



Report to the Secretary of State for Transport and the Secretary of State for Communities and Local Government

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By (

An Inspector appointed by the Secretary of State
for Transport and the Secretary of State for
Communities and Local Government

Date: 12 March 2010

HIGHWAYS ACT 1980

TOWN AND COUNTRY PLANNING ACT 1990

ACQUISITION OF LAND ACT 1981

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EAST SUSSEX COUNTY COUNCIL

THE BEXHILL TO HASTINGS LINK ROAD

Inquiry opened: 10 November 2009

Ref: DN5054/55/7/08

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PRINCIPAL ABBREVIATIONS USED IN THIS REPORT

AADT: Annual Average Daily Traffic
the Alliance: the Hastings Alliance
AOD: Altitude over datum
AONB: Area of Outstanding Natural Beauty
AQMA: Air Quality Management Area
Baldslow Link: The proposed reordering of the A21/A28 junction at Baldslow
BCR: Benefit to Cost Ratio
BHLR: Bexhill to Hastings Link Road
BNAR: Bexhill Northern Approach Road
CD: Core Document
CEMP: Construction Environmental Management Plan
DEFRA: Department of Food and Rural Affairs
the Design Year: 2028

DfT: Department for Transport
DMRB: Design Manual for Roads and Bridges
EA: Environment Agency
EH: English Heritage
EIA: Environmental Impact Assessment
ES: Environmental Statement; References to the ES include any relevant ES Addenda
ESCC: East Sussex County Council; also East Sussex County Council Document
FPP: Five Point Plan
HA/: Hastings Alliance core document number
HBC: Hastings Borough Council
IMD: Indices of Multiple Deprivation
INQ/: Inquiry document
Km: kilometre
Kph: kilometres per hour
LDF: Local Development Framework
LEMP: Landscape and Ecological Management Plan
LLO: Low or ground level ozone
MSBC: Major Scheme Business Case
NE: Natural England
NEBBP: North East Bexhill Business Park
NPV: Net Present Value
OBJ: Objector (also OBJ/: objector document reference)
OEMP: Operational Environmental Management Plan
the Opening Year: 2013
the Planning CPO: The East Sussex County Council (Bexhill to Hastings Link Road)(Planning) Compulsory Purchase Order 2009
PPG: Planning Policy Guidance
PPS: Planning Policy Statement
/R/: ESCC rebuttal document
RA: Regeneration Area
RDC: Rother District Council
RR: Regeneration Report
Sea Space: Hastings and Bexhill Renaissance Limited t/a Sea Space
SEB: Statutory environmental body
SEEDA: South East England Development Agency
SEP: South East Plan
SNCI: Site of Nature Conservation Interest
SOA: Super Output Area
SSSI: Site of Special Scientific Interest
SoCoMMS: South Coast Multi-Modal Study
SoSCLG: Secretary of State for Communities and Local Government
SoSfT: Secretary of State for Transport
the SRO: The East Sussex County Council (Bexhill to Hastings Link Road) Side Roads Order 2009
the Transport CPO: The East Sussex County Council (Bexhill to Hastings Link Road) Compulsory Purchase Order 2009

CASE DETAILS

- The East Sussex County Council (Bexhill to Hastings Link Road) Compulsory Purchase Order 2009 ("the Transport CPO") was made on 4 February 2009 under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976.
- The East Sussex County Council (Bexhill to Hastings Link Road) Side Roads Order 2009 ("the SRO") was made on 14 January 2009 under sections 14 and 125 of the Highways Act 1980.
- The East Sussex County Council (Bexhill to Hastings Link Road)(Planning) Compulsory Purchase Order 2009 ("the Planning CPO") was made on 4 February 2009 under section 226 of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976.
- The Orders were made by East Sussex County Council ("ESCC"). ESCC applied to the Secretary of State for Transport for confirmation of the Transport CPO and the SRO and to the Secretary of State for Communities and Local Government for confirmation of the Planning CPO.
- The Transport CPO, if confirmed, would authorise ESCC compulsorily to purchase land and interests in land for the purposes of constructing the Bexhill to Hastings Link Road ("BHLR"). The SRO, if confirmed, would authorise ESCC to stop up private means of access and permanently to divert public rights of way. The Planning CPO, if confirmed, would authorise ESCC compulsorily to purchase land for the purposes of providing ecological compensation.

Summary of Recommendations: I recommend that the Orders be confirmed, subject in the cases of the Transport and Planning CPOs to modifications.

1. PREAMBLE

- 1.1 I have been appointed to hold concurrent public inquiries into the above Orders and to report to the Secretary of State for Transport ("SoSfT") in respect of the Transport CPO and the SRO, and to the Secretary of State for Communities and Local Government ("SoSCLG") in respect of the Planning CPO. I hereinafter refer to the concurrent inquiries as "the inquiry". The inquiry was held at the White Rock Theatre, Hastings on 13 days between 10 November and 2 December 2009. I held a pre-inquiry meeting on 3 September 2009 at the de la Warr Pavilion, Bexhill.
- 1.2 I made unaccompanied inspections of the route of the proposed link road and of sites affected by the proposals on 2 and 3 September 2009. I remained in the area throughout the first three weeks of the inquiry, including during the intervening weekends, and was able during that period to make myself familiar with the area. I made formal accompanied site inspections on the opening day of the inquiry, 10 November, and 1 December 2009.
- 1.3 There were 15 letters of support for the scheme, and 2 supporters appeared at the inquiry. Including those submitted late, 297 written objections to the scheme were received, though this total includes a small number of

duplications. Some 130 of these objections took the form of duplicated standard letters to which objectors had added their name and address. The letters of support and objection are to be found in INQ/4a and /4b. 56 letters of counter-objection were generated by the advertisement of the alternative routes proposed by objectors, and these are to be found in INQ/3.

- 1.4 Six of the objections were from freehold owners of land affected by the compulsory acquisition proposals, and all save one of these had been withdrawn, together with three other objections, by the time the inquiry closed. The letters of withdrawal are in INQ/2. The objection of Network Rail (OBJ010) having been withdrawn by letter dated 4 November 2009, there are no subsisting objections from statutory bodies or statutory undertakers. 31 objectors appeared or were represented at the inquiry, including 3 objectors who appeared only to cross-examine ESCC witnesses. 5 counter-objectors to alternative routes proposed by objectors appeared or were represented at the inquiry.
- 1.5 It was confirmed on behalf of ESCC that all statutory formalities had been complied with. Compliance details are set out in Document ESCC/INQ/2a. One procedural application and one legal submission were made. These are addressed in section 2. There were no costs applications.
- 1.6 The main grounds of objection are that the need for the BHLR has not been satisfactorily established, that potential alternative solutions have not been fully identified or assessed, that the road would have unacceptably adverse environmental and other impacts, that the economic assessment of the road is unreliable, that the BHLR would have unacceptable impacts on other parts of the local road network, and that ESCC has failed adequately to consult or to take into account local public opinion. The general points of objection are more fully set out in section 6.1.
- 1.7 The remaining sections of this report contain a report of procedural and legal matters, a brief description of the route of the BHLR and the surrounding area, the gist of the cases presented, and my conclusions and recommendation. Lists of appearances and documents are appended.

2. PROCEDURAL AND LEGAL MATTERS

- 2.1 The inquiry was conducted under the Compulsory Purchase (Inquiries Procedure) Rules 2007 (S.I. No. 3617 of 2007). The following procedural issue arose.
- 2.2 By written statement dated 30 November 2009, Mr M Sullivan (OBJ265) applied for an adjournment of the inquiry, otherwise programmed to close on 2 December 2009. He submitted that an adjournment was necessary to allow ESCC to prepare and submit further evidence mainly relating to the traffic appraisal of the alternative routes that Mr Sullivan had proposed. This evidence was in his view necessary to permit me to come to a proper conclusion and recommendation, and to place the SoSfT in a position to make an informed choice between one or other of Mr Sullivan's alternatives and the scheme promoted by ESCC. He also invited me to request ESCC to prepare

and submit the evidence he sought.

- 2.3 Mr Sullivan did not attend the inquiry to make further submissions about his application, though he indicated that another objector, Mr A M Chantler (OBJ254), might wish to do so. I considered Mr Sullivan's written statement, and on 2 December I heard Mr Chantler's very brief additional comments. He said merely that he thought that the alternatives put forward by objectors had been too lightly dismissed by ESCC.
- 2.4 In his response on behalf of ESCC to the application, Mr Price Lewis QC said that the traffic functionality of Mr Sullivan's alternatives was not the primary objection to them. The further evidence sought by Mr Sullivan would be of relevance only if ESCC were asked to develop one of the alternatives, in the event that the SoSs decided to reject the promoted scheme and not to confirm the promoted Orders. I had ample information to permit me to report to the SoSs for these purposes.
- 2.5 As I explained at the inquiry, it is not part of my remit to choose between the promoted scheme and objectors' alternatives on equal terms. Only if I recommend that the Orders relating to the promoted scheme be not confirmed, would it be open to me to inform the SoSfT that one of the alternatives proposed by objectors appears to warrant further investigation. If I make such a recommendation and if the SoSfT agrees with my recommendation, and decides not to confirm the Orders but rather to invite ESCC to work up an alternative scheme based on one of the alternatives proposed by Mr Sullivan, the further detailed evidence sought may then be relevant. I was satisfied that I had sufficient evidence to make any recommendation relating to alternative routes which may be necessary at this stage.
- 2.6 I also had regard to the cost to the public purse of adjourning the inquiry and to the further delay which would result. On balance, and having regard to these considerations, I decided that an adjournment was not justified and refused the application.
- 2.7 There was one legal issue. In its closing submission, it was claimed on behalf of the Hastings Alliance ("the Alliance") that the obligations relating to carbon emissions (3.1.6 and 3.2.6) contained in the unilateral undertaking (CD9.33) entered into by ESCC in favour of Hastings Borough Council ("HBC") and Rother District Council ("RDC") were too vague to be enforceable and therefore of little value in diminishing the adverse impacts of the scheme in this respect. This claim was not sustained by oral submission at the inquiry nor was a detailed written explanation supplied.
- 2.8 The submission appears to rely on the opinion of the head of the legal department at Friends of the Earth set out in an email dated 26 November 2009 attached to the Alliance's closing submissions (in OBJ/179). In the email, it is submitted that ESCC does not intend to create a legally binding commitment, and that, because the Climate Change Strategy referred to in the obligations is incomplete, the extent of the obligations cannot be ascertained with any certainty and cannot therefore be enforced.

2.9 The clauses of the undertaking impugned by the Alliance are in the following terms:

3.1.6 Any net increase in carbon emissions which is attributable to construction of the (BHLR) and that remain after the implementation of the relevant mitigation measures in the Construction Environmental Management Plan shall become a commitment to be catered for by the County Council under (its) Climate Change Strategy.

3.2.6 Any net increase in carbon dioxide emissions attributable to the operation of the (BHLR) that remains shall become a continuing commitment to be catered for by the County Council under (its) Climate Change Strategy.

2.10 In his response in closing submissions (ESCC/INQ/43), Mr Price Lewis relied on the express terms of these clauses. The obligations are clear and unambiguous. They require the residual additional carbon dioxide emissions arising from construction and operation of the BHLR to be calculated, and added to the total of County-wide emissions, which then fall to be controlled and progressively reduced in accordance with the Climate Change Strategy which ESCC has drawn up and is bound to implement in compliance with the Climate Change Act 2008. The obligations have been entered into by way of deed of undertaking by ESCC, which has statutory duties to reduce carbon emissions. They are enforceable against ESCC by the two public authorities to which the undertaking has been given. Moreover, if other bodies or individuals have concerns that the terms of the undertaking are not being met, it would be open to them to make representations on the matter to HBC and RDC. The Climate Change Strategy was published in its final form in September 2009 (CD7.17).

2.11 As I explained at the inquiry, legal submissions are not for me to determine. I note that the undertaking entered into by ESCC is expressed to be given under section 106 of the Town and Country Planning Act 1990 and is in the customary form where protective obligations are necessary to the grant of planning permission but cannot be secured by condition. I am unable to identify any reason why any part of the unilateral undertaking, including the obligations regarding carbon emissions, should not be enforceable against ESCC by the Councils to which it has been given. I return to the issue of carbon emissions in a number of the later sections of this report.

3. DESCRIPTION OF THE ROUTE OF THE BHLR AND ITS SURROUNDINGS

3.1 Bexhill and Hastings are adjoining coastal towns in the County of East Sussex, located about 100 kilometres ("kms") south-east of London. St. Leonards forms the western part of the urban area of Hastings. The direct road link between the two towns is the A259 which runs west/east between them, mainly along the coast, and forms part of the Honiton to Folkestone route, being of trunk road status save within Hastings.

3.2 The town centre of Bexhill is situated about 7 kilometres west of that of Hastings, and the coastal fringe along the A259 between the two towns is

largely built-up; at its narrowest point, the gap between the urban edges of the towns is reduced to about 150 metres. The location known as Glyne Gap is located on this section of the A259. Inland from this development along the A259 lies the Combe Haven Valley. The Combe Haven is a river which flows broadly west across the Valley before turning south to the west of St. Leonards and flowing out into the English Channel at Bulverhythe, east of Glyne Gap. In the Valley, it is fed by three tributaries, the Watermill, Powdermill and Decoy Pond Streams. The Combe Haven Site of Special Scientific Interest ("SSSI") is centred on the Combe Haven Valley bottom and follows the line of the Combe Haven east and south; Filsham Reedbed lies in the south eastern corner of the SSSI.

- 3.3 The A21 provides the principal approach to Hastings by road from London and the north-west, and connects with the A259 in central Hastings. The A21 and the A28 from Ashford meet at the Baldslow junction in the northern outskirts of Hastings. This junction also provides links to the A2100 The Ridge/Hastings Road which runs north-west to Battle and then north to a connection with the A21. The Ridge provides a connection west to the B2092, which then runs in an overall southerly direction along the western edge of St. Leonards, first as Queensway and then as Crowhurst Road, to connect with Harley Shute Road and then south to a junction with the A259 Bexhill Road at Bulverhythe.
- 3.4 The Ridge also runs east from the Baldslow junction and, via the local road network, provides a connection with the A259 at Guestling Thorn, north east of Hastings. The Conquest Hospital, the principal hospital in the area, is located on the southern side of The Ridge, east of the Baldslow junction.
- 3.5 The railway between Hastings and Bexhill and to Brighton and other destinations to the west and to London Victoria runs east/west close to the seafront and broadly parallel to the A259. The rail link to London Charing Cross runs generally north from a junction in St. Leonards with the line to Bexhill. The southern end of the Marline Woods SSSI is situated between the railway to Charing Cross and Queensway; this SSSI extends north east along the edge of the urban area of St. Leonards/Hastings.
- 3.6 The village of Crowhurst is located in the southern part of the High Weald Area of Outstanding Natural Beauty ("AONB") to the north of the Combe Haven Valley. It is connected via the local network of minor roads and the B2092 Queensway to St. Leonards and Hastings to the south east, and via minor roads through Henley's Down to Bexhill to the south west. It is also linked via minor roads to the A2100 Hastings to Battle road.
- 3.7 The Pebsham Land-Fill Site is located close to the coast between Bexhill and Hastings, with access from Pebsham Lane which runs north from the A259. The site for the proposed Pebsham Countryside Park is located across the southern part of the Combe Haven Valley, extending from the urban edge of St. Leonards in the east to that of Bexhill in the west.

