development Template included in the WCS.'*

Several years were to pass before the Council began to recognise that Prof Altringham might after all have been right. In 2016 it commissioned Dr Caroline Chapman of DTA Ecology to produce a Shadow HRA; bat underpasses were proposed to replace the bat 'hop-overs' on the A350 Relief Road, criticised by Prof Altringham. The layout of the estate was revised to move housing away from the woods and reduce 'recreational pressure' on them and the Yarnbrook-West Ashton Relief Road (Y-WARR) redesigned to accommodate bat underpasses.

As you will see from his report, Professor Altringham does not accept that these changes and the mitigation strategies put forward in the TBMS provide the scientific certainty required for compliance with the Habitats Directive.

### **Conclusions on bat conservation**

We realise it is too late in the planning process to correct the mistakes that led to Ashton Park and its short length of A350 growth corridor. It is not too late however to incorporate lessons from those mistakes into the next round of development – and reduce

the constantly increasing cost of trying to locate even more housing into an area that should have been excluded from strategic allocations a decade ago.

The European Habitats Directive duty to consider satisfactory alternatives applies to all plans and projects when a development is likely to have significant effects on the Integrity of a *Natura 2000* site.

The question is whether significant effects are likely to result from the developments proposed in the WHSAP: do we accept the conclusions of the HRA that the TBMS *will* prevent harm to the SAC or do we accept the warning from Prof Altringham in his Review of the plan that no such certainty exists?

The history of planning in Wiltshire suggests that the imperatives of meeting housing numbers will once again trump the strict provisions of European law. We hope that this pattern of failure will be broken. If it should be decided to consider ‘satisfactory alternatives’ we set out some ideas in ‘Summary and recommendations’ at the end of this statement.

## **2. Transport for Trowbridge and the proposed development sites**

Inspector’s issues: 4 (especially 4.4); 5, (especially 5.5, 5.6)

We have studied the Trowbridge Transport Strategy Refresh, May 2018 and its predecessor, the 2012 ‘emerging’ strategy. They are remarkably similar in content, the latest report reiterating problems and constraints without reaching a coherent strategy for achieving sustainable transport.

The ‘Refresh’ is full of smart tables, flow charts and management-speak but this cannot conceal the fact that without firm commitments to an investment programme for sustainable transport it cannot contribute much to creating the sustainable settlements required by the WHSAP.

The problems likely to be created by the new development sites are clearly defined:  
‘Access to key services and facilities by sustainable modes of transport from some development sites is limited;  
‘Impact on air quality and noise as a result of traffic generated by developments;  
‘Further planned development in Trowbridge is forecast to contribute to congestion at specific points on the highway network.’

These problems are added to unresolved problems already identified in the existing Trowbridge transport system.

For example, from the 2012 document: ‘The most obvious of these is transport integration. Core Policy T4 identifies the need for a **Transport Strategy for Trowbridge**. The strategy should identify a package of measures including ‘*Interchange enhancements that are accessible by all.*’

**‘Transforming Trowbridge – Scoping and Vision Study’** (August 2010) recognised that ‘The town has a below national average usage of public transport, exacerbated by the lack of a bus depot facility and poor bus terminus facilities’ and admits that ‘The rail station is poorly integrated with the town centre and other transport modes and there is low provision of safe pedestrian and cycle routes.’

**The ‘emerging’ Trowbridge Transport Strategy** set out five ‘components’. Under ‘Public transport’ it listed ‘Improvements to Trowbridge rail station, including redesigned station forecourt and interchange area.’

This should be contrasted with these extracts from the Atkins ‘Refresh’ of May 2018: *‘Objective 9: Accommodate forecast growth in rail journeys from Trowbridge by improving accessibility to Trowbridge Rail Station and rail services available at the station.’*

*‘There has been continued growth in passenger numbers at Trowbridge Rail Station over the past 10 years as illustrated in Figure 2-15. Within the ten year-period from 2007-08 to 2016-17, Trowbridge has experienced a growth in yearly entries and exits from 571,281 to 983,704. This increase of 412,423 equates to a growth of approximately 72%.’*

The vision of proper bus connectivity shimmers in the background of the Atkins report but planning for an actual interchange seems to have vanished:

