

HASTINGS ALLIANCE *for Sustainable Transport Solutions* –
www.hastingsalliance.com

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Development Control
East Sussex County Council
County Hall
St Anne's Crescent
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August 7th 2007

Dear Mr Earl

Bexhill Hastings Link Road Planning Application RR/2474/CC

We apologise for the late delivery of this letter but understand from your office that it will nonetheless be taken into consideration.

The Hastings Alliance for Sustainable Transport Solutions is a coalition of groups originally formed to oppose the construction of the Bexhill and Hastings bypasses and to promote alternative and sustainable strategies for the two towns. The group is now focusing its attention on the BHLR. From the time that BHLR was proposed, there was great strength of feeling and conviction among all the groups that the BHLR was a scheme that would comprehensively fail to solve congestion, deliver sustainable development, or to regenerate Hastings and Bexhill. It would demonstrably irrevocably damage or destroy the landscape, ecology and cultural heritage of the Combe Haven valley.

The survival of the Hastings Alliance over the last seven years is testimony to the consistent efforts and commitment of individual groups in the voluntary/NGO sector to work together, over and above the effort required of each individual group. Its recent output has included the commissioning of independent research that has informed and enlightened all parties concerned about BHLR, at no cost to the public, and as a direct result of fund raising among the members of the groups. The Alliance is clearly greater than the sum of its individual parts.

The representations already made by Alliance group members to East Sussex County Council Planning Department contain cogent arguments across a wide range of policy areas against the BHLR scheme, together with supporting national, regional and local government policies to back them. There is also clear evidence of the benefits of adopting a different model to the discredited and unsustainable approach characterised by the BHLR.

In the light of the above, we respectfully urge you to give full consideration to the arguments already presented by individual Hastings Alliance member groups; Sussex Wildlife Trust, the Royal Society for the Protection of Birds, The Woodland Trust, The Campaign for the Protection of Rural England National and South East, Hastings Urban Wildlife, Transport 2000, East Sussex Transport 2000, Friends of the Earth South East and Hastings, Friends of the Brede Valley, The Wishing Tree Residents Association and Sustrans and Hastings and Rother Agenda 21.

The Hastings Alliance now joins its member groups in objecting most strongly to the above planning application on numerous planning and other grounds.

1.Planning aspects

PPS 1 - Delivering Sustainable Development

This road project does not comply with the spirit or the letter of PPS1:

Key Principles

13(ii) Regional Planning Bodies and local planning authorities should ensure that development plans contribute to global sustainability by addressing the causes and potential impacts of climate change – through policies which reduce energy use, reduce emissions (for example by encouraging patterns of development which reduce the need to travel by private car)....

The Council has stated that this road scheme will increase overall traffic levels and greatly increase overall co2 figures, while only slightly improving journey times. This is not a sustainable project, at a time when particular weight is being given to climate change and a reduction in the need to travel by car.

PPS 1 goes on to say:

Protection and Enhancement of the Environment

17 The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas.....a high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources. Those with national and international designations should receive the highest level of protection

20 Development plan policies should take account of environmental issues such as:

- the protection of the wider countryside and the impact of development on landscape quality; the conservation and enhancement of wildlife species and habitats and the promotion of biodiversity.*
- The potential impact of the environment on proposed developments by avoiding new developments in areas at risk of flooding and sea-level rise...*

27(ix) Enhance as well as protect biodiversity, natural habitats, the historic environment and landscape and townscape character

There is a statutory duty on local government not only to protect, but to enhance biodiversity. This road project does not respect that duty. Ancient Woodland will be lost. Habitats will be severed. The impacts of noise and light on biodiversity are unknown and the Environmental Statement glosses over any potential impact, which could be devastating. The SSSI area very close to the proposed road can not be said to be receiving ‘*the highest level of protection*’

PPS 7 Sustainable Development in Rural Areas

Guidance in PPS 7 merely underlines the obligations in PPS1:

Key Principles

1(i) Decisions on development proposals should be based on sustainable development principles, ensuring an integrated approach to the consideration of:

- *effective protection and enhancement of the environment.*

(ii) ...the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

The Countryside

14. The policies in this section apply to the largely undeveloped countryside that separates cities, towns and villages.

Countryside protection and development in the countryside.