4. THE CASE OF EAST SUSSEX COUNTY COUNCIL

The material points are:

4.1 The scheme

- 4.1.1 The proposed route of the BHLR and the surrounding area can be seen schematically and in area context on Figure ENG2 in Appendix B to ESCC2/1. The detailed scheme design is then shown on the ensuing four plans, 255142/HWS/701 to /704 in the same document.
- 4.1.2 The south western end of the BHLR would be located in Bexhill on the northern side of the Belle Hill junction of the A259 with London Road. It would initially run north east along the trackbed of the dismantled Crowhurst, Sidley and Bexhill Branch Railway, running broadly parallel with and to the west of London Road. The most south westerly section of the BHLR, immediately north of the Belle Hill junction, would follow the line of London Road itself, with a separate junction with London Road a little to the north. The urban section of the road would be some 1.7 kms in length and would run to a point beyond the northern built-up edge of Bexhill in the vicinity of Glover's Farm.
- 4.1.3 The route then diverges northwards away from the line of the disused railway, and runs east of north to cross the Combe Haven river, passing to the west of Acton's Farm. It then turns east and runs to the north of the main Combe Haven Valley, crossing the Watermill, Powdermill and Decoy Pond Streams, and passing close to the farmhouse of Adam's Farm. East of Adam's Farm it would enter a deep cutting and cross the route of the dismantled railway. Crossing Decoy Pond Farm, it would then climb steeply in a shallow cutting to Upper Wilting Farm. The gradient west of Upper Wilting Farm would be sufficiently steep to require an eastbound climbing lane.
- 4.1.4 The BHLR would cross Crowhurst Road on an overbridge, and continue on an embankment to cross the Hastings to Charing Cross railway line on a second overbridge. Crowhurst Road would be re-aligned to provide sufficient headroom at the overbridge. The BHLR would terminate at a new signal-controlled T-junction on the B2092 Queensway in St. Leonards. The overall length of the proposed road would be some 5.6 kms.
- 4.1.5 The urban section of the road between its south western end at Belle Hill and Glover's Farm would be designed as an Urban All Purpose road as defined in the Design Manual for Roads and Bridges ("DMRB"), that is, a high standard single carriageway carrying predominantly through traffic with limited access. The design speed is 70 kilometres per hour ("kph") save at the south western end where it is reduced to 60kph. The rural section from Glover's Farm to Queensway would be designed as a Rural Wide Single All Purpose road as defined in the DMRB, with a design speed of 100 kph. Save for the London Road junction close to its eastern end, there would be no intermediate junctions on the BHLR. Only the junctions at the south western and eastern ends of the BHLR would be lit.
- 4.1.6 Neither section of the BHLR would incorporate footways. Separate provision would be made for equestrians, cyclists and pedestrians in the form of a

greenway running for the most part south of the rural section of the link road and connecting with existing public rights of way, including the 1066 Country Walk, a long distance footpath. The greenway would connect Glover's Lane on the local road network in north Bexhill with Crowhurst Road in the vicinity of Upper Wilting Farm. Pedestrian access across the Belle Hill junction would be maintained and improved, and bridges across the urban section of the BHLR would be provided at Woodsgate Park and the A269 Ninfield Road. The existing public right of way to Glover's Farm would be retained and would permit access to the proposed greenway.

4.1.7 The route has been chosen to minimise visual intrusion. Particular attention has been paid to a number of constraints: To the north of the proposed road lies the High Weald AONB. The southern boundary of the AONB generally coincides with the local west-east roads between Henley's Down and St. Leonards, that is, the line of Crowhurst Road and Catsfield Road which run to the north of the BHLR route. The Combe Haven SSSI lies to the south of the proposed road, and its northern boundary is skirted by the proposed greenway. The BHLR would cross the southern tip of the Marline Valley Woods SSSI on a bridge.

4.1.8 The short section of the BHLR route between the Hastings to Charing Cross railway and its eastern end at Queensway is within the district of HBC. The remainder of the route is within Rother district.

4.2 The aims and objectives of the scheme

4.2.1 The Bexhill/Hastings area is in pressing need of economic regeneration. The BHLR is an essential component of a comprehensive package of measures designed to bring about that regeneration. The need for the BHLR has been repeatedly assessed and found to be established, and it is recognised in all statutory development plan documents. Planning permission for the link road has been granted, following conscientious and thorough scrutiny, the SoSCLG having decided not to call in the application for decision.

4.2.2 While it is acknowledged that there would be adverse environmental and other impacts, the scheme has been designed to reduce and mitigate such impacts as far as is reasonably possible. Funding is in place to the extent possible at this stage. There is accordingly a compelling case that the CPOs should be confirmed so that the BHLR may proceed. The benefits of the link road substantially outweigh any private loss and justify the interference with the human rights of those whose land is affected.

4.2.3 The A259 is the only direct road link between the town centres of Bexhill and Hastings. It suffers from severe congestion, with poor bus service reliability, higher than average accident levels, community severance, and inadequate provision for cyclists and pedestrians. The A259 corridor has been assessed as having poor air quality. The problems with the local road network have been clearly identified by local business interests as a major constraint on business activity, and the capacity constraints on the A259 limit the potential for future development in the Bexhill/Hastings area.

4.2.4 Construction of the BHLR is a pre-requisite for the release of employment and housing land in Bexhill, in accordance with development plan policy, as well as

allowing or facilitating other development.

4.3 Scheme history and alternatives considered

- 4.3.1 The need to provide new transport infrastructure in the Bexhill/Hastings area has been recognised for nearly 40 years, and there have been a number of initiatives to address it, including the Hastings Spine Road proposal of the 1970s, the 1982 Structure Plan proposal for a new A259 to bypass both Bexhill and Hastings, and the scheme promoted in the 1990s by the Highways Agency for the construction of dual carriageway bypasses to the north of Bexhill and Hastings. An inquiry into the 1990s bypasses scheme was held between 31 October 1995 and 18 July 1996. In his report (CD9.13), the Inspector recommended that the scheme should proceed. In 2000, the Access to Hastings Multi-Modal Study (CD7.16) concluded that bypasses could enable the provision of up to 3,000 additional jobs.
- 4.3.2 However, in 2001, the SoSfT concluded that the bypasses scheme should not proceed, mainly on the grounds of its adverse impacts on the sensitive environment to the north of the towns. The SoSfT said in a Written Parliamentary Answer on 12 July 2001 (CD9.26) that a regeneration strategy for Hastings should nevertheless be developed and that the DfT would work closely with regional and local partners in bringing the strategy forward.
- 4.3.3 Ways of improving accessibility in and between Bexhill and Hastings, including various non-road alternatives, were considered in detail in the South Coast Multi-Modal Study ("SoCoMMS" - CD7.9), published in August 2002. The options considered included on-line widening of the A259, but it was established that this would require the acquisition and demolition of hundreds of dwellings; such a proposal had also been considered and rejected at the 1995/6 bypasses inquiry. Moreover, improving the A259 would not provide access to the north Bexhill sites and would therefore not meet the regeneration objectives of the BHLR.
- 4.3.4 It was also established that, in the absence of widening, the scope for improving bus services along the A259, the sole direct road link between Bexhill and Hastings, was severely limited by congestion and road space restrictions. It would not be possible to introduce bus lanes without significant property acquisition; a continuous bus lane even in one direction only would require significant land take at "pinch points". However, a Quality Bus Partnership between ESCC, HBC and Stagecoach has already helped to improve bus patronage in the area since it was established in 2002, and improvements to bus services would form part of the range of traffic measures proposed that are complementary to the BHLR.
- 4.3.5 A study of rail services was carried out as part of the SoCoMMS. This concluded that a good "turn-up-and-go" service could be provided between Bexhill and Hastings with the necessary improvements in infrastructure, stations and rolling stock. However, financial modelling of this proposal revealed a Benefit to Cost Ratio ("BCR") of less than 0.2:1. The economic case for a new railway station at Glyne Gap between Bexhill and Hastings is stronger, and the station may well be provided in the future. However, the modelling clearly showed that improvement to rail services could not meet the objectives of the

BHLR. They would insufficiently reduce congestion on the A259, and would provide no new access to north Bexhill. Many of the residents of north Bexhill and north St. Leonards/Hastings do not live within the reasonable walking catchment area of a railway station.

- 4.3.6 Smarter Choices were also considered and are strongly supported by ESCC. These are measures designed to influence people's travel behaviour in favour of more sustainable options, including the encouragement of school, work place and individual travel planning. They support car share schemes, car clubs and teleworking. While Smarter Choices would continue to be a valued complementary measure, they were again shown to be ineffective in reducing traffic on the A259 to a sufficient extent.
- 4.3.7 After considering the SoCoMMS, including the investigation of alternatives set out therein, the SoSfT in 2003 invited ESCC to develop proposals for a link road between Bexhill and Hastings. Following this invitation, ESCC prepared six route options for public consultation. These were colour-coded Red, Blue, Brown, Orange, Purple and Pink, and are illustrated on the plan which forms Appendix A to the ESCC's Statement of Case (CD10.5). All of these options shared what is now proposed as the urban route section of the BHLR along the track of the dismantled railway, and a broadly common termination point at their eastern end at a junction with Queensway.
- 4.3.8 There were three northern route options, Red, Blue and Brown. The Brown Route crossed the Combe Haven SSSI, would have attracted objections from the statutory environmental bodies ("SEB") on the ground of this adverse environmental impact, and was therefore to be avoided if possible. The Red Route involved deep cuttings and tunnels to minimise its adverse impact on the Combe Haven Valley landscape, resulting in a very high scheme cost. The Blue Route avoided both the AONB to its north and the Combe Haven SSSI to its south and east.
- 4.3.9 The Orange (central) route was the shortest option but would cross the SSSI near the latter's widest point. The crossing would therefore require a viaduct which would be unavoidably intrusive. Both the Orange route and the Purple route to its south would potentially be visible from within the AONB and would cross an area of high cultural heritage and ecological value. The Pink route was the longest option, and also the most southerly, running close to the built edge of the towns. It included the longest crossing of the SSSI, would also pass through a local nature reserve, would impact on more local residents, and compromise the proposed Pebsham Countryside Park.
- 4.3.10 The route options were published in a four-page questionnaire sent out to 65,000 households in Bexhill, Crowhurst and Hastings. A mobile exhibition was set up and publicised in the questionnaire. The views of the public were sought, both as to the desirability of any new road being built and also as to the route option to be chosen in the event that a scheme was to be implemented. 2,558 completed questionnaires were returned. Of these, 419 (16%) indicated outright opposition to a link road on any route. The remaining 84% of responses were in favour of a road, 37% supporting the Orange Route option and 24% supporting the Blue Route option.

4.3.11 In selecting the route and working up the scheme, ESCC was required to pay particular regard to minimising the adverse environmental and other impacts of the proposed road and to the advice of the SEBs, including the Environment Agency ("EA"), Natural England ("NE") and English Heritage ("EH"). Detailed consultations with these bodies ensued. The responses of these bodies are set out in CD9.36. The EA stated that it would object to the Brown, Orange, Purple and Pink Route options, all of which would cross the Combe Haven SSSI. The Red Route option was ruled out on cost grounds. The Blue route was accordingly chosen for the promoted scheme.

4.3.12 Further work on non-road alternatives to meet the regeneration and congestion objectives of the BHLR has been carried out since publication of SoCoMMS. These alternatives are further considered in paragraphs 8.5.8 to 8.5.10.

4.4 The grant of planning permission and listed building consent

4.4.1 The application for planning permission for the BHLR was validated on 10 May 2007. The history of the processing of the application shows how ESCC maintained a proper separation between its distinct roles as local planning authority and highway authority. There was full discussion of the application with HBC and RDC. Mr Cook, Head of Planning at ESCC, set out in his statement (ESCC5/1) and in his oral evidence at the inquiry the steps he took to ensure that the grant of planning permission was subject to all necessary conditions and obligations. This process included on-going discussions regarding the adverse impacts of the road and adjustment in some respects of the assessments contained in the Environmental Statement ("ES"). Addendum Environmental Statements and Reports (CDs 9.1(d) to (j)) were called for and submitted in respect of some environmental topics.

4.4.2 Following completion of this further work, ESCC on 10 December 2008 resolved in principle that the application should be granted. The SoSCLG was then informed, so as to give her the opportunity, if so advised, to call the application in for her own decision. Her letter of 3 February 2009 (CD9.10), indicating that she did not intend to do so, sets out her reasons in detail. The letter contains references to national policy as set out in the relevant Planning Policy Guidance ("PPG") and Planning Policy Statements ("PPS") on sustainable development, development in rural areas, biodiversity, transport, control of pollution, noise and flood risk. The policies in the South East Plan ("SEP") (which is described in the letter as "at an advanced stage") are also expressly taken into consideration. Having thus reviewed national and regional policy, the SoSCLG concluded that her intervention in the planning decision regarding the BHLR was not justified by any policy conflict.

4.4.3 On 28 July 2009, ESCC sealed a deed of unilateral undertaking in favour of HBC and RDC (CD9.33). Among the obligations in the undertaking are those relating to a Construction Environmental Management Plan ("CEMP"), an Operational Environmental Management Plan ("OEMP"), and the compensatory habitat scheme. Other obligations in the undertaking are referred to elsewhere in this report. The sealing of this deed of undertaking opened the way to the grant of planning permission on 29 July 2009. The grant of planning permission by the body with the statutory duty to determine the application, after the

SoSCLG decided after due consideration not to intervene in the exercise of her statutory supervisory jurisdiction, is an important indication that the scheme is in the public interest.

4.4.4 In the planning permission, 32 conditions are imposed and these are set out in the Decision Notice (CD9.34). Among them are provisions restricting noise and other impacts during construction, requiring construction of the greenway and associated rights of way links before the BHLR is brought into use, enforcing the agreed flood risk mitigation measures, and implementing the agreed programme of archaeological investigation and mitigation. Other conditions are referred to elsewhere in this report.

4.4.5 The BHLR would not impact directly on the fabric of any listed building. However, an historic brick-built barn within the curtilage of Adam's Farm lies directly on the proposed route. Listed building permission was granted by the SoSCLG on 22 January 2009 (CD9.11) for demolition of the barn and its re-erection nearby on land owned by ESCC. It is proposed that the re-erected barn be used as a bat roost. The consent also permits the demolition of a dilapidated woodshed and a modern barn within the curtilage of the Farm.

4.5 Regeneration and development plan policy

4.5.1 The need for regeneration in Bexhill/Hastings and the history of steps taken to address it are assessed and reviewed in ESCC's Regeneration Report of October 2009 ("RR" - CD9.32). In 2007, in the context of the application for planning permission for the BHLR, ESCC caused a Regeneration Statement (CD9.1(b)) to be prepared and published. An Addendum (CD9.1(f)) to the Statement was published in 2008. The RR studies a Regeneration Area ("RA") extending to 16 wards in Hastings and 9 wards in Bexhill.

4.5.2 In common with many seaside towns in the United Kingdom, Hastings and Bexhill have suffered from adverse economic trends over several decades. There are currently acute levels of deprivation in Hastings, as a number of indicators clearly establish. The latest data for unemployment in Hastings (as at 12 November 2009) showed that unemployment had risen above 3,000 for the first time in many years, representing a rate of 5.9%, nearly double the rate of 3.0% for the South East of England as a whole. Shortly before the inquiry opened, published employment figures showed that there were some 12 job seekers for each vacancy. Skill levels are also low: for example, Hastings in 2008 had the lowest success rate in the GCSE examinations of any of the 362 districts in England.