#### **‘Bus Access**

*‘2.62. Although no buses stop within the Trowbridge Rail Station forecourt, there are four bus stops within a two-minute walk from the station. The majority of these buses are either infrequent, lacking weekend services or having short hours of operation. Development of the Bowyers site next to the railway station provides an opportunity for improved access and could include the provision of a new main station entrance (linking with the upgrade of Trowbridge Rail Station carried out in 2015), incorporating a bus interchange. In lieu of such an interchange it is important that high quality bus stops are provided near to the rail station with lighting, seating, cover and Real Time Passenger Information (RTPI).’*

The vanishing bus interchange is explained in a list of schemes ‘sifted’ by WC transport officers.

*‘Trowbridge Rail Station – the LSTF funding has delivered the improvements set out in the 2012 Trowbridge Transport Strategy’* and

**‘Trowbridge Rail Station improvements:** The LSTF 2012-15 and First Great Western (FGW) funded a £1 million package of Trowbridge Rail Station improvements.’

The LTSF improvements did not in fact deliver what was required under The WCS Core Policy T4 and envisaged in the 2012 transport strategy. Buses are still unable to enter the improved car-parking areas.

The list of ‘sifted’ schemes, at 4.4, also included a park-and-ride option (apparently rejected because of its difficulty and because of the abundant supply of free parking in the town) and rapid transit (said to be too costly. No details or costs were given for any rapid transit system that was considered.)

### **Transport Strategy Refresh Scheme costs**

*‘For the identified schemes, high level costs were prepared. It is estimated that the total capital cost of the Trowbridge Transport Strategy Refresh is £35 million in current prices. Smarter choices measures will cost £200k, Pedestrian and cycle improvements will cost approximately £2.4 million, public transport measures will cost £1.9 million, and highway improvements £30million.*

*‘At this stage, there is no expectation that all of these schemes would be funded in full by developments at the allocated sites. A range of funding options will be considered. £14.3m has been secured to date towards the £26m costs for YAWARR, £5.5m from Local Growth Fund (LGF) grant and £8.8m from Housing Infrastructure Fund (HIF)’.*

Note: The £11.5m developer contribution to the cost of the Y-WARR as part of a draft S.106 agreement seems to have disappeared from this account. Is this a drafting error by Atkins or is this contribution not yet included in a final S.106 agreement?

It may also be relevant that the £8.8m HIF grant may still be subject to ‘clarification’ through discussions between Wiltshire Council, Homes England and Deloitte. This clarification process was ongoing in December 2018 (email from Ian Durston, Programme Manager, Swindon and Wiltshire Local Enterprise Partnership, 12 December 2018).

The final Full Business Case for the A350 Y-WARR was due to come to the SWLEP March 2019 Board Meeting for sign off.

Sustainable transport to serve the development areas: The ‘Refresh’ correctly identifies the shortcomings of existing bus services in the town and between the town and proposed development sites – difficulty of inducing modal shift when the town centre has such an abundance of free parking space, traffic congestion causing delays to services, and so on.

These deficiencies are well summarized at paras 2.50 and 2.51.

Shortcomings in the pedestrian and cycle networks are also catalogued and the need for better access to the railway station, safer routes across town and between town and new settlements is recognised.

Remedies for these problems are listed at para 4.11 et seq. with indicative routes mapped at Fig.4-1.

Public transport improvements. No further improvements to rail services are envisaged or budgeted for under this topic. A network of 'indicative bus transport schemes' is proposed along 'corridor upgrade' routes (Figure 4-2). The only addition to the network is 'West Ashton Road/A363 Corridor Upgrade - New service from Ashton Park.' This is costed at £250,000.

As with the corridor upgrades, we have not found a breakdown of this cost estimate. How much is capital investment and how much is revenue support? Where will the money come from?

We are disappointed that severe shortcomings in public transport services identified for at least a decade have not led the council to devise a sustainable transport plan and allocate funding to it. We suggest that this should be contrasted with the Council's single-minded pursuit of highway improvements, notably along the A350 growth corridor that remains a key priority of the strategy.

