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**Our ref:** SX/2007/101661/01-L01  
**Your ref:** RR/2474/CC  
**Date:** 20 July 2007

Dear Peter

**BEXHILL TO HASTINGS LINK ROAD: CONSTRUCTION OF A NEW ROAD INCLUDING ENVIRONMENTAL TREATMENT WITH EARTHWORKS, PLANTING FLOOD AND NOISE ATTENUATION, WILDLIFE COMPENSATION AND FACILITIES FOR NON-MOTORISED USERS**

**A259 - BELLE HILL, BEXHILL ON SEA TO B2092 - QUEENSWAY, ST LEONARDS ON SEA**

Thank you for referring the above application which was received on 29 May 2007. We appreciate you agreeing to an extension of time in order for us to make our detailed response and hope this has not caused any major inconvenience. Please quote our reference number on any correspondence.

I can confirm that we **OBJECT** to the proposed road scheme as submitted, on flood risk management and ecological grounds.

Our concerns relating to these issues are detailed below.

**1. Submission of an inadequate Flood Risk Assessment (FRA)**

We appreciate that a Flood Risk Assessment (FRA) has been submitted with the application. However, this does not give us enough information to fully assess the flood risk management implications of the application and appears to be a summary document, rather than a full FRA.

In our opinion the submitted FRA does not comply with the requirements of PPS25: "Development and Flood Risk" (PPS25, 2006), the companion guide to PPS25 or other guidance such as DEFRA/EA 'Flood Risk Assessment Guidance for New Development' (FD2320/TR2).

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Our primary concern is that the following information has not been submitted as part of the planning application or FRA:

- (i) Evidence that the Sequential Test has been applied.
- (ii) Evidence that the Exception Test (if required) has been applied.
- (iii) Flood outlines, prior and post development.
- (iv) Details of the proposed Sustainable Drainage Systems (SuDs).
- (v) Calculations for points iii and iv.
- (vi) The residual risks of flooding.

We are aware that the majority of the required work to meet the above requirements has been previously undertaken however this has not submitted with the current planning application. In order for us to fully assess the scheme this data should have been included within the FRA.

## **2. Nature Conservation & Ecological Impacts of Proposed Development**

This objection is on the basis of the resulting unacceptable ecological impacts and inadequate information within the ES:

- (a) Inadequate consideration of, and mitigation and compensation for, ecological impacts

The Environmental Statement (ES) concludes that the overall impact of the scheme on nature conservation and biodiversity interest would be “slight adverse and therefore not significant” (ES Non-Technical Summary, page 19). However, the ES identifies several significant deficiencies in the identification and mitigation of impacts. It recognises that the route will result in the loss and disruption of ecologically valuable and UK Biodiversity Action Plan habitat including floodplain grassland and fen, ditches and streams, hedgerows with wet ditches, ancient woodland associated with ghylls, plus their various associated wildlife species (Design & Access Statement, section 7.1). We do not consider that adequate mitigation has been proposed.

### *Unknown Impacts*

In several areas the impacts are considered to be unknown and therefore not addressed. For example, the scheme identifies that there would be a risk that increased noise and vehicle emissions *may* have some influence upon habitats. Although noise impacts have been acknowledged, the lack of understanding regarding noise impacts means that they have not been taken into account or mitigated for. It is suggested that there are “potential impacts from the discharge of road drainage, leachates from construction materials and alteration of air quality and the chemical environment near the road” (ES, Chapter 12, Section 12.4.6). There will be significant increases in nitric acid deposition within areas adjacent to the road, including two SSSIs, but there is “some uncertainty as to the effect of this on habitats and species” (ES Non-Technical Summary, page 18). Without being fully understood and investigated, the impacts cannot be mitigated adequately.

### *Unknown effectiveness of mitigation and some impacts unable to be mitigated*

The scheme does not mitigate adequately for disturbance of habitats and acknowledges that there will be an ongoing effect upon wildlife, particularly that the

scheme will “create noise and visual disturbance arising from vehicles and users of the greenway” (ES, Chapter 12, Section 12.4.5) .