4.5.3 As assessed by the Government's Indices of Multiple Deprivation ("IMD" - CD9.25), Hastings is the most deprived community in the South East and the 31st most deprived community in England. The IMDs apply seven measures of deprivation, and Government methodology assesses these at small area level by studying Super Output Areas ("SOAs"), each SOA consisting of about 1,500 households. Of the 53 SOAs which make up Hastings, 14 are in the 10% most deprived nationally. While deprivation in Bexhill is less severe, Sidley and Central Wards each contain an SOA in the 20% most deprived nationally.

4.5.4 When, in 2001, the SoSfT decided that the 1990s bypasses scheme should

not proceed, he said that regeneration was an important government priority and that a regeneration strategy for Hastings needed to be developed in which transport and other measures could be identified and implemented to ensure a sustainable economic future for the area. The South East England Development Agency ("SEEDA") brought together some 25 regional and local organisations to form the Hastings and Bexhill Task Force, with responsibility for formulating a regeneration strategy for the area. The Task Force Steering Group included MPs, local councillors, representatives from the Government Office for the South East and the Homes and Communities Agency, and local stakeholders. The Task Force set up Hastings & Bexhill Renaissance Limited, a regeneration company trading as Sea Space ("Sea Space"), established to deliver the main elements of the regeneration strategy. SEEDA also commissioned DTZ Piedad to carry out studies to identify the course of future development of the Hastings area and what could be done to secure its prosperity.

- 4.5.5 In its October 2001 Report – *Prosperity for Bexhill and Hastings* (CD7.5) - DTZ Piedad recommended implementation of developments proposed in north east Bexhill. These included the North East Bexhill Business Park ("NEBBP") providing 50,000 square metres of new commercial/light industrial floorspace, 1,200 new dwellings, and the construction of the BHLR to enable those developments to proceed. This support was subject to the necessary working up of the BHLR scheme, including avoiding and minimising its environmental impacts. The DTZ Piedad Report (at paragraph 5.5) expressly identifies, as development constraints in the Hastings area, the shortage of land for business expansion, poor communications, and the low skill levels in the local labour market. At paragraphs 6.42 and 6.43, it also confirms the importance of the link road, not only for the north east Bexhill developments but, by reason of the resulting reduction of congestion on the A259 between Bexhill and Hastings, as an enhancement of the integration of and connectivity between the two towns.
- 4.5.6 These recommendations were carried forward into the Bexhill and Hastings Five Point Plan ("FPP" - CD7.6) for regeneration of the area, published in March 2002. The SoCoMMS, the Final Report (CD7.9) of which was published in August 2002, recommended implementation of the BHLR. Based on the Study and published at the same time, the Hastings Strategy Development Plan (CD7.10) unequivocally supports the NEBBP and the BHLR.
- 4.5.7 In the light of all these studies, the SoSfT in July 2003 concluded that the BHLR should be taken forward, and, recognising that it would have environmental impacts, asked ESCC to work closely with the SEBs to ensure that these would be minimised. The SoSfT's conclusion also informed the Rother District Local Plan process. The draft Local Plan was amended to include an area of search for the BHLR skirting to the north of the Combe Haven Valley and the SSSI.
- 4.5.8 The FPP was endorsed by the Government in 2002. The FPP provides a high level regeneration strategy for Bexhill and Hastings, based on:
- Urban renaissance;
 - Excellence in higher and further education;

- Stimulation of business and enterprise;
- Information and communications technologies; and
- Transport improvements.

4.5.9 The delivery process for the FPP is set out in detail in section 4 of the statement of evidence of Mr J Shaw (ESCC3/1), director of Sea Space since its formation in 2002, and there has already been significant progress with its implementation, mainly in terms of projects in Hastings town centre. Urban renaissance initiatives are directed towards enhancing the fabric of the area. Raising the skills and employability of local people is vital to the overall strategy and to tackling social exclusion. Sites have already been redeveloped in Hastings town centre including Station Plaza (a mixed development which includes the new South Coast College), and Priory Quarter (a mixed development, including education facilities, and business, leisure and retail space). Education and training are vital to regeneration of the area, but use of part of these sites for such facilities has reduced the scope for other development, adding to the pressure to identify sites elsewhere for commercial expansion.

4.5.10 The RA is characterised by a disproportionately high level of public sector employment, a shortage of commercial and industrial premises which inhibits private sector development, road traffic congestion and poor accessibility, and high levels of economic inactivity. The regeneration challenge is successfully to implement the FPP and, to that end, in both the mid and long term, to:

- Maximise economic benefits to business and the community generally, especially the residents of the more deprived wards in the RA;
- Target training resources to ensure adequate skills to meet the challenges of a changing labour market;
- Optimise socio-economic benefits by reducing unemployment and increasing economic activity; and
- Provide an enhanced supporting infrastructure in terms of housing stock, commercial premises and improved transport.

4.5.11 Essential to the realisation of these aims is improved accessibility. Poor accessibility has been highlighted by all local stakeholders as a major impediment to economic integration and expansion of the two towns. In the context of regeneration, it is in particular the impact on journeys to be undertaken in the future to the proposed new employment and residential sites in north Bexhill, and between those sites and the existing commercial and residential areas and the town centre facilities that are of critical relevance.

4.5.12 The heavy reliance of the local workforce on public sector jobs needs to be redressed by the provision of modern commercial and industrial floor space to stimulate local private sector jobs. The Task Force Business Plan of 2003 (CD7.7) was developed out of the FPP and endorsed by SEEDA, ESCC, HBC and RDC, and accepted by the Department for Trade and Industry in 2004. It set local targets for 1,400 new dwellings and 100,000 square metres of new

business and education floor space, and provides a ready indication of the scale of the regeneration aspirations.

- 4.5.13 Development land in the area is very scarce. Rother District is largely rural and 80% of the land in the District is within the AONB. Land in north east Bexhill (shown on Plan JIS1 in ESCC3/3) has been identified for development as the NEBBP, capable of providing about half of the new business floorspace planned, is by far the largest single development site in the area which is or in the foreseeable future will become available. The scale of the NEBBP underpins the Enviro21 Corridor scheme. The NEBBP is predicted directly to provide 2,000 new jobs, more than one third of the 5,700 new jobs called for in the Task Force Business Plan. Failure to provide the BHLR would also place at risk a further 900 jobs in the RA, and 1,450 new dwellings elsewhere in the area.
- 4.5.14 The poor connectivity of Hastings is a major obstacle to regeneration. The BHLR is the principal local transport priority because of its crucial inter-relationship with other elements of the strategy. Complementary rail improvements have also been identified, including the newly-reconstructed Hastings Station and the potential for new stations at Glyne Gap, and at Upper Wilting on the Hastings-Charing Cross line. Substantial public funds have already been committed to improvements to the A21, recognised in the SEP as a "Transport Spoke". In addition to committed schemes on the A21 at Tonbridge/Pembury and Kippings Cross/Lamberhurst, construction of the £40m improvement to the Baldslow Junction ("the Baldslow Link") is programmed to commence in 2013/4.
- 4.5.15 The Enviro21 Business Corridor is a principal focus of the regeneration initiative. It is shown on Plan JIS3 in ESCC3/3 and is comprised of a number of development sites that lie along a corridor stretching from the A21 at Baldslow junction, west and south along Queensway, and then, potentially, west and south via the BHLR to north Bexhill and Bexhill town centre. The first of these sites at Queensway South is currently under construction and will provide some 10,000 square metres of office and light industrial space. The capacity of Queensway South is to be compared with that of the 50,000 square-metre business floorspace capacity of the NEBBP.
- 4.5.16 A further regeneration initiative is the Pebsham Countryside Park, the strategy for which is set out in CD7.38. The proposal is for a 295-hectare activity park, with an 86-hectare coastal park to the south, a wetland wildlife area extending to 230 hectares to the north, and a 52-hectare environmental education centre. The project is jointly promoted by ESCC, HBC and RDC, with help from an EU fund. The project would secure the green gap between Bexhill and Hastings as a major open space. The site proposed for the Park and its division between the above uses is shown on Plan 12 in CD7.38.
- 4.5.17 Some £94m has already been spent or committed by Government to regeneration projects promoted by Sea Space. Expenditure totalling £467m has been committed by other organisations on a number of regeneration projects, including the A21 improvement schemes referred to above and Station Plaza in Hastings. The sources of these committed funds are set out in Tables A and B on pages 31 and 33 of ESCC3/1. A capital sum has been set aside to pay for Sea Space manpower to prepare the BHLR scheme.

- 4.5.18 The impact of the BHLR has been assessed applying the established relationship between drive time and willingness to commute, recognised in DfT WebTAG guidance and known as the “deterrence curve”. It is illustrated as Figure A2-1 on page 87 of CD9.32. An example of its operation is as follows: The traffic modelling shows that the journey time between the deprived ward of Central St. Leonards and the centre of Bexhill would be reduced from 22 minutes currently to 18 minutes with the BHLR in place. These drive times fall within the range on the steepest section of the deterrence curve. The effect of the reduction is therefore such as to increase from 52% to 72% the proportion of willing commuters. Fuller details of the changes in accessible employment in Bexhill/Hastings are set out in Table A2-1 on page 88 of CD9.32.
- 4.5.19 This improvement in the willingness of potential employees to travel to work is based on actual travel time and takes no account of the benefits of greater travel time reliability. To/from some locations in Bexhill, travel time would be reduced by up to 8 minutes with the BHLR in place. Congestion relief on the A259, especially in the vicinity of Glyne Gap, would also provide the potential for significantly improved bus services. There would also be the potential for bus services along the BHLR, directly connecting Bexhill with St. Leonards/Hastings, bypassing the A259.
- 4.5.20 The strategic employment and housing land identified in north east Bexhill, including the proposed NEBBP, is viewed by the local authorities, Sea Space and other local stakeholders as the key to delivering regeneration in the area. The BHLR alone provides access to the NEBBP; without the BHLR, the NEBBP will not be implemented.
- 4.5.21 It is not only implementation of the NEBBP and the new dwellings in north Bexhill which are at stake. Other projects would be delayed or diminished if the BHLR is not provided. These include the Pebsham Countryside Park, the Enviro21 Business Corridor, and further developments proposed in Hastings town centre. The provision of a further 900 additional jobs and 1,450 further new dwellings would be delayed or put at risk without the BHLR.
- 4.5.22 In the absence of the BHLR, the capacity restraints on the A259 and elsewhere on the local road network would remain a major obstacle to economic regeneration. The BHLR is an essential catalyst for the FPP in the three principal respects: Providing access to the employment land in north east Bexhill; providing connectivity between the Enviro21 Business Corridor sites; and enabling the provision by means of the Corridor of the FPP strategic regeneration outputs. Implementation of the BHLR would signal high level confidence in the economic potential of the area and public/private sector redevelopment of town centre sites.
- 4.5.23 A decision not to proceed with the BHLR would send a strong, anti-regeneration message both to local business and to potential sources of inward investment. It is not only new jobs that are dependent on the BHLR; the safeguarding of existing jobs by reducing the risk that local employers will decide to move out of the area is also important, though perhaps less quantifiable.

- 4.5.24 The Rother District Local Plan (CD7.3) was adopted in July 2006. Objections to the BHLR and the NEBBP were considered at the Local Plan inquiry, which sat for 47 days between October 2004 and May 2005. Among the objectors to the local plan were some who appeared at the BLR inquiry or presented written objections to the scheme. The Local Plan Inspector noted that these issues had been particularly controversial. Nevertheless, in his 2005 report (CD7.24) he concluded that the timely construction of BHLR was essential, if the necessary housing and employment provisions were to be achieved within the Local Plan period, and an adequate supply of development land was to be maintained subsequently. He said: "... local regeneration initiatives and proposals to provide the BHLR and upgrade the A21 are improving business confidence and will make the area more attractive to inward investment."
- 4.5.25 The Inspector considered the views of objectors that there were better alternative locations for development in the area, but concluded that any significant growth in Bexhill was dependent on the BHLR being built. Without the BHLR, the Inspector concluded, only a small proportion of the necessary development could be brought forward, and then only if the transport assessment, necessary to underpin an application for planning permission, established that the impact of such development on the local road network was acceptable. It is significant that no application for planning permission has been made and that therefore no transport assessment has been prepared.
- 4.5.26 The Employment Strategy and Land Review prepared by HBC and RDC and published in May 2008 (CD7.35) reports that a significant number of local enterprises are operating in constrained circumstances and unable to acquire new premises so as to expand.
- 4.5.27 The central importance of the BHLR in the delivery of commercial and housing land in accordance with development plan policy is repeatedly endorsed in planning and transport documents. The latest of these and the culmination of the process is the SEP (CD6.2), published as recently as May 2009. This sets out up-to-the-minute regional spatial planning policy in accordance with PPS1. It provides strong support for the proposed sustainable north east Bexhill urban extension to secure regeneration of the area. It calls for the provision of the BHLR to assure delivery of the extension, referring expressly to the urban extension in Policy SCT3 and to the BHLR as a committed scheme in Table 3, entitled "Strategic Transport Infrastructure Priorities", in Appendix A to Chapter 8.
- 4.5.28 The provisions of the SEP are carried forward into the draft Local Development Frameworks ("LDF"). The draft Hastings LDF Core Strategy (CD7.12) supports the delivery of strategic rail and road schemes identified in the SEP, including the BHLR. The schemes also include the A21 Baldslow Link, and rail improvements, including possible new stations at Glyne Gap and Upper Wilting, and the upgrading of Ore Station.
- 4.5.29 The regeneration objective for the BHLR is thus repeatedly endorsed by the studies carried out over a period of some 8 years, and in the resulting policies. The development plan and other policy support for the proposed housing and commercial developments in north east Bexhill, and for the construction of the BHLR to enable those developments to be delivered, could not be clearer or

stronger.

4.5.30 Planning permission having been granted for the scheme, together with the listed building consent relating to Adam's Farm, there are no planning impediments to implementation of the scheme, having regard to the criteria for CPOs set out in paragraphs 22 and 23 of ODPM Circular 06/2004.

4.6 Scheme funding and construction

4.6.1 In 2004, a major scheme bid was submitted to the DfT by ESCC as part of the Local Transport Plan submission for that year. Concluding that the benefits of the BHLR outweighed the costs and that it was in the public interest that the scheme be taken forward, the DfT provisionally accepted the bid. The costs of the scheme were reviewed in 2007, and considerably increased, reflecting the extensive mitigation and compensation measures which had by then been identified and incorporated into the scheme in consultation with the SEBs.

4.6.2 The Local Transport Plan Major Scheme Business Case ("MSBC" - CD9.12) was submitted to the DfT in May 2009, and on 9 October 2009, the DfT wrote to ESCC (CD9.40) re-confirming Programme Entry for the scheme, and stating that the DfT was prepared to contribute some £79m to the revised scheme cost. Programme Entry naturally remains conditional, pending the decisions of the SoSs.

4.6.3 ESCC has to date spent some £9m on the scheme and makes provision in its capital programme for the expenditure of a further £10m. Thus funding for the scheme is in place to the fullest extent possible at this stage. The construction cost estimate as given in the MSBC at 1st Quarter 2009 prices is £52.6m, of which the roadworks and structures account for some £32m. The significant increase in estimated construction cost takes account not only of inflation but also to allowances for challenging ground conditions on some sections of the route, and the extensive environmental mitigation agreed with the SEBs.