15. Planning authorities should continue to ensure that the quality and character of the wider countryside is protected, and where possible enhanced.

They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development.

16. When preparing policies for LDDs and determining planning applications for development in the countryside, local planning authorities should:

(v) conserve specific features and sights of landscape, wildlife and historic or architectural value, in accordance with statutory designations.

This project sacrifices important Grade II listed buildings and will irretrievably destroy an exceptional landscape.

PPS 9 Biodiversity and Geological Conservation

Key Principles

1(ii) Plan policies and planning decisions should aim to maintain and enhance, restore or add to biodiversity and geological conservation interests

1(vi) The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests.

The proposed road will destroy biodiversity rather than protect and enhance it. There will be destruction and severance of habitats and proposals for mitigation are imprecise. ESCC is not in a position to predict the effectiveness of any mitigation. Ancient Woodland will be lost.

Sites of Biodiversity and Geological Conservation Value

8. SSSIs - "When a proposed development on land within or outside an SSSI is likely to have an adverse effect on an SSSI, planning permission should not normally be granted."

There seems to be very little recognition in planning this project of its inevitable impact on the very nearby SSSI.

12. Networks of Natural Habitats – “Networks of natural habitats provide a valuable resource. They can link sites of biodiversity importance and provide routes or stepping stones for the migration, dispersal and genetic exchange of species in the wider environment. Local authorities should aim to maintain networks by avoiding or repairing the fragmentation and isolation of natural habitats through policies in plans”

The reverse of the above recommendation will result from the plan.

PPG 13 Transport

Objectives

4. “The objectives of this guidance are to integrate planning and transport at the national, regional, strategic and local level to:

- 1. Promote more sustainable transport choices for both people and for moving freight;*
- 2. promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and*
- 3. reduce the need to travel, especially by car.”*

Local public transport companies have said they will not run bus services down this road. Its very existence will tend to promote car use. Any housing and jobs created by the construction of the road will be away from town centres and not easily accessible by public transport. The Planning Application anticipates no improvement in levels of rail service provision or infrastructure enhancement despite research informing the ‘five point plan’.

Annex C: Transport Infrastructure

Planning for Roads

7. By virtue of the Town and Country Planning (Development Plans and Consultation) Directions 1992 (DOE Circular 19/92, Annex 3) any local road proposal which is a departure from the development plan must be notified to the Secretary of State. The Directions also require the local planning authority to consult the Secretary of state about any planning application by a local highway authority (which is not a departure application) for development consisting of or including the construction of a road whose route is not proposed in the relevant local plan. The notification and consultation procedures under the Directions give the Secretary of State the opportunity to consider whether applications for local roads should be called in for his own determination. He will, however, continue to be very selective about calling in planning applications and will in general only do so if planning issues of more than local importance are involved.

The Bexhill-Hastings Link Road is not a Proposal of the East Sussex Structure Plan, the Hastings Borough Local Plan, or the Rother District Local Plan. No route is proposed in the Hastings Local Plan. The Rother Local Plan safeguards a wide corridor only. The Rother Local Plan Inspector made clear in his report that the BHLR is not a proposal of the Local Plan, and the County Council itself made this clear in written evidence to that Inquiry.

PPG 15 Historic Environment

1. Planning and Conservation

1.1 It is fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside. The historic environment is also of immense importance for leisure and recreation.

Historic, listed grade II buildings will suffer 'significantly adverse impacts'

PPG 16 Archaeology

English Heritage reports that planned '*works that have potential to impact on the cultural, heritage resource are numerous...*'

'We draw the Council's attention to the failure to fully comply with government guidance on the process of archaeological assessment during the preparation of the Environmental Statement...'

'Incomplete archaeological evaluation would impair the Council's ability to make an informed and balanced decision and would also undermine its ability to make proper provision for the nature and cost of mitigation of adverse impacts on archaeological remains'

PPG 20 Coastal Planning

The proposed BHLR lies between 1 and 2.5 kms from the coastline. It is should therefore take into account guidance for Coastal Planning.