The addition of a potential 'A361 to A363 Link Road (including traffic calming on Wynsome Street). Taken forward for modelling as part of Option B' and budgeted at £7m (Table 4-5) suggests that the Council has not yet accepted that traffic congestion cannot be tackled by building more capacity into the road network. By encouraging growth along the A350 corridor the Council has helped to create the heavy and disruptive traffic along the A361 and A363, now carrying much HGV traffic from the A350 to the A36 trunk road as a rat-run to avoid Westbury.

As long as this priority soaks up investment that should be concentrated on improvements in public transport, cycling and walking, the strategic housing allocations proposed in the WHSAP will simply add to congestion in Trowbridge, further delaying already unreliable bus services, endangering pedestrians and cyclists and preventing the creation of attractive livable settlements on a habitable planet.

Wiltshire Council's apparent inability to embrace the concept of sustainable transport as the foundation for sustainable spatial planning is so notorious that it was mentioned by the Committee on Climate Change in '*UK housing: Fit for the Future?*', February 2019:

*'It is possible that the current planning system directs development preferentially to fields and meadows outside the town as this is often viewed as easier to develop. In Trowbridge, Wiltshire, for example, houses are being built outside the town on a major road, whilst a large site in the town centre goes undeveloped.'*

It may be worth quoting further from that report:

*'Whilst achieving sustainable development is a goal of the National Planning Policy Framework, pressures to deliver affordable housing have led to policies that require local authorities to maintain a five-year supply of potential land to build houses on and*

*an emphasis on economic viability of these houses, both of which can lead to a focus on quantity of housing rather than quality.'*

The CCC report shows how the planning system makes life difficult for planning departments to deliver anything resembling sustainable spatial planning. It should be added that government funding priorities make it equally difficult to create rapid transit networks, while cuts to local government funding limit their ability to subsidise public transport by bus. Options for improving rail infrastructure and services are almost non-existent.

Having said that, Wiltshire Councillors and planners have singularly failed to seize the opportunity to meet sustainable transport and planning objectives by following the policy in NPPF para 17 prioritising brown-field sites in town centres instead of building on farmland far from town.

The derelict Bowyers factory site next to Trowbridge railway station covers approximately 10 acres. In our 2017 response to the draft WHSAP (15 September 2017) we described how this site could provide high-density housing and space for a transport interchange. We asked why it had not been developed in that way.

We have a response now, but no reasoning to go with it. The WHSAP planners did not add this site as a strategic allocation. Instead the Council has classified it as a 'windfall site'. And, as we have seen above, current transport strategies do not include an interchange at the railway station.

None of the 'indicative' bus routes actually reach the station.

### **Summary and recommendations**

The Wiltshire Housing Sites Allocations Plan cannot be regarded as sound when it cannot demonstrate the required scientific certainty that the proposed development will not damage the integrity of the Bath and Bradford-on-Avon SAC for bats.

The Review of the bat mitigation strategy prepared for the White Horse Alliance by Professor Altringham (submitted with this statement) concludes that the plan will lead to a breach of the EU Habitats Directive because the TBMS cannot deliver the required certainty.

The absence of a workable policy for sustainable transport compounds the environmental problems facing the town and its proposed new settlements – encouraging and requiring more vehicle movements, more pollution and disturbance and generally reducing quality of life for humans and the protected species that must somehow survive in a constantly shrinking habitat.

Possible modification to the plan:

At this late stage of the plan-making process it is difficult to see what can be done to correct the long trail of mistakes that got us to this point.

The first change would be to remove as much development as possible from the list of proposed allocations and seek alternative locations.

The most obvious location is the derelict Bowyers site next to the railway station. This site should be changed from 'windfall' to strategic allocation. The Trowbridge Transport Plan should be revised to make the creation of a transport hub at the station its first priority, along with improved access for buses, cyclists and pedestrians. The site could provide a large number of high-density apartments that would be affordable to purchase and rent.

All of this would be supported by policies in the Core Strategy and in the NPPF.

The Council should also be required to explore options for Cross-border allocations:

Strategic policy-making authorities are required to cooperate with each other when preparing policies which address strategic matters. The preparation of the housing sites plan has put planners in direct conflict with the requirements of European biodiversity law.

It seems right within the context of the NPPF and Planning Practice Guidance to ask the following questions: could the housing allocation given to North and West Wilts HMA be better accommodated by adjacent authorities including the Greater Bristol Area where impacts on bats are likely to be far less? Has this topic been discussed with neighbouring authorities and is there a statement of common ground available with regards to the strategic problem facing Wiltshire from the impact of its plan on species with EU protection?