4.6.4 Subject to confirmation of the Orders, it is currently proposed to begin preparatory works for the BHLR in June 2010. These would include further archaeological investigations and ecological preparation. The main construction works would commence in the spring of 2011, and are anticipated to last some 2 years. The current plan is to open the BHLR to traffic in 2013.

4.7 Transport and economic appraisal

4.7.1 Forecasts of the effect of the BHLR on travel patterns in Bexhill and Hastings and the adjoining area have been prepared using a transport model, which represents highways traffic and public transport journeys in the area during a weekday morning peak. The model has been constructed and validated in accordance with DMRB guidance. The modelled network includes all major roads in the area, with explicit modelling of individual junctions to take account of current and potential delays. Inputs to the model included information obtained from roadside interviews. The modelling has been carried out in accordance with WebTAG guidance and in discussion with and with the approval of the DfT. It is on the basis of the modelling that the DfT on 9 October 2009 confirmed provisional funding for the BHLR.

- 4.7.2 As described above, the BHLR would enable the implementation of new housing and commercial/industrial development in accordance with development plan policy for regeneration of the area. These developments would result in an increase in the total volume of traffic in the area. While traffic on the A259 east of Belle Hill and on other roads in Bexhill and Hastings would be reduced, there would be increases on other roads. ESCC proposes to monitor the impact of the BHLR on these routes, and where necessary to introduce complementary measures, including traffic calming, to address identified problems. This issue is further addressed in response to the concerns of objectors in section 8.
- 4.7.3 An economic assessment has been carried out and revised using the standard TUBA and COBA assessment software programmes. TUBA has been used to calculate the net benefits resulting from changes of journey times and distances and the disbenefits of carbon emissions; COBA has been used to calculate the impact of the scheme on the cost of accidents. The assessment takes no account of the effect of regeneration, and is based on the level of housing and employment without the BHLR. There is a separate assessment of the benefits of the additional housing which would be provided in north east Bexhill with the BHLR in place.
- 4.7.4 The updated TUBA assessment shows a Present Value of Benefits (at 2002 prices) of £176.8m, a Present Value of Costs (again at 2002 prices) of £70.9m and a resulting Net Present Value of £105.9m. The Benefit to Cost Ratio is 2.5:1, representing good value for money. The COBA accident assessment over the 60-year appraisal period predicts a reduction in accident costs of about £39m. The updated development benefits (private value of housing less land and transport external costs) are estimated at some £40.7m.
- 4.7.5 The traffic and economic assessments were carried out in 2008 and 2009 for the MSBC submission. They have been updated, and the updated outturns are set out in section 7 of ESCC6/1. The revised assessments do not significantly change the results of the TUBA or COBA analysis, or the BCR. The updated economic assessments continue to show that the BHLR remains good value for money, improving transport links between Bexhill and Hastings, reducing accidents and providing access to areas of new development.

4.8 The Orders and the compulsory acquisition of land

- 4.8.1 The land required for the BHLR and ancillary purposes is in a multiplicity of ownerships and subject to various subsidiary legal interests. Some of the key areas of land are already in the ownership of ESCC, HBC and RDC. There has been some criticism of this as premature and wasteful of public resources, but should the BHLR scheme not proceed, the land would be held as an asset within the Councils' land portfolios and available to be sold or otherwise dealt with. The CPOs are necessary in the interests of certainty and because acquisition by private treaty could not be assured within a reasonable time frame.
- 4.8.2 The land and rights in land proposed to be acquired, whether temporarily or permanently, are set out in the Schedules to the Planning and Transport CPOs. As noted in paragraph 1.4, by the time the inquiry closed, all save one

of the objections from the freehold owners of land affected by the CPOs had been withdrawn. These all derived from owners of agricultural land affected and are further addressed below. There is no objection to the compulsory acquisition of residential property.

4.8.3 No compulsory acquisition of public open space or other land affected by section 19 of the Acquisition of Land Act 1981 is proposed.

4.8.4 The SRO is necessary to stop up and alter side roads, accesses and public rights of way to permit the BHLR to be constructed. The provisions are set out in the Schedule to the Order and shown on the five annexed site plans. They are fully described in section 5.4 of ESCC2/1. The provisions include: the diversion of some public rights of way crossing the route of the BHLR, where some of the diversions would provide connections to the proposed greenway; at Ninfield Road, a new bridge would be provided; and the private means of access to Glover's Farm would be stopped up as the bridge over the dismantled railway would need to be demolished, and a new bridge and private means of access would be provided about 110 metres to the north.

4.9 Environmental impacts

4.9.1 The following potential environmental impacts of the BHLR are identified in the Environmental Statement ("ES") and subsequent environmental studies. Reference to the ES in ensuing paragraphs of this report includes reference to any relevant Addendum ES. For assessment purposes, impacts have where appropriate been predicted for the scheme Opening Year ("the Opening Year"), assumed to be 2013, and for the Design Year ("the Design year"), assumed to be 2028.

Agriculture

4.9.2 The Government's objectives for rural areas are set out in PPS7 – *Sustainable Development in Rural Areas* (CD5.4). The impact of the BHLR on agricultural resources has been assessed in accordance with DMRB guidance. In particular, impacts on the best and most versatile land (as classified in the Agricultural Land Classification Guidelines), and on individual farms, agricultural land use and the wider farming framework have been carefully considered. The assessment is set out in the ES and in the written statement (ESCC10/1) and oral evidence of Mrs J Tindale.

4.9.3 Corrected figures for the loss of agricultural land, taking account of the modification proposed to the Planning CPO, show that 95.5 hectares would overall be affected, including land needed temporarily for construction purposes, and that a total of 79.7 hectares of agricultural land would be permanently acquired, of which 42.2 hectares would be best and most versatile land. Nine farming enterprises would be affected by the construction and operation of the road. Six objections were received from affected farm-owners; all save one of these have been resolved and withdrawn. It is acknowledged that some of the land affected is held for development rather than long-term agricultural purposes.

4.9.4 The subsisting objection relates to Decoy Pond Farm where the permanent

land take proposed amounts to some 3.7 hectares, representing about 10% of the holding, or 5% of the total area, including rented land, farmed by the owners, Mr and Mrs Clancy (OBJ012). A new access is proposed to reduce severance, and the mitigated loss is assessed overall as minor to moderate adverse. There is in prospect an agreement with a third party for the provision of replacement land, but this had not been finalised when the inquiry closed, and the objection of Mr and Mrs Clancy had therefore not been withdrawn, though no further submission has been made on their behalf since the original letter of objection submitted by their agent on 28 February 2009. The objection of Mrs Blackford, HBC's tenant at Upper Wilting Farm, is set out in section 6.7, and responded to by ESCC in section 8.5.6.

4.9.5 During construction, major adverse impacts are predicted at Glover's Farm and Hillcroft Farm, with moderate impacts at Decoy Pond Farm and Upper Wilting Farm. The mitigation proposed in respect of each farm holding is set out in section 3 of ESCC10/1. In respect of Glover's Farm, for example, reclamation of open grassland areas and their integration into the holding would reduce land permanently lost to the BHLR from 28.5 to 11.7 hectares, representing only 12% of the area of the current holding. With mitigation in place, the operational impacts of the BHLR would be minor in all cases save for Glover's Farm and Upper Wilting Farm, where moderate adverse impacts are predicted, resulting in an overall moderate adverse assessment.

4.9.6 The land permanently lost to the scheme would amount to less than 0.3% of the total agriculturally productive land in Rother District, and to less than 0.1% of such land in East Sussex. This loss would therefore have no significant impact on the level and security of food production.

Air Quality and Carbon

Air quality

4.9.7 Assessments of the potential impacts on air quality have been carried out for both the construction and operational phases of the BHLR. ESCC's case in this respect is set out in the ES and in the statement (ESCC12/1) and oral evidence of Mr M O'Brien.

4.9.8 A study area for the scheme was established. The baseline air quality conditions in the study area have been established using monitoring data supplied by HBC and RDC. Air quality within the study area for the scheme is generally good, though an Air Quality Management Area ("AQMA") was declared by HBC in 2003 along a section of the A259 in Hastings, exceedences of air quality objectives for PM₁₀ have been identified. Recent monitoring of air quality in the AQMA has revealed no on-going exceedences, so that HBC may in due course rescind the AQMA declaration. No other exceedences of national air quality objectives have been identified in the study area.

4.9.9 During construction, there is a potential for adverse impacts on air quality from dust and vehicle emissions. Dust emissions would be controlled through the provisions of the CEMP, using well-tried and -tested methods. The CEMP is a requirement of the unilateral undertaking and construction of the BHLR cannot commence unless and until it has been approved. The majority of construction

vehicle movements would take place within the boundary of the site, though there would necessarily be movements by delivery and other vehicles to access the site from the local road network. All such vehicles would be required to enter the site at either the south western end at Belle Hill or, in the case of the majority, at the eastern end from Queensway. The methods to be employed for mitigating potential air quality impacts during construction of the BHLR include the 20 measures listed at paragraph 9.1.1 of ESCC12/1, which include wheel wash, sheeting of materials on site, site speed limits, a prohibition on dry sweeping, minimising vehicle movements including ensuring full loading, and a full system of monitoring.

4.9.10 As to operational impacts, a three-tiered approach was adopted to assessing the impact of the scheme on air quality: First, the overall change in the exposure of receptors to pollutant concentrations as a result of the BHLR has been predicted; secondly, particular attention has been given to those areas and receptors where pollutant concentrations are likely to be greatest; and thirdly, changes in regional emission of pollutants have been predicted.

4.9.11 The overall impact of the operation of the road on air quality at sensitive receptors would be beneficial. The major part of the route of the BHLR would run through a rural area of low housing density, while receptors close to the existing A259 currently suffering higher levels of pollution would experience a significant improvement in air quality because of the reductions in traffic on the local road network which the link road would permit. There would be a resultant improvement in air quality at some 60% of the 35,000 local households assessed. A number of new factors arose after publication of the ES and the Addendum ES and are taken into account in the evidence given at the inquiry, but these have not changed the overall air quality assessment.

4.9.12 The pollutant levels at receptor properties as a result of the operation of the BHLR in 2013 and 2028, compared with the Do-Minimum scenario are shown in Appendix M in ESCC12/3. With the BHLR in place, there would be receptors which would experience increases in pollutants that are assessed as between medium and very large, with moderate adverse effects. These include in particular properties in London Road, Bexhill near the urban section of the proposed route. All concentrations would, however, remain below the relevant national air quality objectives. No air quality mitigation measures for the operational phase of the scheme are required. A similar study was carried out of ecological receptors, especially in the two SSSIs near the route of the BHLR, and reached similar conclusions.

4.9.13 In the Opening Year, with the BHLR in place, there would be a slight increase in regional NO₂ emissions, and a slight decrease in regional PM₁₀ emissions. By the Design Year, these are predicted to increase by 2.2% and 1.9% respectively, primarily as a result of the additional traffic generated by the developments enabled by the BHLR.

Carbon

4.9.14 It is predicted that the construction phase of the BHLR would generate about 29,000 tonnes of additional carbon dioxide ("CO₂") from a number of sources, including construction traffic, the use of site equipment and the manufacture of

construction materials. DMRB guidance has been used to predict the emissions of CO₂ resulting from changes in traffic flows during operation of the road. The predictions of additional annual emissions of CO₂ from operation of the road range from some 125 tonnes in the Opening year to about 5,500 tonnes in the Design Year.

- 4.9.15 The significantly larger prediction for the Design Year arises principally because of the assumed existence by then of the new housing and commercial developments in Bexhill which it is a principal aim of the BHLR to enable. Over the period to 2028, the BHLR is predicted to result in additional CO₂ emissions of some 74,000 tonnes, including the additional carbon emissions of 29,000 tonnes predicted during the construction phase.
- 4.9.16 The approach of ESCC to the carbon emissions generated by the road and the developments proposed is as follows: The above predicted carbon emissions would be minimised by imposition of the requirements of the CEMP during the construction phase of the BHLR and by those of the OEMP during its operational phase. These are requirements of planning conditions and the unilateral undertaking. It is acknowledged that the residual additional carbon emissions would remain significant. They would be addressed within ESCC's Climate Change Strategy for East Sussex (CD7.17), drawn up in accordance with the Climate Change Act 2008 and published in September 2009. The Strategy requires ESCC in accordance with the 2008 Act to achieve County-wide reductions in greenhouse gas emissions over the period to 2050. The Strategy sets out the objectives and a range of available options for securing their achievement.
- 4.9.17 These provisions for addressing the residual additional carbon emissions are set out in and would be enforceable by HBC and RDC through the unilateral undertaking (CD9.33). The County Council's case in this respect is set out further in paragraphs 8.3.6, 8.3.7, and 8.5.1.19 to 8.5.1.21.

Cultural Heritage

- 4.9.18 The case of the County Council with regard to cultural heritage is set out in the ES and the statement (ESCC13/1) and oral evidence of Mr J Munby. A rigorous inter-related study of archaeology, historic landscape and historic buildings has been undertaken in respect of a study area extending 500m around the proposed route. This included a walkover survey conducted in 2006 and a range of desk-based investigations. There have been five known previous archaeological investigations of the area dating back to the 1940s, and these include the extensive investigations carried out during the 1990s in the context of the bypasses proposal. The identified cultural heritage features are shown on the six plans which form Figure 14.1 in ESCC13/3, and are described by their related numbers in section 5 of ESCC13/1.
- 4.9.19 There are no scheduled monuments, registered parks or gardens, or historic battlefields within the study area. There are, however, nine listed buildings (all Grade II), and two archaeologically sensitive areas designated by ESCC. The BHLR would result in adverse impacts on archaeology and historic landscape, and on the setting of listed buildings. There would be indirect noise and visual impacts on other listed buildings.

- 4.9.20 The construction phase would result in impacts on the Grade II listed Adam's Farm, where earthworks would require removal of part of its current curtilage and the demolition of the historic brick-built barn which forms part of the out-buildings there. Listed building consent has been granted, and the demolition and re-erection of the barn is an obligation in the deed of undertaking.
- 4.9.21 There would be an impact on part of a Roman bloomery (ironworks) in the vicinity of Byne's Farm, though the extent of the impact on this site is uncertain at this stage. The works would also impact on non-designated cultural heritage receptors, including hedgerows, trackways, and other historic features. There may well be archaeological deposits which are as yet unidentified. There is a potential for the low-lying wetland areas in the Combe Haven Valley to contain surviving evidence of activities dating back to prehistoric times, which may include organic materials such as wood and leather. If discovered, these could potentially be of national significance.
- 4.9.22 The archaeological mitigation proposed has been the subject of full and detailed discussion with EH and the East Sussex County Archaeologist. They required a Written Scheme of Investigation to be produced. A strategy has been agreed. The grant of planning permission for the BHLR was subject to Condition 17 which requires implementation of an agreed programme of archaeological work from fieldwork through to reporting. The unilateral undertaking entered into by ESCC on 28 July 2009 also provides for protective archaeological works to be included in the CEMP.
- 4.9.23 As soon as a construction programme is established and the land is available, evaluation trenches would be opened up along the line of the road and the associated earthworks further to evaluate archaeological assets, and in particular to establish whether there is any need to avoid such assets by detailed local re-design. This strategy would ensure that archaeological remains are either preserved where they are found or fully recorded by excavation, and would reduce to slight adverse the overall effect of the BHLR on the cultural heritage of the area. Construction of the road would also generate the significant potential benefits of the funding for excavation of archaeological sites, making an important local and regional contribution to the understanding of human settlement and exploitation of the Combe Haven Valley and the Sussex coastal hinterland.

