

## **Hastings to Bexhill to Hastings Link Road Public Inquiry**

### **Statement of evidence**

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#### **Summary of evidence**

The conclusions on page 4 of this statement of evidence summarise the arguments herein.

#### **Preamble**

1 This statement of evidence in objection to the Bexhill to Hastings Link Road (BHLR) is presented for the Hastings Alliance. As an individual, I also strongly object to the BHLR.

2 I read chemistry at the University of Melbourne and later studied for an MSc followed by a D.Phil at the Science Policy Research Unit, University of Sussex. I then worked for about 15 years in the Department of Geography at University College London (UCL), holding the position of Senior Research Fellow before I took early retirement (due to ill health ) in 2006. During my time there my research interests focused on society and nature and I have published papers in internationally recognised journals including *Environment and Planning* and *Ecological Economics*. I also taught on two of the Department's highly regarded masters degrees, the MSc in Conservation and the MSc in Environment, Science and Society. I remain an honorary Research Fellow. I continue to work for the Open University, tutoring and supervising students studying environmental decision-making.

3 I have lived in Hastings since 1978. Over more than 30 years I have got to know the Hastings and Bexhill area very well, particularly through walking and engaging in voluntary conservation activities. I am an active member of the Sussex Botanical Recording Society with sufficient expertise to record plant species for a new *Flora of Sussex*. This voluntary work has meant walking around much of the eastern part of East Sussex.

4 My statement evidence draws on those relevant documents that I have had time to consider. In pursuing funding and planning permission ESCC has produced, I believe, something like 600 documents, many of a complex and technical nature. Although the area of my evidence would not require me to read all these documents, ESCC did not to my knowledge offer guidance as to how to find one's way round this material. It remains the case that for people like myself, formulating our cases in our own time, and doing so because we really care about the issues involved, it is simply impossible to ensure that all the relevant material has come to our attention, let alone read all of it.

#### **Evidence**

##### **1 Introduction: the Combe Haven Valley**

1.1 The Combe Haven Valley (comprising the main valley, north Powdermill and Watermill valleys and the ridges leading to it) is a special place. Many factors contribute to this specialness; its beauty, its tranquillity, wildlife, its heritage and the diverse structure of its landscape . Its

specialness is confirmed by official recognition of its features – for example the Combe Haven Site of Special Scientific Interest (SSSI), the ancient woodlands and the listed buildings.

1.2 This is not just my view. It is a view that has been expressed by official bodies, not least East Sussex County Council (ESCC) itself. In a report presented to the ESCC Cabinet (meeting of 8 June 2004) it accepted that: *"The Combe Haven Valley is probably the finest medium sized valley in East Sussex, outside of Areas of Outstanding Natural Beauty. It is set within high quality landscape of historic and wildlife interest and contains peaceful and remote countryside. The valley and its hinterland should be seen as part of the Weald where people have lived and worked for thousands of years"*. (Appendix 5).

1.3 More recently, in his report to the ESCC Planning Committee where planning permission was given for the road (10 December 2008) the Head of Planning also paints a picture of the Combe Haven Valley as special and integrated whole. *"The Combe Haven Valley is an attractive swathe of farmed countryside flanked by intricate side valleys and intervening ridges and more wooded hill tops, the whole area forming a good quality buffer between the AONB to the north and the urban area to the south. Much of the valley is of designated wildlife significance, notably the wetlands and woods. Part of the valley is recognised as being remote countryside and on the lower scale of relative tranquillity being separated from settlements and noise corridors, such as roads and railways"* (para 7.117).

1.4 Yet in its Statement of Case ESCC describes the area through which the BHLR will pass as merely *"attractive accessible countryside"* (para 17.41), and moreover, one which can be maintained by mitigation. *"With this mitigation in place it is predicted that that the overall landscape and visual impacts resulting from the Scheme will be minimal, once screening vegetation has established"* (para 17.41). This point is contradicted by the Head of Planning's report to the Planning Committee (10 December 2008). *"The Bexhill and Hasting Link Road would inevitably adversely impact upon the area which is of significant landscape quality and distinctive character. The road and some of its mitigation such as extensive noise barriers introduce some unfamiliar features into this landscape, and the extensive greenway and equestrian routes, with the associated fencing tend to slightly suburbanise the rural character. There would, therefore, be a significant loss of the intrinsic landscape resource from the Link Road within the rural area"* (para 7.124). Moreover, the proposals for the BHLR *"would not be in accordance with Structure Plan Policy EN1 and EN8 which seek to conserve and where possible enhance the character and quality of the landscape and Policies GD1 of the Rother District Local Plan and DS1 of the Hastings Borough Local Plan which require development to conserve and enhance the distinctive character of the local landscape"* (para 7.122).