In the context of the Trowbridge HMA this would mean working with the Greater Bristol authorities.

*Patrick Kinnersly*  
*Secretary, White Horse Alliance*  
*7 March 2019*



## Trowbridge Bat Mitigation Strategy SPD. Draft for consultation

Review by Dr John Altringham  
*Emeritus Professor of Animal Ecology & Conservation*  
[j.d.altringham@leeds.ac.uk](mailto:j.d.altringham@leeds.ac.uk)

6 March 2018

**Brief Biography:** I have conducted biological research for over 35 years, published over 150 scientific papers and reports on a broad range of zoological and conservation topics and written three books on bats. I hold the Scientific Medal of the Zoological Society of London “for distinguished work in zoology”. I advise Natural England, Natural Resources Wales, Scottish Natural Heritage and the Bat Conservation Trust on bat ecology and conservation issues. I am a scientific advisor to the National Trust and the Yorkshire Dales National Park Authority. I am a regular advisor and contributor to BBC Natural History Unit programmes on bats and other topics.

### Summary

I found the document to be a well-written and well-informed, but I believe the authors have overlooked some very important issues.

The ecological and legal backgrounds are thorough and up to date and the section on bat survey requirements is detailed and meets current best practice guidelines. The pressures on bats caused by development are described with ecological insight and in some detail. The rationale for the bat zones is explained clearly and is ecologically sound. The core section of the document on the on- and off-site mitigation requirements are generally excellent. I saw a few initiatives I had not seen before, and in terms of depth and breadth I have not seen better. What is being asked of developers, consultants and planners **in broad terms** is comprehensive, although the detail is understandably lacking given this is a strategy document and does not cover prescriptive methods.

However, I have a number of very significant concerns:

1. Much is made of the vulnerability of the ‘red zones’, yet there are plans to build a large number of houses within a red zone at Ashton Park. Houses already built at Castle Mead, again within the red zone, are acknowledged to be “generating increased visitor pressure at ancient woodlands that support an important colony of Bechstein’s bats associated with the SAC” (para. 28 of TBMS). The Recreation Strategy document (e.g. summary, page 5) reports damage to trees, fires, vandalism, camping, out of control dogs and ‘other’ problems. It will probably be many years before the full effects of this increased visitor pressure on the ecological integrity of the woodlands play out, even without a further increase.

It is good that the vulnerability of these woodlands has finally been recognised. However, the foundation on which the Trowbridge Bat Mitigation Strategy (TBMS) rests is the current ecological integrity of woodlands in the red zones. This depends upon the effectiveness of

the mitigation planned for Ashton Park and the ability to reverse the acknowledged pressures of Castle Mead. I have already reviewed these in some depth (e.g. Altringham 2013, 2016, 2018), concluding that considerable scientific doubt remains over the effectiveness of the chosen methods. The plans for Ashton Park are therefore in my judgement in breach of the Waddenzee Judgement (2004). Without a firm foundation the TMBS is also in breach.

The judgement states, in concluding para. 4 *“The competent national authorities, taking account of the appropriate assessment of the implications of [the proposed activity] for the site concerned in the light of the site’s conservation objectives, are to authorise such an activity only if they have made certain that it will not adversely affect the integrity of that site. That is the case where no reasonable scientific doubt remains as to the absence of such effects.”*

In 2014 the CJEU expanded upon this (Case C-521/12, *Briels v Minister of Infrastructure en Milieu*) with the statement: *“The assessment carried out under Article 6(3) of the Habitats Directive cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned”*.

No evidence is presented in support of the effectiveness of this complex mitigation plan.

The summary of the Trowbridge Recreation Strategy and Visitor Surveys Report says: *“Natural England advised that, given the lack of knowledge about Bechstein’s Bats, there is a need for a precautionary approach with respect to impacts from development. Increases in recreation at the woodland sites may be impossible to avoid and landscape scale habitat measures to increase connectivity will ensure the bat population is more robust.”* Increasing connectivity is very unlikely to mitigate for major disturbance of the last remaining woodland refuges in the region, the primary source of food and shelter for the bats.