Ecology

- 4.9.24 PPS9 – *Biodiversity and Geological Conservation* – requires local authorities to satisfy themselves, where the grant of planning permission would result in significant harm to ecological interests, that there is no alternative location for the development proposed which would result in less harm, or, failing that, that adequate mitigation measures have been put in place. The County Council's case regarding the ecological impact of the scheme is set out in the ES, and in the statement (ESCC7/1) and oral evidence of Ms Karen Colebourn. The route of the BHLR would cross a valley system with nationally important biodiversity resources, including ancient woodland, flood-plain meadows and fens, and flower-rich pasture and watercourses. Nearby, there are two SSSIs and two Sites of Nature Conservation Interest ("SNCI") of County significance.

- 4.9.25 The baseline ecological conditions have been established by surveys which have been on-going since 2005. These establish that the habitats in the vicinity of the BHLR support a range of plants and animals, some of which are internationally protected, including bats, dormice and great crested newts. There are also valuable assemblages of breeding and over-wintering birds, especially in the Filsham Reedbed. Action to avoid or minimise ecological impacts, to provide compensation habitats and mitigation in respect of residual impacts, and to deliver ecological benefits has been the subject of full discussion with the EA and NE, in accordance with the SoSFT's direction in 2003.
- 4.9.26 The potential impacts on valued biodiversity resources are identified in Table 4.1 of ESCC7/1, together with the mitigation agreed with EA and NE. Where there are residual impacts requiring compensation, the agreed proposals are set out in Table 4.2. The CEMP will set out the tried and tested methods to be employed to avoid or minimise potential adverse ecological impacts during construction of the road. A Landscape and Ecology Management Plan ("LEMP") is also a requirement of a condition attached to the planning permission, and will set out the actions needed to create and manage the new and retained biodiversity features of the scheme.
- 4.9.27 There are no sites of European designation affected by the scheme. While other habitat areas are of importance, it is the nationally-designated Combe Haven and Marline Valley Woods SSSIs which command the most careful consideration. The scheme does not impinge directly on the Combe Haven SSSI. The greenway would run adjacent to a section of the northern SSSI boundary. The edge of the SSSI here consists of buffer land to protect the more central habitats. However, among the potential impacts on Combe Haven include those during construction, for example, from noise, dust, and pollution from run-off, and thereafter because of severance from other habitats. The construction impacts would be minimised though the CEMP; the severance would be addressed by compensation in the form of the creation and on-going management of 24.5 hectares of compensatory wetland habitat.
- 4.9.28 As to Marline Valley Woods, in addition to potential construction impacts, the BHLR would cross the southern toe of the SSSI on a bridge, causing overshadowing of some 30 square metres of woodland, and potentially having noise and air quality impacts on a larger area. The compensation land proposed to be acquired by the Planning CPO would provide ample compensation for these limited residual impacts.
- 4.9.29 Given the ecological value of the SSSIs and the other Valued Biodiversity Resources in the locality, it is essential to have confidence in the compensatory measures proposed. The compensation land has been carefully chosen to maximise opportunities for colonisation from existing habitats and to add to the network of habitats by filling existing gaps. Recognising that there must remain some uncertainty about the success of every element of the new habitat creation and that there will be some delay while new habitats mature, NE has required and ESCC has agreed to provide areas of new habitat extending to approximately twice that of the areas of habitat areas lost. This provision will also reconnect areas of habitat which would be severed.

- 4.9.30 Some 4,000 square metres of hedgerow would be lost, and the hedgerow network would be severed by the BHLR. By way of compensation over 8,500 square metres of new hedgerow would be created and thereafter managed under the LEMP.
- 4.9.31 The BHLR construction programme provides for a period of ecological preparation in 2010/11. This would permit translocation of species, including dormice, newts and reptiles, where necessary subject to NE licences. Two minor bat roosts would be impacted upon; however, the barn to be relocated from the curtilage of Adam's Farm is to be used as a replacement roost. Two main badger setts would be closed and replacement setts would be provided within the new managed grassland habitat.
- 4.9.32 A barn owl has been regularly observed feeding along the Valley floodplain, and, since this is a species especially susceptible to road-kill, additional protective measures are proposed, including the use of barn owl boxes located at some distance from the road to encourage the increase in numbers of the species. The increased density of hedges and ditches associated with the BHLR will also provide alternative foraging areas.
- 4.9.33 Both EA and NE lodged objections to the application for planning permission pending the outcome of discussions. Both bodies are now satisfied with ESCC's proposals regarding ecological mitigation. By email dated 26 August 2009 (Appendix C in ESCC7/1), NE confirms its agreement to the modification proposed to the Planning CPO (see paragraph 9.2). The scheme minimises and/or avoids significant ecological impacts wherever possible. Compensation for any significant impacts has been agreed with the SEBs and will be implemented in accordance with planning condition and obligation.
- 4.9.34 ESCC's design and strategy for ecology is thus fully compliant with PPS9, in that it selects the least damaging route, enhances conditions where possible by creating new habitats on land required for engineering and landscape works, minimises adverse impacts wherever possible by avoidance, mitigates impacts that cannot be avoided, provides compensation by improving the wildlife management of existing habitats, and creates new replacement habitats for those that are to be lost.

Flood Risk and Water Quality

- 4.9.35 ESCC's evidence with regard to flood risk and water quality is set out in the ES and in the statement (ESCC9/1) and oral evidence of Mr G Knott.

Flood risk

- 4.9.36 Flood risk has been assessed in great detail and in close liaison with the EA throughout preparation of the scheme. Studies have been carried out of the entire catchment areas of the Egerton Stream and the Combe Haven to assess potential fluvial flooding, and the coastal margins to assess tidal flood risk. A Flood Risk Assessment (CD9.1(h)) has been prepared in accordance with guidance, including that set out in the DMRB and PPS25 – *Development and Flooding*. The recommendations of the Assessment are designed to ensure that, as a minimum, the risk of flooding is not exacerbated and wherever possible

that it is reduced. The modelling has been carried out generally for a 1-in-100-year flood event, plus 20% allowance for climate change.

4.9.37 As to fluvial flood risk, the BHLR would cross the Egerton Stream and the Combe Haven and its tributaries.

The Egerton Stream

4.9.38 The catchment of the Egerton Stream extends to an area of some 4.2km² at the western end of the BHLR route. The Stream follows the line of the disused railway in open channel and culverts south to the A259 where it enters a 1.5-metre diameter culvert, subsequently entering an open channel and further culverts which lead to an outflow to the English Channel on the foreshore. The outflow is protected from tidal flooding by flapgates. The alignment is shown on Figure 1 in Appendix 1 to ESCC9/1. There is currently some local flooding when surface water is unable to discharge to drains. When surveyed in 2006, the Stream was choked with vegetation and rubbish.

4.9.39 The BHLR would remove much of the existing floodplain of the Stream within this western-most section of the route. There would also be an increase in run-off due to an extension of impermeable surfaces. The mitigation proposed includes a 7,250-cubic-metre attenuation and flow control structure, a new and maintained alignment, a 2.1-metre diameter culvert flowing into a 3- by 1.8-metre box culvert, and drainage of the new highway by kerb and gully systems with attenuation tanks and oil interceptors for highway drainage. Thus mitigated, the BHLR is not itself at risk from fluvial flooding from the Egerton Stream, nor would the existence of the new road increase local flood risk, including in the rear gardens of adjoining properties.

The Combe Haven

4.9.40 The Combe Haven catchment extends to an area of 51.5km² and has a number of tributaries, of which the major three are the Watermill, Powdermill and Decoy Pond Streams. The catchment area is shown on Figure 6 in Appendix 1 of ESCC9/1. The Powdermill Stream drains the area to the north of the Valley, including Crowhurst. Large areas of the Combe Haven Valley floor are below sea level at high tide, and this floodplain regularly floods to a shallow depth. The Combe Haven discharges to the English Channel via two flapgates to prevent tidal flooding.

4.9.41 Construction of the BHLR would reduce floodplain capacity in the Valley and cause an increase in run-off by reason of extended impermeable surfaces. The mitigation to be provided for these impacts would include 5 new flood storage ponds, 7 road drainage attenuation and water quality ponds, 10 environmental habitat ponds, and realignment of the Powder Mill Stream to its original course. This mitigation is designed to accommodate a 1-in-100-years flood event plus climate change.

4.9.42 The watercourses would be crossed on open span bridges set back from the bank top by a minimum of 2 metres, allowing significant flows without increasing flood risk elsewhere. Surface drainage systems for the BHLR have been designed using current best practice Sustainable Drainage systems,

including grassed swales, sediment traps, oil interceptors, and detention ponds with reed beds, to attenuate the additional surface water and mitigate potential water quality impacts.

4.9.43 It is accepted that there are flooding problems associated with Crowhurst. These arise from the local topography in Crowhurst, and this would not be impacted upon by the construction and implementation of the BHLR. ESCC's case in this respect is further set out in section 8 in its response to the objection made on behalf of Crowhurst residents.

4.9.44 These proposed measures would ensure that there is no additional fluvial flood risk arising in the Combe Haven Valley from construction of the BHLR. As to flooding of the BHLR itself, the road would avoid the Valley bottom and, where it would cross the Valley flood plain, it would be constructed on embankment, so that its lowest point would lie above the current 1-in-1,000-year fluvial flood level. The risk of flooding of the link road is therefore very small.

Flood risk from tidal breach

4.9.45 The lowest point of the BHLR would lie at 5.75 metres altitude over datum ("AOD"), significantly above current highest sea levels. Taking current climate change guidance into account, in a 1-in-1,000 year event in 2060, a sea level of 6.0m AOD is predicted, marginally above the lowest point of the road. The road would, however, be located well inland, and, even in this exceptional scenario, a brief period of tidal breach is not predicted to place the BHLR at material risk of flooding.

Water Quality

4.9.46 The potential impacts of the scheme on water quality, during both construction and operation, have been assessed in great detail throughout preparation of the scheme. Construction methods would be controlled by the CEMP which would in turn rely on the EA's Pollution Prevention Guidance and other best practice. Licences and consents would be required from the EA in respect of construction works close to watercourses. The CEMP would also contain provisions to minimise the risk of spillage of oil or chemicals.

4.9.47 The mechanisms for treatment of routine run-off during operation of the road are set out above and include interceptors, sediment traps, and a spillage tank. Run-off would then be discharged to surface water systems. Where routine maintenance is necessary near watercourses, EA consent may be required.

4.9.48 As a result of the measures proposed, the EA has no subsisting objection relating to the flood risk and water quality aspects of the scheme.

Landscape and Visual Effects

4.9.49 The County Council's case regarding the potential landscape and visual impacts of the link road is set out in the ES and in the statement (ESCC8/1) and oral evidence of Mr G Hewson. The BHLR route comprises two distinct sections: the urban section from the Belle Hill junction to the northern edge of Bexhill, and

the rural section that would run along the north of the Combe Haven Valley to join Queensway to the south of the Marline Woods SSSI. A full landscape assessment has been carried out, applying best practice as set out in the DMRB, *Guidance for Landscape and Visual Impact Assessment*, published by the Institute of Environmental Assessment and the Landscape Institute, and *Landscape Character Assessment Guidance for England and Scotland*, published by the then Countryside Agency and Scottish Natural Heritage.

- 4.9.50 To establish baseline conditions and assess the potential landscape impacts, two Study Areas have been established. These are delineated on Figure A4.1 in ESCC8/3. Area 1 is a limited visual envelope and extends to those locations where direct landscape impacts from the BHLR may be experienced, while Area 2 is much greater in extent and represents locations where the indirect effects of changed traffic flows might be considered to have landscape impacts. A large part of Study Area 2 lies in the High Weald AONB; a limited northern fringe of Study Area 1 also lies in the AONB.
- 4.9.51 The thrust of national, regional and local policy is towards the protection and enhancement of countryside character and quality. It is accepted that the scheme would have significant adverse landscape impacts, and that the proposals are not therefore in full conformity with development plan policy.
- 4.9.52 The majority of the urban route section is bordered by the back gardens of the residential properties located on either side of the former railway, including those on the western side of London Road Bexhill. During construction, the direct impact of demolition and construction activities would result in a moderate adverse visual impact and there would also be some adverse visual impacts from construction traffic on local roads, though it is proposed that the majority of such traffic would access the site at its eastern end.
- 4.9.53 Along the urban route section, visual screening would be provided by 1.8-metre-high fencing which would be in place from scheme opening. Further screening would be provided by planting, which is designed when mature to preserve the existing green outlook associated with the dismantled railway. The effect of this screening would be, even in the winter months, to reduce the number of residential properties suffering a moderate adverse visual impact from 96 in the Opening Year to 4 in the Design Year. The direct visual impacts of the urban section of route are predicted to be moderate adverse in the Opening Year, declining to slight adverse in the Design Year, as the screening vegetation matures.
- 4.9.54 The rural section of the route is dominated by the Combe Haven Valley and its surrounding ridges; the southern boundary of the AONB lies to the north. The Pebsham Landfill site is silhouetted against the urban edge to the south. At night, the lights of the surrounding urban areas give off a glow, but the Valley itself is generally dark, apart from the lights of the farms. The Valley is visually unified and there are long views across it from the surrounding ridges and from the flat Valley floor. Views from the AONB are largely obscured by landform, woodland and hedges, as are views from the built-up area of Bexhill.
- 4.9.55 Given the landscape sensitivity of the Valley, the scheme has been designed to minimise its potential visual impacts. The design objectives include retention

and enhancement of areas of distinctive landscape character, avoiding or minimising impacts on the AONB, on properties, the countryside, the SSSIs and the proposed Pebsham Countryside Park, and minimising light pollution. The route chosen lies along the northern edge of the Valley, impacting to a lesser extent on its visual integrity, and would make full use of existing landform and screening.

- 4.9.56 The residual visual impacts of the new road and of traffic using it would largely be confined to the bridges across the Watermill and Powdermill Streams. Elsewhere, earth mounding and planting would be used to screen the road and blend it into the existing landform and vegetation. On-going management of the proposed landscaping and planting would be provided for in the LEMP. Viewpoints in the AONB would be more than 1 km distant from the road at its nearest point, and, with mitigation including mature planting in place, the movement of vehicles through the landscape would be barely perceptible.
- 4.9.57 There are few properties close to the rural route section of the scheme, so that visual construction impacts on local residents are not expected to be significant. Exceptions include Acton's and Adam's Farms which lie very close to the route, and Byne's and Upper Wilting Farms at a rather greater distance, all of which are likely to suffer significant adverse visual impacts. There would also be significant adverse impacts during construction on views from local public rights of way.
- 4.9.58 The use of existing landform and vegetation, taken with the proposed earth mounding and new planting would reduce the residual visual impact of the new road in 2028 to slight adverse. The approach of ESCC in this respect is consonant with development plan policy as set out in Policy C4 of the SEP, which requires local authorities to secure appropriate mitigation where, as here, damage to local landscape character cannot be avoided. Lighting of the BHLR would be limited to the eastern and western ends, and would not add significantly to existing light impacts in these urban locations. Headlight intrusion from the BHLR would not be entirely contained, but would be minimised by the earth mounding and planting proposed.
- 4.9.59 The mitigated and reducing visual impact of the link road between 2013 and 2028 is charted in Figures A4.10 to A4.12 in ESCC8/3. These compare the visual impact of the unmitigated scheme in the Opening Year with that of the mitigated scheme in the same year, and with that of the mitigated scheme with matured screening in the Design Year, 2028. The photomontages at Appendices A6.A to A6.F in ESCC8/3 also show the mitigated visual impacts of the road in the Design Year 2028, compared both with the existing views and the views in the Opening Year. With the screening provided by existing and created landform, and new planting, the BHLR would appear as a minor component in the overall view from the southern edge of the AONB, and would be largely invisible from properties in the AONB, including properties in Crowhurst.
- 4.9.60 As indicated in the noise evidence given on ESCC's behalf, operation of the BHLR would result in noise increases in the Valley of 5dB(A) or greater, leading to a loss of tranquillity. This would be to some extent counter-balanced by noticeable reductions in traffic noise on surrounding roads, including roads in the AONB, enhancing tranquillity. However, it is a significant adverse impact that

could not be wholly mitigated.