1.8 Likewise, when considering the environmental impacts of developments outside the coastal zone, local planning authorities will still need to consider the effects on that zone.

Policies for risks

2.14 Policies should seek to minimise development in areas at risk from flooding, erosion and land instability. The degree of risk involved will have to be carefully considered and policies will specifically be needed to control or restrict development:

a. Flooding, erosion and land instability

2.15 Rising sea levels and recent cases of severe coastal flooding have focused attention on minimising both the risk to life and damage to property. This should be done by identifying areas likely to be at risk from flooding.

PPG 21 Tourism

The future prosperity of Hastings, St Leonards and Bexhill depends to a significant degree on successful development of their tourism assets. Any road connecting them must bear this in mind.

Locational Factors

5.25 The rural hinterland of such resorts and the adjacent coastline are often very important factors in their attraction for tourism, and local plans should contain development control policies to protect and enhance these assets. PPG 20 on Coastal Planning sets out the special protection that should be applied to the undeveloped coasts.

PPG 24 Noise

General Principles

2. The impact of noise can be a material consideration in the determination of planning applications.

Designated areas and the countryside

20. Special consideration is required where noisy development is proposed in or near Sites of Special Scientific Interest.....the effect of noise on the enjoyment of other areas of landscape, wildlife and historic value should also be taken into account.

A busy road running alongside a SSSI and through highly valued landscapes will certainly not comply with this guidance.

PPS 25 Flood Risk

Background – Key Planning Objectives

3. All forms of flooding and their impact on the natural and built environment are material planning considerations.....planning should facilitate and promote sustainable patterns of development, avoiding flood risk and accommodating the impacts of climate change.

5. The aims of planning policy on development and flood risk are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk.

The Environment Agency has objected to this planning application on the grounds of the Council's inadequate compliance with PPS25.

The Local Planning Authority

26. LPAs are required to consult the Environment Agency on all applications for development in flood risk areas.

28. If, after discussions, it becomes clear that the Environment Agency is unable to withdraw its objection, but the LPA remains minded to approve an application for major development, the Town and Country Planning (Flooding) (England) Direction 2007 requires the LPA to notify the Secretary of State of the proposal. This provides the Secretary of State with an

opportunity to check the application's general compliance with the policies in this PPS and to consider whether it would be appropriate to call it in for determination. The Secretary of State would wish to be assured in considering such cases that all reasonable steps have been taken by the LPA, the Environment Agency and the applicant through discussions to consider ways in which the application might have been amended, or additional information provided, which would have allowed the Environment Agency's objection to be withdrawn.

Annex B: Climate Change

B1. There is an increasing body of scientific evidence that the global climate is changing as a result of human activity.....these kinds of changes will have implications for river flooding and also for local flash flooding.

B5. Global sea level will continue to rise....

Hastings Borough Council is a Partner in SECCP – South East Climate Change Partnership. SECCP's mission is to 'investigate, inform and advise on the threats and opportunities arising from the impacts of climate change in South east England and to promote adaptive planning in the region.

It's objectives are to:

- Identify the potential impacts of climate change;
- Raise awareness of the need to adapt to climate change as well as mitigate against it;
- Help to develop integrated responses which enable the region to adapt to the impacts and avoid exacerbating global warming;
- Identify any opportunities which could arise from climate change;
- Link with national and other regional organisations addressing related issues.

The planning application for the Bexhill to Hastings Link road pays surprisingly little attention to climate change. Recent study, including the Stern Review on the Economics of Climate Change and the Eddington Transport Report consider ways in which the effects of climate change can be effectively mitigated by appropriate planning decisions.

As noted above, this planning application fails to comply with numerous national planning policies and guidelines in many important areas.

2.Other aspects

CO2 emissions

At a time of extreme concern over the impact of climate change and an increasingly clear understanding of the role of CO2 emissions, it is unacceptable that this new road proposal alone will produce close to 6000 tonnes of additional CO2. This is inconsistent with the county's 'Carbon Management Plan' which aims to save 5788 tonnes.