Para. 4.39 from the same document, reports an interview with the local NE Lead Advisor: *“Given the relatively low use of Biss Wood before development, it may not be possible to achieve neutrality in terms of the increase in recreational levels post development. Many of the new visitors arriving as a consequence of development in the immediate areas are likely to wish to use the nearest open greenspace. Although existing visitors from slightly further afield may be more inclined to go elsewhere, numbers are too few to compensate for the potential increase from new development. There may therefore be limited scope for reducing impacts through visitor management in this situation and investment in landscape-scale habitat measures may prove more worthwhile.”* Again, landscape-scale mitigation in secondary habitat will not mitigate for damage to, or loss of, primary habitat.

It should be said that the size of exclusion zones is (as in this case) invariably a compromise between the needs of nature and social and economic factors - see paras. 5.31 et seq. of the Recreation Strategy. Para 6.9 says *“Our recommendation of 600m is a pragmatic one and there is limited evidence with which to set a precise limit.”* The following paragraphs make it clear that 600m is not enough to prevent increased access by people and their dogs and cats. The woodlands are likely to be compromised by red zones of the proposed size.

2. It is frequently stated that the mitigation **will** work, yet very few of the mitigation methods outlined in the strategy have been proven to work. Para. 12 of the strategy states:

“This Strategy has therefore been written to set out at a strategic level the mitigation that will be required in association with development to be confident that significant adverse effects to the SAC are avoided.”

Without evidence for the effectiveness of mitigation this confidence is misplaced. For example, it is good to see a demand for detailed bat house designs, but there is evidence to show that a minority of alternative roosts provided as mitigation are adopted by bats and those that are adopted attract far fewer bats than the destroyed roosts they were meant to replace. Bat houses are far more likely to fail than succeed (Stone et al. 2013). How confident can we be that the recreation management strategies will be successful? They are notoriously difficult to enforce and no evidence is given to inspire confidence. How long does it take for a new hedgerow to be functional? We do not know, and the subject is not even discussed. Intentions are good and the strategy is sound as broad principles, but the devil is in the detail. The methodology is often vague and is largely untested. I saw little mention of this uncertainty, of the need to monitor success (or failure), or even to define what success would look like. That these issues are not even considered is a serious concern. The TBMS must therefore be in breach of the Waddenzee Judgement (2004) for this additional reason.

Para. 214 of the TBMS states: *“However, it is likely that Wiltshire Council will adopt a ‘mix and match’ approach to select a variety of measures for implementation that can best-deliver the required capacity over the next 7 years, including enhancement of existing green spaces and work towards developing a new country park (or SANG) if necessary. The size of any SANG needed would reflect any recreational pressure not addressed through enhancement of existing green spaces. The measures in paragraph 228 may well be more cost effective in delivering reductions in visitors to the woods concerned than by SANG creation alone. The project officer will develop an appropriate method for comparing the efficacy of the measures adopted to ensure that the increased recreational pressures are effectively and adequately mitigated.”* There is considerable uncertainty about a “mix and match” SANG/non-SANG approach and as yet no method for deciding on strategy or assessing effectiveness has been produced. Again, this is difficult to reconcile with the removal of reasonable scientific doubt demanded by the Waddenzee Judgement.

3. The problem of methodological uncertainty is frequently compounded by the problem of non-compliance. Mitigation is often not carried out on schedule, to specification, or indeed at all, and long-term enforcement is the exception rather than the rule. These issues are barely touched upon, yet there is a well-documented history of non-compliance under EU regulations (e.g. Beebee 2013, Rundcrantz 2006, Tischew et al. 2010, Villaroya & Puig 2013). Non-compliance has several causes and all are difficult to overcome. An inability or reluctance to follow lengthy and detailed prescriptions is common and the problems grow with the complexity and scale of the mitigation planned. This is a complex plan, yet compliance is not discussed. There is frequently compromise between the needs of nature, the developer, the contractors and engineers, and the public. Nature almost invariably loses

the battle. The possible need for compromise is raised in the TBMS, so they are clearly expecting to have to exercise it. Non-compliance also stems from cost-cutting, time-saving, and sadly a simple lack of commitment to the environment.

**Specific comments on the draft.** These are not a comprehensive review of the strategy, but a few of the more important points.