Noise and vibration

- 4.9.61 The case of ESCC with regard to noise and vibration is set out in the ES and in the statement (ESCC11/1) and oral evidence of Mr R Whiteman. There is potential for adverse noise and vibration impacts during both the construction and operational phases of the BHLR. An assessment of noise impacts from operation of the road has been carried out in accordance with all relevant guidance, including the DfT's *Calculation of Road Traffic Noise* (CD5.18) and the DMRB. For the assessment of construction noise, BS 5228 – *Code of Practice for Noise and Vibration Control on Construction and Open Sites* - (CD5.21) is the accepted guidance and has been applied.
- 4.9.62 Details of the assessment methodology applied for both construction noise and vibration and operational noise are set out in section 2 of ESCC11/1. In particular, account has been taken of revised August 2008 DMRB guidance regarding the extending of the study area to 600m on either side of the centre line of the proposed route. This revised guidance also results in some adjustments to ESCC's noise evidence as presented to the inquiry and as it appeared in the ES. A 1200-metre study area was applied to the rural section of the BHLR
- 4.9.63 Traffic noise levels are normally assessed using the $L_{A10, 18hr}$ metric in decibels ("dB"). This gives the best indication of the upper limit of fluctuating noise such as that from road traffic as experienced by the human ear, and averages the 18 hourly noise values between 0600 and 2400. Reference hereafter to "dB(A)" is to the $L_{A10, 18hr}$ metric. Noise nuisance assessments have also been carried out in accordance with DMRB guidance.
- 4.9.64 To establish baseline noise conditions in the study area, noise surveys were conducted in February and March 2006 at 49 potentially affected receptors, and repeated at 24 of these receptors in May and June 2006. The survey results are set out in Table 3.1 of ESCC11/1.

Construction impacts

- 4.9.65 Subjective response to construction noise and vibration is usually moderated by the limited duration of exposure to such noise. Acceptable maxima for daytime construction noise are normally set in terms of absolute $dBL_{Aeq,T}$ levels as measured at the site boundary or outside affected receptor dwellings. Commonly, weekday (0700-1900 hours) advisory maximum levels are set at 75 $dBL_{Aeq,T}$; night time levels are set at 55dB(A) or at existing ambient levels plus 5 $dBL_{Aeq,T}$, whichever is the lower.
- 4.9.66 The construction noise predictions are set out in Figure 11 in Appendix B in ESCC11/3. The predictions for both day- and night-time noise levels assume the worst case combination of construction activities, a combination unlikely to arise in practice. Day-time construction potential noise impacts above the advisory maximum levels are identified at 49 residential receptors and one non-residential receptor. The worst affected properties are those in the vicinity of London Road, Bexhill, 17 in all, represented in the noise survey and predictions

by 173 London Road. In practice, because of the unreal worst case assumptions on which the predictions are based, it is unlikely that these impacts would be significant.

4.9.67 Similarly, worst-case predictions for the highest levels of night-time construction noise show that up to 578 dwellings would potentially be affected by noise levels above the adopted criteria. Mitigation of construction noise impacts would be achieved using well-tested methods, which would be provided for in the CEMP. In practice, night-time construction activities giving rise to levels of noise of this magnitude are likely to be limited in respect of individual properties to a single weekend or even a single night, and would accordingly not be unacceptable.

4.9.68 No percussive piling or other potential source of significant levels of construction vibration are proposed, and no significant adverse construction vibration impacts are therefore predicted.

Operational impacts

4.9.69 For the purposes of the assessment the scheme route has been divided into three sections: The urban section along the dismantled railway between Belle Hill and the Ninfield Road bridge; the rural section north and east from this point to Upper Wilting; and the eastern section crossing the railway and rising to the junction with Queensway. Detailed noise calculations have been carried out for a corridor extending to 600 metres on either side of the route in the urban areas and 1,200 metres in the rural areas.

4.9.70 From these calculations, noise contour maps have been drawn up for do-minimum (without the BHLR) and do-something (with the BHLR) scenarios in both the Opening and the Design Years. The do-something scenario in 2028 includes the significant traffic growth arising from implementation of the proposed developments in north Bexhill. Comparing the 2013 do-minimum scenario with 2028 do-something scenario, some 5,700 properties would experience an increase in traffic noise, and about 260 would benefit from a decrease. If the BHLR were not constructed and the developments were therefore not implemented, some 500 properties would receive increased noise levels but none would experience a reduction.

4.9.71 The BHLR would run for more than half its length through a rural area where traffic noise is currently either absent or distant and unobtrusive. There are few dwellings within this rural corridor. Noise levels attenuate with distance so as to affect more distant properties only to a small degree, with the result that there are relatively few properties sufficiently close to the rural section of the route to suffer significant impacts from operational noise. Byne's Farm is one such property. Ambient noise levels there are calculated to be currently of the order of 35dB(A). With the road in place, levels are predicted to rise by some 15dB(A), a major increase. Nevertheless, the resulting noise levels of some 50dB(A) with the road in place remain by general standards very low.

4.9.72 On some roads in the local network, notably the A259 Bexhill Road east of Belle Hill, but also the local road network through Crowhurst, the opening of the BHLR would result in immediate reductions in traffic and therefore noise levels.

Others, including Gillmans Hill, Queensway and other local roads near the eastern end of the BHLR, would receive a moderate increase in traffic and traffic-generated noise.

4.9.73 Mitigation of operational noise would be effected in the urban areas largely by 1.8-metre noise fencing, and in the rural areas by earth mounding. There is the potential at detailed design stage for noise reduction benefits to be achieved by application of low noise surfacing. A preliminary assessment suggests that some 60 properties may qualify for assistance under the Noise Insulation Regulations 1975, as amended (CDs 3.7 and 3.8). Following on site investigation, a further report regarding noise insulation provision would be prepared prior to the commencement of construction, and its recommendations would as far as practicable be implemented before construction begins.

4.9.74 In 2028, with the road and the new developments in place, traffic noise levels would nowhere exceed those that generally occur within urban environments. The impact of construction and operational noise and vibration is assessed overall as moderate adverse.

4.10 Summary

4.10.1 As shown in section 4.3, there is a compelling case in the public interest for constructing the BHLR. The acknowledged adverse environmental impacts of the scheme set out in section 4.9 would be mitigated as far as possible. The residual impacts are insufficient in extent and severity importance to outweigh the public interest served by provision of the BHLR.

5. THE CASE OF THE SUPPORTERS

The material points are:

Mr G Chave (SUP003)

5.1 Mr Chave represents the 1066 Roads Improvement Group. Contrary to the claims of some objectors, there is strong local support for improvements to the area's roads. The Group organised a petition supporting the 1990s bypasses scheme. They obtained over 10,000 signatures in a few days' canvassing. A dual carriageway bypass would best meet the case, but, failing that, there are manifest advantages from construction of the BHLR, including the relief of congestion on the A259 between Bexhill and Hastings, greatly improved access to the Conquest Hospital for residents of both towns, and the provision of access to the proposed major developments in Bexhill.

5.2 There is likely to be an overall reduction in polluting exhaust emissions, since moving traffic has less impact on air quality than stationary or crawling traffic. Objectors complain about the cost of the BHLR, but their misguided objections have already significantly added to the scheme costs by causing the inquiry to be called in the first place and then adding to its length by presenting unjustified objections.

Mr H Arbuthnott (SUP007)

5.3 Mr Arbuthnott is a resident of Battle, an ancient, and historically and architecturally important town where perhaps the most significant battle in English history was fought. Very large volumes of traffic are at present forced to use the single main road through the town, causing congestion and pollution. Opening the BHLR is predicted to reduce traffic in Battle by 14%, and would therefore go some way towards resolving Battle's traffic problem.

Letters of support

5.4 The BHLR is supported by HBC and RDC, the two district councils concerned. The supporters of the scheme who relied on written submissions include the Hastings Area Chamber of Commerce (SUP013), which notes that one of the problems faced by Bexhill and Hastings is a poor communications infrastructure. The area is among the most deprived in the United Kingdom. While there are some signs of regeneration benefits from government funding, the BHLR is a crucial element in the regeneration of the area. Great pains have been taken to ensure that the route chosen minimises the adverse impacts on the environment. The scheme should be approved and implemented without any further delay.

5.5 The South East England Partnership Board (SUP014) is the regional planning body for south east England. It regards the delivery of the BHLR as of critical importance to the regeneration of Bexhill and Hastings. The road is a key part of the FPP, the regeneration strategy endorsed by the Government in March 2002. The region has also allocated the necessary funding to deliver the proposed improvements to the A21 Baldslow junction, which would allow the benefits of the BHLR to be realised in full. The Pebsham Countryside Park Management Board (SUP012) unanimously supports the BHLR as singularly enhancing the Park project, which would provide an excellent and significant public green space in the Bexhill and Hastings area.

5.6 Supporters draw attention to the reduction in traffic flows that the BHLR would bring to parts of the local road network, including the A259 through Glyne Gap. This would significantly improve the living conditions of residents in those areas. The reduction in the inappropriate use as a rat-run avoiding the A259 of the minor roads via Henley's Down and Crowhurst Road would have similar beneficial impacts for those living alongside these roads, and reduce traffic through Crowhurst itself.

5.7 No satisfactory alternative to the BHLR has been put forward by objectors. If the new road is not built, deprivation in the area will continue to worsen, and the social and physical fabric of local communities to decline, while crime rates and other social problems will continue to rise. ESCC is to be congratulated on the way in which it has minimised the adverse effects of the scheme; the benefits far outweigh the negative impacts. The objectors are a vocal minority who do not represent the views of the overwhelming majority of local people.

6. THE CASE OF THE OBJECTORS

The material points are:

6.1 General points

- 6.1.1 The need for the road has not been established. Its much-vaunted traffic-relieving benefits are at best uncertain. The claim that it would enable more than 1,000 new dwellings and substantial new business floorspace to be constructed in north east Bexhill, providing significant regeneration benefits, is also speculative and uncertain. As a deprived area, Hastings/Bexhill cannot in any event accommodate more residents, and therefore no more dwellings should be built.
- 6.1.2 New roads do not necessarily aid regeneration. To build a road as an aid to regeneration at the lowest point of a severe recession is senseless. There are, moreover, many empty commercial premises in Hastings and this shows that there is little demand for new premises. Any new jobs generated are likely in any event to be taken up by people from outside Bexhill and Hastings. The proposed developments in north east Bexhill could be implemented without constructing the BHLR. Alternatively, the developments should be built elsewhere, in north west Hastings, for example.
- 6.1.3 The claim that the BHLR represents good value for money is erroneous, because most of the alleged benefits arise from very short travel time savings which would be imperceptible to road users. The cost of the BHLR is now approaching £100m, which, since the route is only some 5.6kms long, must cause it to rank among the most expensive roads ever proposed. £100m of public money could be better spent on other projects, perhaps including rebuilding the infrastructure destroyed in the recent severe weather conditions in Cumbria. There is likely in any event to be a substantial cost overshoot. Cheaper and less damaging alternatives to the BHLR have not been properly considered. In particular, improvements to public transport could achieve a similar result at lower expense. These would obviate a road across the Combe Haven Valley and the resulting severe environmental damage.
- 6.1.4 The clear and certain adverse impacts of the road particularly on the Combe Haven Valley by reason of noise, loss of tranquillity, visual intrusion, additional flood risk, and damage to air quality and ecology far outweigh the uncertain benefits claimed for the BHLR by ESCC. Building the road would destroy the green gap between Bexhill and Hastings. The compulsory acquisition of agricultural land would irreparably damage local farming interests. Objectors have enjoyed the unique beauty of the Valley, and some have important family memories associated with it. The SoSfT rejected the bypasses because of their unacceptable impacts on the environment, yet ESCC is now promoting essentially the same damaging proposal; nothing has changed.
- 6.1.5 The new road would add to traffic congestion and to the risk of accidents elsewhere on the local road network, and especially on the A259 west of the Belle Hill junction, and in St. Leonards and north Hastings. The BHLR would lead to gridlock and traffic queues at many of the junctions on the existing road

network.

- 6.1.6 The proposed road would be impassable for most of the year, as the Combe Haven Valley bottom is usually flooded. The greenway proposed across the Valley to improve access for equestrians, cyclists and pedestrians could be built in the absence of the BHLR, but is not likely to prove popular given the presence alongside much of its length of a busy link road.
- 6.1.7 The inquiry process is inherently unfair, because ESCC uses public money to fund a team of lawyers and experts, while objectors do not have access to such resources and must largely rely on their own work and the services of volunteers. There is widespread local opposition to the scheme, and, on this ground alone, it should be rejected.
- 6.1.8 A number of alternative routes for the road are proposed by objectors and are described in section 6.18. Some objectors continue to favour a full bypass of both Bexhill and Hastings which would run further inland to the north of the towns, as proposed in the 1990s; this would provide a more effective solution to the current traffic problems than the BHLR, and is more likely to aid regeneration than a purely local road such as the proposed link road. One objector considered that the BHLR should be abandoned in favour of a new motorway connecting the M20 in Kent with the eastern end of the M27.

6.2 Campaign for Better Transport (OBJ178) The Hastings Alliance (OBJ179)

General points

- 6.2.1 The Campaign for Better Transport ("the Campaign") and the Hastings Alliance ("the Alliance") made separate but linked presentations to the inquiry, and made a joint closing submission. The Campaign was represented at the hearing by Mr D Coffee, who also appeared in support of the Alliance. He also represented Mrs L Calcott (OBJ191), but only to the extent of reading out her brief written submission, and Mrs Calcott's views are therefore included in the general points set out above. The Campaign was founded in the 1980s to promote alternatives to the car and to improve integration between non-car travel modes. It has between 30 and 40 members countrywide. The Campaign's evidence is to be found in the bundle numbered OBJ/178.
- 6.2.2 Alternative non-road solutions to congestion on the A259 and the other transport problems of the area have never been properly assessed. ESCC is determined to build a road whatever the cost and damage to the environment. The choice of BHLR routes consulted on by ESCC deliberately included routes which were plainly inadmissible. The public was not given the chance to oppose a new road on any route.
- 6.2.3 If the north east Bexhill developments were implemented without the BHLR, this would encourage the take up by those employed or living there of more sustainable means of transport, especially if provision were made for safe cycling and walking. The sustainable transport demonstration town projects in Worcester, Darlington and Peterborough have delivered large reductions in traffic, and had very high BCRs. Application of similar measures in

Bexhill/Hastings would deliver impressive reductions in car use and increases in the use of sustainable transport modes.