1.5 In my judgement, and that of the Hastings Alliance, the ecological and landscape integrity, the beauty and tranquillity, and above all the specialness of the Combe Haven valley will be destroyed by the construction and operation of the BHLR. The BHLR will be seen and heard no matter where one might be in the valley. No amount of mitigation can change the fact that a once serene and peaceful area will be severed by a large and intrusive construction as the BHLR cuts across the contours of the valley. It will be screened, but the visual diversity of the area will be lost with a line of trees disfiguring the meandering nature of the natural landscape while the valley will become yet another place where the hum of traffic noise becomes a background constant.

1.6 It is clear from the above paragraphs that I am not alone in arguing that the BHLR will have significant and irreversible impacts on the Combe Haven Valley. But whatever one's view of the significance of the ecological and landscape impact of the BHLR on the Combe Haven Valley as it is today, its presence will radically change the nature of the Combe Haven Valley. These changes

to the area, however they may be viewed, will occur regardless of whether the BHLR brings any transport or regeneration “benefits”. Others are arguing this case for the Hastings Alliance and what I wish to stress here is that while environmental change - needless destruction in my view - is one hundred percent certain, benefits of any sort are not. Only time can tell whether the predictions made regarding the effects of building the BHLR will be realised or not.

## **2 Analysis of the assessment of environmental impacts of the BHLR**

2.1 The introduction to this evidence has indicated that the Combe Haven Valley is more than an attractive piece of countryside and that the effects of the BHLR upon it will, ultimately, be insignificant. Here I will argue further that ESCC has shown what appears to be a systematic bias towards playing down potential adverse and damaging environmental impacts of the BHLR. I will illustrate this with examples.

2.2 ESCC developed six route options for the BHLR. Public consultation on these took place in February 2004 (ESCC, Statement of Case, paras. 8.1 to 8.11). Of these options four (the brown, orange, purple and pink routes) would have crossed the Combe Haven SSSI at some point, (Bexhill and Hastings, Future Travel Options, Public Consultation Newsletter, February 2004). Moreover, the orange route was the most favoured by the public (ESCC, Statement of Case, para. 8.10). If this was a real choice then ESCC was certainly being cavalier about the environment in suggesting that any of the four would be feasible routes, given their responsibilities under the Countryside and Rights of Way (CRoW) Act 2000. Part III Schedule 9 section 28G of the CRoW Act 2000 imposes a duty on all authorities (including local authorities) to take reasonable steps in exercising their functions to further the conservation and enhancement of SSSIs, whether these functions are exercised within or outside of a SSSI. On the other hand, if ESCC were aware that routes crossing the SSSI would damage ecology and biodiversity rather than conserve the Combe Haven SSSI and so were unlikely to be approved later in the process, then I am afraid that they are guilty of deceiving the public.

2.3 During this consultation the public may also “*not have been given an impartial representation of the scheme’s landscape impacts*” according to a report by TRL Limited (2005, para 7.1 page 14) for the Countryside Agency (now absorbed into Natural England). According to this same report (para 8.2 page 16): “*The landscape impacts of the BHLR are almost certainly large. These impacts may potentially be compounded by further impacts at the Baldslow junction and through greenfield development of the ‘North Bexhill Business Park’.*”

2.4 ESCC produced a Non-Technical Summary (NTS, April 2007) of the Environmental Statement (ES, March 2007), as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. This is an important document as its purpose is to provide lay people with an understanding of the environmental impact assessment (EIA) as the ES itself tends to be far too complex and technical for lay people to comprehend. However, following objections to aspects of the EIA, including by both the Environment Agency and Natural England, a 168 page Addendum to the original ES was published (August 2008), along with Appendices, making many changes, both major and minor, to the ES. Yet a revised version of the NTS was not provided, so the public have been left with the erroneous impression that the environmental downsides to the BHLR are not particularly significant, and definitely outweighed by the “benefits”. For example, the NTS states that the “*overall impact of the Scheme on nature conservation and biodiversity interests would be slight adverse and therefore not significant*” (page 19), following the assessment in the original ES (para 12.7.14). Yet the ESCC Statement of Case (September 2009) presented to this Inquiry, states that “*one of the key impacts as a result of the scheme would be significant losses of wildlife habitats*” (para 8.23). The fact that

proposed mitigation for these 'significant losses' seems to have been accepted does not alter the fact that ESCC have been less than honest with the public, and continue to be so. In ESCC Newsletter No. 1 (Autumn 2009) the public are still referred to the original NTS.

2.5 ESCC was required to submit a revised Local Transport Plan Major Scheme Business Case (MSBC, May 2009) to the Department for Transport because changes in the cost of the BHLR meant that additional funding for it had to be justified. In the MSBC ESCC claimed that the impact of the BHLR on the landscape would be "*slight adverse*" (page 3.75) and the impact on biodiversity would be "*moderate to slight adverse*" (page 3.78). ESCC was forced by the Department for Transport to change these assessments to "*moderate adverse*" in both cases (MSBC updated information, August 2009, para 3.4.4 and 3.4.6). Nonetheless ESCC continues to downplay the potential impacts of the BHLR to the public, with ESCC Newsletter No 1 (Autumn 2009) maintaining that the belief that the BHLR will have an unacceptable impact on the environment is merely an opinion. It is also noticeable that their artists's impression comprises a view of the road, and not a view of the landscape showing the impact of the BHLR.