Strategy summary:

*“The necessary mitigation measures for bats will work when integrated as a fundamental component of the scheme design”* This is careless over-confidence, considerable doubt about the effectiveness of mitigation exists. The strategy presents no evidence to support this statement.

*“Development proposals within these zones must **mitigate for all impacts on target bat species on site** through retaining and enhancing wide swathes of unlit bat habitat with associated buffer zones. Housing is expected to be provided at lower density to achieve this.”* How were the planned densities arrived at? The figures appear to be plucked out of the air. Is this a rough and ready compromise between nature and social and economic demands?

Para. 11

*“This will be aimed at diverting people away from the woodland sites to alternative countryside sites and will comprise: development exclusion zones around the woodlands; improved management of the woodland sites themselves; and improvements to the recreational opportunities (away from the woods) available to the residents of Trowbridge. As a minimum, the Footprint Ecology Report on recreational pressures states that (para 6.46) the outer limit of the zone of influence for recreational pressure should comprise the settlements of Trowbridge and Westbury.”* Success in this is far from guaranteed, the Trowbridge Recreation Strategy and Visitor Surveys Report makes several references to the difficulties, such as the unpopular nature of parking restrictions as a measure to reduce visitor numbers (para. 6.14) and the problems of fires and unruly children and dogs (para. 6.20). Given the welcome move towards encouraging more people to appreciate the countryside, there will be inevitable uncertainty in attempts to avoid collateral damage.

Para. 24

*“A HRA of the WCS was undertaken during its preparation (WSP, February, 2012) (WSP, March 2013) (Wiltshire Council, April 2014). The HRA concluded, in agreement with Natural England, that in principle the general quantum of development at Ashton Park could be delivered without having an adverse effect upon the integrity of the local Bechstein’s bat populations, subject to sensitive design and incorporation of mitigation measures identified in the Development Template included in the WCS.”*

And

*“The HRA undertaken for this site (Wiltshire Council, February, 2018) concluded that the range of mitigation to be provided for lesser horseshoe and Bechstein’s bat and the mechanisms proposed to secure it are sufficient to remove any doubt that the Council may*

*otherwise have had as to the absence of adverse effects on the integrity of the Bath and Bradford on Avon Bats SAC. As such, Wiltshire Council concluded that the project (as proposed in planning application 15/04736/OUT) would not have an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC, either alone or in combination with other plans and projects."*

I have argued in several documents that the mitigation proposed for the housing and associated roads lacks proven effectiveness (e.g. Altringham 2013, 2016, 2018). At no stage have either WC or NE provided evidence or arguments against my own evidence and reasoning. However, they have on several occasions altered plans in line with my criticism by, for example, following Defra best practice guidance (e.g. in the adoption and design of underpasses as replacements for hop-overs) arising from a research project commissioned by Defra (Berthinussen & Altringham 2015). Whilst not acknowledging my reports, they appear to have acted upon them.

It has been argued that as the statutory nature conservation organization NE know better than I do what works. They are by no means infallible. I first raised concerns about the lack of evidence for the effectiveness of wire-gantries as road crossing points for bats, for the A350 Westbury Bypass (Altringham 2008). My concerns were dismissed in favour of assurances of effectiveness from NE. Our subsequent studies demonstrated clearly that millions of pounds of taxpayers' money were being wasted on wholly ineffective road crossing 'solutions' for bats across the country (Berthinussen & Altringham 2012, 2015). The case was used in a speech by Lord Krebs in the House of Lords as an example of the importance of evidence-based policy and implementation.

Para. 28

Acknowledges the increased visitor pressure new housing is having on the bat woodlands but does not present effective solutions to the problem. It states: *"The options closest to the woodlands, and therefore most likely to contribute to the number of visits, have been removed from the plan and the Council is currently preparing a Trowbridge Recreation Management Mitigation Strategy to address any residual effects in relation to this issue. It is therefore concluded that the plan would not have an adverse effect upon the SAC through increased recreational pressure, subject to the implementation of that mitigation strategy."* In other words, success is assured by removing the options "most likely" to put pressure on the bats and a mitigation strategy that at the time had not been written. Again, this does not sound like scientific certainty.