- 6.2.4 The failure by ESCC to address sustainability issues creates a contradiction between the scheme and government policy as expressed in PPG13: *Transport*, which sets objectives for the promotion of more sustainable transport choices for both people and freight. The scheme also runs counter to the Government White Paper: *The Future of Transport*. 80% of the development in north east Bexhill could be provided without the road, and there should have been further investigation of the Bexhill Northern Approach Road ("BNAR"), the spur road previously proposed.
- 6.2.5 Provisional approval of the scheme was given in December 2004. However, this was on the basis of an estimated cost of £47m, and subject to provisos that there be suitable consultation with the SEBs, exploration of the securing of developer contributions, and no change to scheme cost, design or value for money. Contrary to these provisos, the scheme cost has doubled, and two of the SEBs objected to the BHLR; despite withdrawal of their objections, no SEB supports the scheme. There has been no attempt to secure developer contributions.
- 6.2.6 In the MSBC submissions of August 2009, the impacts of the scheme on landscape, biodiversity and the water environment are assessed as more seriously adverse than previously admitted. ESCC ignored advice from the EA regarding flood risk. The huge range of documents issued by ESCC and its failure to provide a Non-Technical Summary of the revised environmental impacts of the scheme has prevented lay members of the public from understanding how serious the cumulative damage to the environment which the BHLR would be.
- 6.2.7 With the BHLR in place, the Combe Haven Valley would be a poorer and degraded environment, with its integrity permanently disrupted. The mitigation proposed would be ineffective, and would merely make the impacts "less worse". Despite the claim that the BHLR avoids direct impacts on the SSSIs, it would pass within 20 metres of the boundary of the Combe Haven SSSI and across the southern tip of the Marline Woods SSSI. The environmental damage is acknowledged in the Hastings draft LDF, which describes the BHLR as having a significant negative effect on biodiversity and greenhouse gas emissions. The scheme is therefore contrary to development plan policy. The Combe Haven Valley is an important local tourist asset and damage to its tranquillity would reduce its ability to attract tourists and thereby damage regeneration initiatives.
- 6.2.8 The Alliance is a loose federation of organisations and individuals formed to oppose inappropriate development in Hastings and the surrounding area. At the inquiry, the Alliance submitted a schedule (attached to Document OBJ/179) from organisations which lend their support to the Alliance, but which did not appear separately at the inquiry. These include Friends of the Earth, Transport 2000, Friends of the Brede Valley, the Sussex Wildlife Trust, and other national and local environmental groups. A number of members of the Alliance also appeared at the inquiry on their own behalf, including Mrs Bargery and Dr Clark. Their evidence is set out elsewhere under their own names. Others, including CPRE (OBJ332), the Sussex Wildlife Trust (OBJ259), Ms M Robertson (OBJ260) and Ms

C Wedmore (OBJ172), relied on written submissions.

- 6.2.9 The Alliance's case at the inquiry was co-ordinated by its Chairman, Mr N Bingham, also Chairman of the friends of Brede Valley. His evidence and submissions are contained in the bundle numbered OBJ/179. He called two expert witnesses, Professor A Wenban-Smith and Mr K Buchan. Their evidence addresses the case of ESCC with regard to regeneration, the value for money claimed for the BHLR and whether other forms of intervention could achieve the same overall objectives, and the failure by ESCC properly to address greenhouse gas emissions in its appraisal of the BHLR.
- 6.2.10 Professor Wenban-Smith's evidence, including supplementary proofs and other documents, is contained in the bundle numbered OBJ/179/1 and that of Mr Buchan is to be found in the bundle numbered OBJ/179/2. Background documents submitted at the inquiry by the Alliance are numbered HA/1 to /13.
- 6.2.11 The decision to proceed with the BHLR has not formed part of a democratic process. While ESCC has a large promoting team funded by local tax payers, the Alliance, other objectors are driven back on their own resources. The SoSfT rejected the bypasses promoted in the 1990s, concluding that the regeneration case had not been made out, and that there were severe environmental implications. Nothing has changed in the intervening period.
- 6.2.12 The outcome of the SoCoMMS led ESCC prematurely to identify the BHLR as the preferred solution to local transport needs without proper examination of alternatives. Less extensive, cheaper and less damaging alternatives have been ignored. Among possible alternatives are a new station at Glyne Gap on the Bexhill to Hastings line. This would significantly reduce traffic and congestion on the A259. A relief road could be built between Glyne Gap and Harley Shute Road, using the line of an old tramway, and leaving the A259 to be redeveloped with bus and pedestrian priority, with access charging for private vehicles.
- 6.2.13 The confusion is compounded by the nexus, ignored by ESCC, between the BHLR and the Baldslow Link. In essence, the BHLR and the Baldslow Link are a single scheme, providing a through bypass of the A259. The DfT plainly regards the two schemes as inseparable, and a decision cannot properly be made in relation to the BHLR without considering it in conjunction with the Baldslow Link. In the absence of the Baldslow Link, there are potentially severe additional traffic impacts on Queensway and other local roads. Queensway serves much local industry, and the traffic impacts of the BHLR on these roads have negative implications for regeneration. Since the BHLR and the A21 improvements are two parts of the same scheme, a joint economic appraisal should have been carried out.
- 6.2.14 The case presented by ESCC relies heavily on development plan policy support for the BHLR, but this is no longer enough. The fact that the link road appears in some detail in regional and local development plans does not mean that it is the correct solution. Things are changing; alternatives are there to be sought. Not the least of the changing contextual factors against which the BHLR should now be reconsidered is the rapid change in the Government's climate change policy, which ESCC's assessment of the scheme and its proposals for addressing the very large additional carbon emissions generated by the BHLR

fail adequately to take into account.

6.2.15 There is widespread local opposition to the BHLR; ESCC's claim of support for the scheme derives from a survey to which only 2% of the local population responded, with only some 1.75% agreeing that a new road was needed. Against that claim it should be noted that some 2,500 people wrote to object to the application for planning permission for the BHLR. Even the SEBs, while no longer objecting, have made it clear that they do not support the BHLR. That the BHLR would have severe environmental impacts is clear from the view of NE that ESCC had provided insufficient mitigation, and that NE could not therefore support the scheme.

6.2.16 In the context of the Copenhagen conference on climate change, it would be particularly inopportune to give the go-ahead to a dirty and environmentally last-century solution to a local problem. ESCC states that there is no satisfactory alternative route for the BHLR to that promoted by ESCC. The Alliance supports this view: it would be better to do nothing and leave the Combe Haven Valley unsullied.

Regeneration

6.2.17 The BHLR is belatedly now being peddled as part of a "Five Point Plan" for regeneration in some kind of moral crusade. Among the early studies regarding regeneration of the area is the far-sighted DTZ Pleda Report – *Prosperity for Hastings and Bexhill* - (CD7.5), published in 2001. However, this makes scant reference to the BHLR, focusing instead on rail improvements and enhancements to the A21. The BHLR figures as recommendation 17 out of 18 in the Report, yet ESCC clearly now regards it as the priority local transport improvement.

6.2.18 A local road such as the BHLR would not turn the area into an employment hotspot able to compete with the Thames Valley or the Gatwick area for inward investment. ESCC places sole or principal reliance on inward investment as the source of regeneration. Such reliance is unrealistic. The housing proposed in north Bexhill could be enabled by much less destructive means, but the link road alone has figured in ESCC thinking to the exclusion of other viable alternatives. ESCC has not done nearly enough to satisfy Government policy in this respect.

6.2.19 The objectives of the BHLR are predominantly claimed to be regenerative. However, only about 20% of the benefits claimed for the BHLR in the economic appraisal are from additional employment. The main benefits claimed for the BHLR are overwhelmingly from very small user time savings. It is inconceivable that time savings measured in seconds would deliver economic benefits as claimed. The perceptible threshold of time savings lies somewhere between 1 and 4 minutes, and thus up to 70% of the time savings should be excluded from the benefits claimed for the BHLR. Indeed, research from 2003 suggests that there is no perceptible benefit from time savings of less than 5 minutes.

6.2.20 ESCC claims that all potential alternatives to a new road were fully assessed at the time of the SoCoMMS study. That assertion has been challenged by Dr Denvil Coombes in a Report commissioned by East Sussex Transport 2000, an alliance supporter, and published in July 2006 (HA/08). The Report concludes

that the BHLR is the solution embedded in the ESCC's thinking; any other solution does not meet with favour, because it is not the link road. The Report notes in particular that:

- There are two distinct problems to be addressed: Congestion on the A259 and access to the development land in north Bexhill. It may be that the BHLR would both ease congestion on the A259 and unlock the north Bexhill development land, but ESCC appears to believe that, because no other scheme could address both problems, alternatives are unworthy of consideration. There is no reason why the two problems should not be separately addressed;
- SoCoMMS provides justification for a strategy for the south coast as a whole, but its recommendations in relation to the BHLR include complementary measures and the BHLR is not justified in depth;
- There is nowhere any cogent evidence that a full range of alternatives has ever been considered. ESCC's approach has been to address bottlenecks rather than to promote end-to-end infrastructure; and
- The Hastings Strategy Development Plan prepared as part of the SoCoMMS process treats measures such as public transport improvements as being less satisfactory alternatives and this approach is carried through into the MSBC.

ESCC has failed to have regard to this critique of the BHLR.

6.2.21 The implementation of the NEBBP scheme is also unnecessary to achieve the regeneration objectives for which the BHLR is promoted. Expansion of local business could equally well be facilitated by the use of so-called "churn", that is, the natural movement of local enterprises between existing premises within the area, as their accommodation requirements change. Local businesses wishing to expand would merely take up appropriate premises within the area which have been vacated by other businesses relocating elsewhere within or outside the area. There is ample empty commercial floorspace in the area to permit this

Climate change

6.2.22 Many of the SoCoMMS study recommendations have not been carried out and, since 2003, climate change has assumed a much greater importance in decision making. For ESCC to continue to rely on the SoCoMMS study of alternatives is therefore inappropriate. A further full study of alternatives should be undertaken. The patent failure of the BHLR to meet greenhouse gas emissions targets is alone a sufficient reason for seeking a better alternative. Recent Government policy proposals create the concept of a "show-stopper", where a scheme fails to meet appropriate key climate change objectives. Against an overall target for ensuring a 14% reduction in carbon emissions by 2020 and an 80% reduction by 2050, the BHLR by contrast causes a 2% increase rise by 2020 and a 10% increase by 2050.

6.2.23 ESCC's approach to the very large additional carbon emissions to which the road and its associated developments would give rise is out-of-date and inadequate. In July 2009, the DfT published "A Carbon Reduction Strategy for

Transport" (CD5.35). ESCC has largely ignored the guidance which this document contains, as is set out in the first supplementary statement of evidence of Mr Buchan. For example, it is clear from Chapter 4 of the Strategy, that local authorities are expected to contribute to the national transport emission-reducing targets. The Strategy envisages a role for local authorities in identifying ways of reducing the need to travel, for example, by new technology promoting home working, and by spatial planning.

- 6.2.24 The BHLR wholly fails to contribute, save negatively, to these carbon-reducing targets over a wide area of East Sussex. ESCC appears to believe that a single, ambiguous sentence from paragraph 16 of the Supplement to PPS1 (CD5.1 - see paragraph 8.5.19) exonerates it from having regard to national targets when promoting local transport schemes. In relying on this to the exclusion of other guidance, ESCC is challenging current Government policy as clearly set out in the July 2009 Carbon Reduction Strategy.
- 6.2.25 ESCC states that the substantial additional carbon emissions would be addressed through its Climate Change Strategy and the undertaking given to HBC and RDC. The Alliance and the Campaign remain unconvinced the undertaking is sufficiently precise as to be enforceable. It is therefore unlikely that the severe greenhouse gas impacts of the scheme would be mitigated as claimed.
- 6.2.26 The additional carbon emissions could and should be quantified as a cost, because, in the new world of traded and non-traded carbon, addressing the additional emissions by way of the ESCC's climate change strategy would have a measurable cost which has not been included in the economic appraisal of the BHLR. The measures to offset the additional emissions at County level which ESCC proposes would have an opportunity cost in terms of their lost contribution to ESCC's ability to counterbalance other carbon emissions. The SoSfT needs to be informed how much additional carbon would be generated and what the financial cost of offsetting this would be.
- 6.2.27 ESCC relies heavily on the express inclusion of the BHLR as a committed scheme in paragraph 17.14 with reference to Chapter 8, Appendix A of the SEP. However, the SEP contains the "cross-cutting" Policies CC1 and CC2 for the achievement of sustainable development and to address climate change. CC1, *Sustainable Development*, provides for regional reductions in greenhouse gas emissions, and CC2, *Climate Change*, sets out the reductions in such emissions which are to be achieved by stages between 2010 and 2050. The BHLR would be in clear breach of these Policies, thus rendering it non-compliant with the SEP. Yet, while ignoring these SEP policies of general application, ESCC itself describes the SEP as setting out up-to-the-minute regional spatial policy.
- 6.2.28 The July 2009 Strategy should be taken as having undermined the provisions of development plan policy to the extent that the latter is now in conflict with Policies CC1 and CC2 in the SEP. ESCC's approach is simply to ignore the reality that unless major local road schemes individually comply with greenhouse gas emissions policy, there is very little prospect that the national targets will be achieved.

Economic appraisal

6.2.29 As stated above, the failure to include a valuation of the cost of carbon emissions undermines the economic appraisal. The carbon cost of the road would reduce the BCR to a level where it no longer represents good value for money.

6.2.30 There are other significant uncertainties about the outturn of the economic appraisal. These arise not least from the wide variation shown in the various calculations of the BCR between 2004 and 2009. The appraisal fails to follow guidance in a number of detailed respects. For example, there is draft WebTAG guidance to the effect that only the additional value of development attributable to the new road should be included in the BCR calculation, that is, the value additional to that which could be achieved from developments which could be built with a cheaper alternative scheme in place. Since cheaper alternative schemes have not been adequately considered, it is not possible to say what the additional value attributable to the BHLR is. The benefit claimed for the BHLR from the gross value of housing is also to be reduced by the cost of the traffic generated by the housing.

6.2.31 Further uncertainties arise from the predicted increase in traffic over time (by some 13% by 2028) and the projected increase in Gross Domestic Product; these two factors would tend to increase the NPV, while discounting the time-savings over the 60-year appraisal period would tend to reduce it. On this basis, the BCR is more likely to be within the range 0.6:1 to 1.6:1, rather than the 2.5:1 or thereabouts claimed by ESCC. This range of estimates itself errs on the generous side because it makes no allowance for the reduction of time savings over the appraisal period resulting from the tendency for people to relocate to take advantage of transport improvements.

6.2.32 It is clear that at least a proportion, perhaps substantial, of the development proposed in north east Bexhill could take place in the absence of the BHLR. No detail of the extent of achievable development has been supplied by ESCC, but there is no reason to suppose that the housing or commercial developments proposed should be treated as "all-or-nothing" opportunities. The Access to Hastings Multi-Modal Study of November 2000 (CD7.16) concluded that up to 590 houses could be provided near Worsham Farm, and a further 1660 if the Bexhill Northern Approach Road ("BNAR") were built instead of the BHLR.