2.6 It is instructive to examine in more detail the assessment of the potential impact of the BHLR on the landscape. Table 1 (page 5) summarises some assessments that have been made. It reinforces the point that ESCC tends to downplay environmental impacts of the BHLR. The assessments of the landscape impact of the BHLR made by ESCC as the promoter (numbers 4, 6 and 8) all suggest that the impact on landscape will be slight negative. Other more independent assessments vary, but all are agreed that there will be more than a slight impact, often much more. It may be argued that the methodologies differ for each assessment, but assessments 1, 2, 4, 6 and 7 at least will have followed government guidelines current at the time. And the Department for Transport (number 7) will have used the same methodology as was used in the EIA to assess landscape impacts, but come to a different judgment.

### **3 Conclusion**

3.1 The Combe Haven Valley is a unique and special place and if the BHLR is built its impacts on the valley will be irreversible. They will also be one hundred percent certain, but this is not the case for the predicted "benefits".

3.2 ESCC as promoters of the scheme have tended to show "optimism bias" in their assessment of the environmental impacts of the scheme. In particular they have consistently argued that the landscape impact of the BHLR will be at most slight adverse, while other assessments have consistently come up with judgments of moderate or severe impacts. They have also consistently downplayed environmental impacts in documents addressed to lay people (the general public) who may therefore have a poor understanding of the real nature of the impacts.

3.3 It is therefore essential that the predicted "benefits" are considered critically in assessing the need for the BHLR because if it is built, and these benefits are not realised, then a special place will have been lost for ever, and for what?

### **3 Documents referred to**

#### 3.1 Core documents

CD7/16 Access to Hastings Multi-Modal Study (November 2000)

CD9/1 Applications for planning permission for the Bexhill to Hastings Link Road and supporting documentation:

CD9/3 Report by Head of Planning to East Sussex County Council Planning Committee dated 10 December 2008 relating to the Bexhill to Hastings Link Road

CD9/12a Local Transport Plan Major Scheme Business Case: Updated Information (August 2009)

CD9/12b Local Transport Plan Major Scheme Business Case: Updated Information Explanatory Note (August 2009)

#### 3.2 Other documents

South Coast Corridor Multi Modal Study, Appraisal of SoCoMMS Strategy, Prepared for Government Office for the South East, August 2002, Halcrow Group Limited

Bexhill and Hastings, Future Travel Options, ESCC Newsletter February 2004

Report on the BHLR, ESCC Cabinet meeting 8 June 2004

TRL Limited June 2005 UNPUBLISHED PROJECT REPORT UPR/SE/235/05 Task 44 – Bexhill to Hastings Link Road, by Colin Treleven

Bexhill to Hastings Link Road, Newsletter No. 1, Autumn 2009

Table 1: Assessments of the landscape impact of the BHLR

	<b>Assessment of landscape impacts</b>	<b>Source</b>	<b>Comments</b>
1	Landscape character, High Weald AONB and setting of SSSI are of high importance, and the impact of the Western bypass would be large adverse.	Access to Hastings, November 2000 Table 6.13, page 124	The western bypass is not identical to the BHLR. The western bypass was rejected by then Secretary of State for Transport.
2	<i>“There will be detrimental impacts on landscape pattern, particularly valleyside landform and valley form and on landcover.”</i> The overall impact is categorised as Large Negative	SoComms 2002 para 4.2.11 Landscape Appraisal Table, page 2	The route had not been fully defined.
3	<i>“Almost certainly large”</i>	Report for the Countryside Agency, TRL 2005	Assessment before the final route had been chosen. See also para. 2.3 above.
4	<i>“... overall visual impacts of the Scheme would be Slight Adverse ..”</i>	BHLR ES, July 2007 paragraph 13.7.19, page 22	Refers to chosen route.
5	<i>“ ... I am of the view that the landscape and visual effects of the scheme overall could be greater than predicted by the applicant, and whilst there would be some beneficial visual effects to parts of the AONB, from a redirection in current traffic flows, these would not offset to any significantly material degree the direct adverse landscape and visual effects of the proposals on the area”.</i>	Planning officer’s report to ESCC Planning Committee, December 2008, para 7.123	Refers to chosen route. See also para 1.2 and 1.3 above.
6	slight adverse	ESCC MSBS 2009, page 3.75	Refers to chosen route. See also para 2.5 above.
7	moderate adverse	Department for Transport; see MSBS updated information para 3.3.4, August 2009	Refers to chosen route. See also para 2.5 above.
8	avoids explicit assessment of landscape impact	ESCC Statement of Case 2009, para 17.42	<i>“ ... attractive accessible countryside that is locally valued .. ”;</i> see also para. 1.4 above