Paras. 46/47

Sets out a mitigation strategy, but it is based on unproven methods and there is no apparent provision for the monitoring of compliance or success. The North Somerset and Mendip Bats SAC guidance is in itself new (2018). Both may use the best scientific information, but this is about the ecology of the bats, not the science of effective mitigation. As senior author of a global assessment of conservation interventions for bats (Berthinussen, Richardson & Altringham 2013, revision 2019) I have a good understanding of the subject.

Para. 99

This states: ***"NB note that development of new sites in the Red Bat Sensitivity Zone is***

***unlikely to be acceptable due to high impacts on the bat SAC populations***". Their bold emphasis. But large housing blocks have been (Castle Mead) and will be (Ashton Park) built in the red zone and the wording "unlikely to be acceptable" leaves the door open for more.

Para. 138

Repeats the unsupported statement in the summary: "*The necessary mitigation measures for bats will work when integrated as a fundamental component of the scheme design*".

Para. 142

Promotes the use of bat houses but does not acknowledge the fact that they are more likely to fail than succeed – see above. In the final bullet point the importance of rigid compliance to the mitigation schedule is raised, but how this will be enforced, and non-compliance penalised, is not addressed.

Para. 150

How was the figure of 15m for the buffer zone arrived at? I am not aware of any studies that support this. Much thought has gone into lighting, but there is no mention of vehicle headlights. New houses and roads will lead to a huge increase in local traffic, with headlights sweeping the countryside. The impact on bats must be significant and should be addressed.

Para. 196

It is good to see the problem of cumulative loss acknowledged. However, successful avoidance of the problem requires proven mitigation methods alongside the monitoring of compliance and mitigation success (or failure). Death by a thousand cuts lies behind the catastrophic loss of biodiversity over the last 50 years (e.g. State of Nature Report 2016). It will take a particularly vigilant and evidence-based approach to halt and reverse this loss. This strategy is not evidence-based and appears complacent.

## References

Altringham JD 2008 Bat Ecology and Mitigation; Proof of Evidence; Public enquiry into the A350 Westbury bypass. White Horse Alliance, Neston, UK

Altringham JD 2013 Likely effects of the proposed [Ashton Park] developments on bats. Report produced for the White Horse Alliance, Neston, UK

Altringham JD 2016 Likely Impact of the proposed Ashton Park development and Associated mitigation. For the White Horse Alliance.

Altringham JD 2018 Comments on Habitats Regulations Assessment, Ashton Park, 27 Feb. 2018 (final version). For White Horse Alliance.

Beebee TJC 2013 Effects of road mortality and mitigation measures on amphibian populations. *Conservation Biology*, **27**, 657-668. doi:10.1111/cobi.12063

Berthinussen A & Altringham J 2012a Do bat gantries and underpasses help bats cross roads safely? *PLoS ONE*, **8**, e38775. <https://doi.org/10.1371/journal.pone.0038775>

Berthinussen A and Altringham JD 2015 Development of a cost-effective method for monitoring the effectiveness of mitigation for bats crossing linear transport infrastructure. Research Report WC1060, **Defra**

Berthinussen A Richardson OC and Altringham JD 2013 **Bat conservation: global evidence for the effects of interventions**. Synopses of conservation evidence series. Pelagic Publishing. 110 pages. <http://www.conservativevidence.com/synopsis/index>

Rundcrantz K 2006 Environmental compensation in Swedish road planning. *European Environment* **16**, 350-367. doi:10.1002/eet.429

State of Nature Report 2016 Hayhow et al. The State of Nature Partnership.

Stone EL, Jones G and Harris S 2013 Mitigating the effect of development on bats in England with derogation licencing. *Conservation Biology* **27**, 1324-1334.

Tischew S, Baasch A, Conrad MK, & Kirmer A 2010 Evaluating restoration success of frequently implemented compensation measures: results and demands for control procedures. *Restoration Ecology*, **18**, 467-480. doi:10.1111/j.1526-100X.2008.00462.x

Villarroya A & Puig J 2013 A proposal to improve ecological compensation practice in road and railway projects in Spain. *Environmental Impact Assessment Review*, **42**, 87-94. <http://dx.doi.org/10.1016/j.eiar.2012.11.002>

Waddenzee Judgement (2004) European Court of Justice Case C-127/02. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62002CJ0127:EN:PDF>