The replacement of lost habitats with a 2:1 ratio, as mitigation, “assumes that the whole of the borrow pit in the Powdermill Valley would be sufficiently shallow to enable wet reedbeds and similar habitats to be created” (ES, Chapter 12, Section 12.4.9). Furthermore the ES recognises that there is no reliable information on whether the areas proposed for habitat re-creation would be significantly large to retain significant biodiversity in the long term (ES, Chapter 12, section 12.4.10) and states that “there is some uncertainty over whether the measures proposed would fully compensate or mitigate the impact on the actual and potential biodiversity of the floodplain” (ES, Chapter 12, Section 12.4.12). Thus the actual extent of mitigation and the likely effectiveness of proposed habitat re-creation is unknown. It must be clearly demonstrated that compensatory habitat creation will be on a like-for-like basis, since creation of, for example, open water ponds/lakes cannot be considered as compensation for wet grassland and ditch habitats. Compensatory habitats for those being lost should not be created on existing ecologically valuable habitats. Furthermore, the feasibility of mitigation options must be demonstrated. According to the ES part of the mitigation strategy *may* involve working with landowners to improve water levels and habitats in the valley (ES Non-Technical Summary, page 9). This is not confirmed and therefore cannot be considered as part of the currently proposed mitigation.

The ES confirms that there would be actual and potential indirect impacts on the SSSIs, including impacts from increased noise levels and from visual disturbance, and that “the route would sever the SSSI from floodplain grassland and fen” (ES, Chapter 12, Section 12.4.40). This has not been adequately addressed. Furthermore the scheme does not take into account the medium-term loss in habitats until newly created habitats are established. The length of ditch re-creation, for example, does not appear to be on a 2 for 1 replacement ratio as stated and is therefore inadequate, and the overall impacts are likely to result in a deterioration of the ecological quality of watercourse habitats, contrary to the requirements of the Water Framework Directive.

(b) The impacts of severance of habitats

*Habitat severance*

The ES recognises that the value of some habitats in the area will be significantly degraded by severance from other complementary areas (Design & Access Statement, section 7.3). It states that the proposed road will “create a barrier between habitats, possibly isolating smaller areas of habitat to the extent that they would be unable to support viable populations of some species of biodiversity significance” and “sever habitat links, particularly the network of hedges, copses and ditches, and specific links for badgers, bats and common dormice” (ES, Chapter 12, Section 12.4.5).

However, the mitigation strategy focuses on mitigation and compensation of impacts on individual species and habitat types. It fails to address the significance of severance of ecologically valuable and priority UK BAP habitats, causing disruption of ecological networks, and habitat isolation and fragmentation. The scheme will result in severance of both existing and newly created wetlands, and watercourses, from the Combe Haven SSSI and other wetland habitats. This will prevent migration

and transfer of species and reduce the suitability of severed areas for wildlife. On this large scale the scheme will alter the ecological function of the whole valley.

With the currently proposed road design the impacts of severance are unable to be mitigated. The watercourse crossings, which have the potential to lessen the impacts of severance by providing wildlife corridors, are inadequate for a road scheme of this size. The clear span crossings are inadequate in size and the impacts of culverts including loss of bankside habitat and disruption of watercourse continuity, have not been addressed. Furthermore the road will restrict the creation of necessary wetland habitats and strengthening of ecological networks in the future.

### *Species isolation*

This has not been adequately considered by the ES, even though it states that the road “*may* be a barrier to the free movement of wildlife between the land north of the road and the land to the south” (ES, Chapter 12, Section 12.4.9). Of particular concern to us is that although the ES acknowledges that otters have previously been recorded in the vicinity of the scheme, and that it is possible water voles are still present in the valley, impacts of the scheme on these species have not been fully considered. No specific mitigation measures have been proposed, and specifically the restrictive effects of the proposed road on potential future re-colonisation of the valley by these species, has not been addressed.