Cost/Value for money

The original £47.2 million budget has now risen to £89 million. The additional mitigation measures required by the SEB's alone are certain to take this budget to a much higher figure. It is not credible that in announcing the cost increase to £89 million ESCC also claimed a much better cost benefit ratio. There are many better ways to spend this very large amount of tax payers money.

Alternatives

Government guidance on examination of alternative non-road strategies has been ignored by the Council. No proper study has ever been carried out to assess what these strategies could achieve

Ineffectiveness

It is a well documented fact that new roads tend to increase traffic. Council figures show that the BHLR will reduce traffic on the Bexhill Road, but increase it in other areas in Hastings. The project fails to address problems of rising traffic levels and will lead to more traffic in Hastings and Bexhill than if it were not built at all. In addition its construction would lead to pressure to build new roads to the East of Hastings – contrary to recommendations in the South Coast Multi-Modal study.

Accessibility

The BHLR would not make Hastings or Bexhill any more accessible to the wider region, so would be unlikely to attract investment from elsewhere. It might attract local firms to relocate from town centres, meaning that their employees would have further to go to get to work, probably by car.

Economic Regeneration

Any new job creation resulting from the construction of Business Parks on green field land opened up by the road, is likely to be at the expense of jobs in the centres of Hastings, St Leonards and Bexhill.

Public Transport

Construction of the road would undermine investment in public transport

Consultation

Public consultation was short and inadequate. Alternative choices were not offered, merely a number of different routes for the road.

Combe Haven

By introducing 30,000 vehicles a day where there is currently no traffic at all, it will needlessly sacrifice Combe Haven valley, a tranquil and beautiful asset on the edge of Hastings and Bexhill valued for its landscape and wildlife.

Statutory Environmental Bodies

In reviewing our own objections to this road as well as those of our member groups, we are struck by the comments of the Statutory Bodies, particularly given the clear instructions contained in the Secretary of State's response to the South Coast Multi-Modal study in relation to the link road scheme:

“The Secretary of State recognises that this road will have some impact on the environment. He is therefore asking East Sussex County Council to work closely with the Statutory Environmental Bodies in developing this scheme in more detail in order to minimise the environmental impacts”.

The Environment Agency's clear objection on the grounds of non compliance with PPS 25 (Development and Flood Risk) as well as '*inadequate consideration of, and mitigation and compensation for, ecological impacts*', scarcely gives confidence in the thoroughness of this cooperation.

English Heritage's objection in all but name, notes; *'failure to comply with government guidance on the process of archaeological assessment during the preparation of the Environmental Statement, in particular the Council's intention to defer part of the archaeological field evaluation until after determination of the application for planning permission'* reads no better. EH goes on to state

'Incomplete archaeological evaluation would impair the Council's ability to make an informed and balanced decision and would also undermine its ability to make proper provision for the nature and cost of mitigation of adverse impacts of archaeological remains'.

Natural England, in objecting says – *'it is of the opinion that the application as submitted has failed to adequately assess and mitigate for impact on protected species and for potential adverse effects on both Marline Valley SSSI and Combe Haven SSSI. Mitigation is lacking in sound assessment and in some areas may not be achievable. This is unacceptable to Natural England and we therefore advise that the Council refuse planning permission for this development'*.

All these comments clearly indicate that cooperation between the SEBs and the Council, as requested by the Secretary of State has not been effective.

Previous rejection

The Government turned down previous proposals for Hastings western and eastern bypasses in 2001.

The then Transport Minister John Spellar said:

'the Access to Hastings multi-modal study did not build a convincing regeneration case for the bypasses – it concluded that although the bypasses could possibly help to regenerate employment in the area this would not necessarily help those most in need. There would be reduced congestion in some areas of the town but the position would get worse in others. Against these rather weak arguments we had to place the evidently severe implications for the environment.'

We see no significant changes in this plan for the Bexhill to Hastings Link Road to justify altering the Minister's 2001 assessment. The Hastings Alliance therefore strongly suggests that the East Sussex County Council Planning Committee reject this application.

Yours sincerely

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Chairman, Hastings Alliance

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