### (c) Failure to address requirements of PPS9 and other planning policy

This is a large scale development and ecological enhancements must be an intrinsic part of the proposal. This is in keeping with PPS1 “Delivering Sustainable Development”, PPS9 “Biodiversity and Geological Conservation” and the Draft South East Plan. Policy NRM4 of the Draft South East Plan seeks to avoid a net loss of biodiversity and to actively pursue opportunities to achieve a net gain of biodiversity across the region. PPS1 states that Local Planning Authorities (LPA’s) should seek to enhance the environment as part of development proposals. PPS9 describes how planning decisions should maintain, enhance, restore, and add to biodiversity interests, and recognises that development proposals provide opportunities for including beneficial biodiversity features as part of good design. Furthermore, PPS9 recognises the need to protect, strengthen and integrate networks of natural habitats within development. Fragmentation and isolation of habitats should be avoided.

As submitted the proposed road scheme is also contrary to EN17 and EN20 of the East Sussex and Brighton & Hove Structure Plan 1991-2011. The proposal does not provide adequate mitigation and compensation for ecological impacts and it fails to address the planning requirement for provision of ecological enhancements above and beyond that mitigation and compensation. We would expect significant ecological enhancements proposed for a scheme of this scale.

## **Requirements to overcome above Objections**

### *Flood Risk*

We would be in a position to review our objection on flood risk management grounds, once the information highlighted in 1 (i) – (vi) has been submitted to us.

## *Nature Conservation Grounds*

We highlight that our objection relating to nature conservation may be overcome given careful re-consideration to the road scheme design and the specific mitigation and enhancement measures that are proposed.

This will include:-

- Consideration and improvement to the design of the clear span bridges to provide a greater width on either side of the watercourse. This in itself might help to minimise the requirements of mitigation and enhancement for the watercourses.
- Studies to assess and prove the mitigation options are feasible and workable.
- Re-consideration of further mitigation and enhancement options. We understand from meetings and discussions with East Sussex County Council that some of this work has been done already however this has not been submitted alongside the planning application.

In our opinion the Environmental Statement (ES) is inadequate and we have been unable to properly assess the risk of flooding and ecological impacts associated with the proposal. We require that further information is requested under Regulation 19 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999.

Our objection to the proposed development will be maintained until the concerns outlined above are addressed.

Whether or not the application is approved, it will be necessary to re-consult us and further conditions and other information will apply.

### **Further Information**

We note for your information the following additional considerations and licensing requirements that will need to be taken into account for the proposed roading scheme:

#### Licensing Requirements

Under the terms of the Water Resources Act 1991, our written approval is required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of sewage or trade effluent from buildings or fixed plant into or onto the ground or into waters which are not controlled waters. Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters.

#### Construction Environmental Management Plan (CEMP)

We would also wish to comment on the CEMP prior to works being started. The CEMP should in particular cover the following aspects with regard to water quality:

- Oil and chemical storage
- Sediment runoff during construction disturbance works, especially in and around water bodies. Works in watercourses should consider the diversion of flow to protect the water quality
- Sediment runoff from material stockpiles (these should be positioned away from watercourses), and any runoff may require settling

- Pollution from construction vehicles
- Discharge from dewatering work (discharge consent may be required)
- Discharge from toilet facilities for mobile offices or compounds (discharge consent may be required)

#### Oil and Chemical Storage

Any facilities for the storage of chemicals or oils shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

#### Operation

The drainage plans for protection of controlled waters should include pollution control valves to protect the receiving water in the event of a spill on the road.

I reiterate that the objections outlined above are not insurmountable and we would be happy to meet with you to discuss possibilities for overcoming these. Please do not hesitate to contact me directly on the number below if you have any further queries or would like to arrange a meeting.

Yours sincerely

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**Senior Planning Officer**

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