Summary

6.2.33 ESCC's case for the BHLR is flawed. There has been an inadequate consideration of possible alternatives to a new road, its climate change impacts have not been addressed and the economic appraisal is unreliable. In these circumstances to build the road and inflict all its adverse impacts particularly on the Combe Haven Valley is not justified.

6.3 The Crowhurst Society (OBJ238) Crowhurst Parish Council (OBJ241)

6.3.1 The Parish Council and the Society presented a joint case to the inquiry. The

Crowhurst Society was established in 1986 to defend the village against the erosion of its freedom to exist within the historic landscape. Crowhurst is an historic village with some 780 residents. Written sources and archaeological finds suggest that the village has been inhabited since the Bronze Age. The village contains a pre-Conquest church and the remains of a medieval manor house.

- 6.3.2 The Council and the Society object to the scheme on the grounds of its impact on residents of Crowhurst, principally by reason of increased risk of flooding and additional pollution from exhaust emissions, but also because of light and noise pollution, and the use of local roads as rat-runs. A village survey conducted in April 2004 attracted 86 responses. While only 8 of those who responded were opposed to a new road in principle, 65 were against the proposed northern routes for the BHLR, including that now promoted by the ESCC, because of the potential adverse impacts on Crowhurst residents.
- 6.3.3 The greatest worry to residents of Crowhurst is the potential for increased risk of flooding as a result of implementation of the scheme. The village already has a severe problem with flooding, as is acknowledged by the EA. Heavy rainfall frequently causes up to 25 homes to suffer flooding. This also appears to be accepted by ESCC, but the County Council has failed to fund flood defences for the village, despite being prepared to fund the BHLR scheme, using taxes paid by the residents of Crowhurst for the purpose. Residents do not accept ESCC's assurances that construction of the BHLR would have no adverse impact on flood risk in Crowhurst.
- 6.3.4 The route of the proposed road would pass less than 1 km from Crowhurst. The impact of the road would be to destroy the rural setting in which Crowhurst sits. Crowhurst would be blighted by intrusive noise. Noise would impact particularly adversely on residents in the southern part of the Parish, including residents of Woodland Way (OBJ243). There would be continuous intrusion from vehicle headlights. Exhaust emissions from the BHLR would inevitably affect residents, including vulnerable groups such as the elderly and young children. ESCC has failed to assess the additional generation of deadly ground level ozone gas arising from the BHLR. The agricultural land-take would destroy all the farms surrounding the village (with the possible exception of Hillcroft Farm), leaving vast tracts of derelict land.
- 6.3.5 The scheme would result in a significant increase in deaths from road accidents. ESCC's design requires a number of dangerously sharp bends along the BHLR route. The construction of the A21 Baldslow Link is by no means certain, and, in its absence, the BHLR would create traffic problems on the existing road network, especially at its eastern end. The regeneration benefits of the scheme are uncertain and any new jobs are likely to be taken up by people from outside the area.
- 6.3.6 Among local cultural heritage features, Adam's Farm and the Roman bloomery south of Byne's Farm would suffer desperately as a result of the scheme. River and brook lampreys are present in the Powdermill Stream and the stone loach found there are an indicator of clean water. There is a significant risk that these streams would be polluted during construction and/or operation of the road.

6.3.7 ESCC has failed to establish a compelling need for the road. In this respect, the Parish Council and the Society object to the road on the same basis as the Alliance. By contrast, there is a compelling reason to conclude that the road would have a dramatically adverse impact on the historic environment of the village of Crowhurst and on the living conditions of its residents.

6.4 Sustrans (OBJ242)

6.4.1 The BHLR should be abandoned in favour of a series of measures designed to reduce the need to travel by car, and thereby to reduce congestion. The TravelSmart and BikeIt schemes, which have been successfully piloted elsewhere, should be supplemented with targeted infrastructure projects such as transport links to schools. The cost of these measures could be as little as £10m, compared with the cost of the BHLR at close to ten times that amount. The current estimate of the cost of the BHLR equates to £765 per head of local population, whereas the schemes proposed by Sustrans would equate to only £25 per household. The BikeIt programme has been consistently successful with every school with which Sustrans has worked. An area-wide Active Travel programme could help to address the poor health and low life expectancy of the Hastings population as recorded in the Department for Health's Hastings Health Profile 2009.

6.4.2 The seafront path and cycle-way separately proposed by ESCC would provide a safe alternative to the A259 and would be well-used and assist in reducing congestion. Improvements to the Bexhill to Hastings railway which runs parallel with the A259 could result in a modal transfer of journeys from car to rail, relieving road congestion. Building the BHLR by contrast is likely to divert traffic away from the A259 and undermine the market for travel on the parallel rail line. On-line improvements to the A259 to ensure bus priority could significantly increase bus travel. While ESCC seeks to justify the BHLR in part by providing the greenway, it appears that there would be inadequate intermediate access points to it for cyclists.

6.4.3 The BHLR is not a necessary pre-condition for the proposed north Bexhill developments. Indeed, if these developments can proceed only if the link road is built, then the developments themselves are not sustainable and should be abandoned. There are in any event empty properties and other land suitable for development in the Bexhill/Hastings area and these should be utilised for the expansion of local businesses. The proposed additional dwellings could also be provided elsewhere in the area without the BHLR.

6.4.4 The BHLR is the second worst road scheme in the whole country in terms of carbon emissions. It fails to take adequate account of the current radical reappraisal of the approach to climate change. It should on that ground alone be scrapped and replaced with a package of sustainable transport measures that could significantly reduce carbon emissions, rather than substantially add to them. A power-point presentation relating to the successful integration of public transport with cycling in the Netherlands was made at the inquiry (a copy of the slides is to be found in the Sustrans evidence bundle (OBJ/242). Similar alternatives should be developed in Bexhill/Hastings instead of road solutions such as the BHLR.

6.5 Wishing Tree Residents' Association ("WRTA") (OBJ155)

- 6.5.1 The WRTA was represented by its vice-chairman, Mr A Smith, who also appeared at the inquiry on his own behalf. The WRTA is a supporter of the Alliance and was formed in the 1970s to represent residents of the Gillmans Hill area in St. Leonards. It has some 200 members. Gillmans Hill and Springfield Road form a direct route from Queensway via Crowhurst Road east and south into St. Leonards and central Hastings.
- 6.5.2 Opinion within WRTA is to a degree divided: some members are opposed to any road scheme as being a waste of public money and giving rise to damaging emissions and other unacceptably adverse impacts, while others believe that a properly engineered road scheme, duly joined-up with schemes to meet other local transport needs, might be justified. Any realistic new scheme must include a direct connection to the A21 by simultaneous construction of the Baldslow Link. The WRTA opposed the 1990s bypasses scheme, but was prevented from presenting its evidence regarding the consequences of that scheme for the Gillmans Hill area; the current inquiry provides the first opportunity for this impact to be properly considered.
- 6.5.3 WRTA members are united in their opposition to the BHLR as promoted. The negative traffic impacts of the BHLR on other parts of the local road network have not been adequately taken into account by ESCC, and this is particularly the case with regard to the additional traffic that would be generated on Gillmans Hill. The existing problems on the A259 would simply be transferred to other locations, including Gillmans Hill. Additional traffic in Gillmans Hill would cause increased severance, and add to noise and air pollution.
- 6.5.4 With the BHLR in place, Hastings-bound traffic arriving at the Queensway junction at the eastern end of the link road would turn right and follow Crowhurst Road into Gillmans Hill. There would be significant resulting additional traffic. This is predicted by ESCC to be an additional 1,400 vehicles per day in 2013, rising to 4,700 vehicles per day in 2028. This would exacerbate the already severe traffic congestion in the area. Gridlock currently occurs on Gillmans Hill whenever temporary traffic signals are installed to accommodate road works. ESCC's response is to replace the Wishing Tree roundabout with a larger signal-controlled junction, addressing the symptom rather than the cause.
- 6.5.5 A study of the traffic evidence presented by ESCC reveals a number of apparent discrepancies and these cause members of the WRTA further to doubt the reliability of ESCC's traffic predictions. At the time of the 1990s bypass proposals, for example, ESCC's projections for traffic at the north end of Gillmans Hill were between 19,000 and 23,000 vehicles Annual Average Daily Traffic ("AADT"). ESCC's original projection for the BHLR scheme for the same location was 17,370 vehicles AADT in 2023, but this has now magically been reduced to 11,200 vehicles, although the projection is for 2025, two years later, when general traffic levels might be expected to be somewhat higher.
- 6.5.6 There are other apparent discrepancies elsewhere on the modelled network, including three locations on The Ridge to the north of the proposed Queensway junction. These discrepancies undermine the credibility of ESCC's evidence,

adding further to the concerns of local residents as to the impact of additional traffic by reason of congestion, noise and pollution. Whilst accepting the explanation of the changing figures put to him in the course of cross-examination, Mr Smith takes the view that this merely confirms that, if the modelling rules are changed, the outcome will be different.

6.5.7 It is claimed by ESCC that the provision of the A21 Baldslow Link would resolve the problem. There is, however, no certainty that the Link will be built and it would not in any event be in place for at least 3 years after the planned completion of the BHLR. The BHLR provides no benefits to WRTA members, but only adverse impacts from additional traffic. The claimed regeneration benefits of proposed developments in north east Bexhill are at best speculative. The BHLR would also render access to the Pebsham land-fill site less congested, encouraging more heavy vehicles and thereby damaging the environment.

6.6 Mrs G Bargery (OBJ244)

6.6.1 Mrs Bargery appeared at the inquiry on her own behalf and as a member of the Alliance, and she supports the Alliance case set out above. She is also a member of the WRTA.

6.6.2 The ESCC's rhetoric on the subject of the BHLR is not matched by hard evidence. There are no guarantees attached to the regeneration benefits only now put forward by ESCC as the BHLR's primary purpose. It is this same rhetoric that has created a self-perpetuating momentum in support of the road. Local councillors, voting in favour of the grant of planning permission, are as likely to have been swayed by secondary factors, such as the need to be re-elected or the desire that the local community should have the benefit of the very substantial sums of public funding on offer for the BHLR, than any real understanding of or belief in its claimed traffic-relieving or regenerative effects.

6.6.3 As noted in the 1994 SACTRA Report (extract in OBJ/244), the phenomenon of induced traffic diminishes the effectiveness not only of any new road built to relieve congestion but also of other roads in the local network. As a resident of Springfield Road, the extension eastwards of Gillman's Hill, Mrs Bargery is concerned at the admitted impact there of the increase in traffic which would result from opening the BHLR on this well-known "cut-through" route. An additional 2,000 vehicles per day are predicted on Gillman's Hill. While complementary measures to address this additional traffic are promised by ESCC, their extent and effectiveness are uncertain.

6.6.4 The extent and significance of existing congestion on the A259 between Bexhill and Hastings are also open to doubt; in the congestion map drawn up as part of the influential 2006 Eddington Report (extract in OBJ/244), the A259 would rank only in the 3rd or 4th categories nationally, for which expenditure of nearly £100m appears disproportionate. Any relief from congestion as a result of the construction of the BHLR is likely to be short-lived and probably indiscernible. The same report notes that the greatest returns from road investments are often to be found in the targeted relief of "pinch points".

6.6.5 There is no necessary nexus between road building and jobs. The BHLR would in any event do little to help residents in the most deprived local wards, because

it could assist only those who have access to a car or van. The 2001 Census shows that 65% of unemployed households in Central St. Leonards do not have a car or van. If new job vacancies in the NEBBP eventuate, they would be filled by residents of Eastbourne who have a higher rate of car ownership. Greater accessibility may also encourage entrepreneurs to move to new premises outside the Bexhill/Hastings area, again partly or wholly cancelling out any regenerative benefit from the BHLR.

6.6.6 The environmental damage which would be wrought by the BHLR both to the Combe Haven valley and generally is undeniable. The proposed greenway adds insult to injury: no-one would want to use such a route alongside a busy road.

6.7 Mrs S Blackford (OBJ007)

6.7.1 Mrs Blackford and her husband have farmed Upper Wilting Farm since 1987 as tenants, the freehold owner being HBC. She opposes the scheme in principle on a number of the general grounds set out above, and especially its adverse impacts on the Combe Haven Valley. She also objects because of the adverse impacts which she fears the BHLR would have on the Farm. The Farm extends to some 90 hectares, but, of this area, 42 hectares are marsh and scrub and cannot usefully be farmed, leaving less than 50 hectares of productive land. About 11 hectares would be lost if the scheme proceeds. This would place the viability of the Farm in jeopardy.

6.7.2 Mrs Blackford runs the School Farm and Country Trust from the Farm. This provides opportunities for people of all ages to learn about farming and food, and to enjoy the countryside. Recently, a community gardening group has been established which uses about 1 hectare of land at the Farm to grow fruit and vegetables. There is a waiting list for membership. Growing food locally is not only sustainable but benefits the local economy and can be carried out by those without a high level of academic ability. Much of the regeneration benefits claimed for the BHLR could be provided by expanding local food-growing of the type offered by the community group. If food for school lunches were all sourced locally, a significant number of additional jobs would be created in the area.

6.7.3 The land used by the fruit and vegetable group is to be taken for the purposes of a construction compound. Though to be returned after construction is complete, this would leave the group without land for a period of at least two years, and the site would then require considerable work to restore it for horticultural use. The loss of this community project would reduce the footfall in the Upper Wilting Farm Shop, and affect its viability. Compensation paid in respect of this impact and of the other impacts on the Farm would not adequately meet the losses.

6.7.4 Desultory discussions with ESCC have been on-going since 2004. ESCC understands little about the operations of the Farm, the Trust or the community group, and appears not to want to learn more. ESCC assesses the impact on the Farm as moderate adverse, but since ESCC has taken no interest in its operations, it is unclear how any informed assessment can have been arrived at. As a result, no realistic proposals have been forthcoming regarding relocation of the activities of the Farm and the gardening group. It is not accepted, as apparently claimed by ESCC, that negotiations regarding replacement land are

at an advanced stage. Such proposals as have been forthcoming for replacement land, including land for use by the community group are impractical, because they are too distant or inappropriate in other respects.

6.7.5 Light pollution would have a severe adverse impact on the large local bat population, affecting their feeding and breeding patterns. The bat surveys conducted are inadequate. Run-off from the road would put the local community at risk from additional flooding. By contrast, the 2,000 new jobs which the BHLR is predicted to generate would make little difference in the context of the needs of the local regeneration area.

**6.8 Mr R A Boggis (OBJ015)
Mrs L Boggis (OBJ157)**

6.8.1 Mr and Mrs Boggis own and occupy Byne's Farm, a Grade II listed building dating from about 1635. They have lived there for many years. The Farm is located north east of Acton's Farm and less than 400 metres from the proposed route of the BHLR. They object to the scheme because of the severe adverse impact the road would have on their living conditions at Byne's Farm and on others who reside in or use the Combe Haven Valley, principally by reason of noise and visual intrusion. Mitigation of the noise impacts of the BHLR by means of the installation of double-glazing would not be permitted in a listed building.

6.8.2 Once destroyed, the beauty and tranquillity of the Valley would never be restored. There would also be a severe impact on its ecology. The validity of the surveys on which ESCC based its ecological assessment is to be doubted; there is, for example, anecdotal evidence of the presence of otters in the Valley, which the surveys have failed to identify. With the exception of a bat survey, there have been no ecological surveys at Byne's Farm.

6.8.3 Mr Boggis submitted in evidence a petition which he had placed alongside the public right of way which passes through the valley and past Byne's Farm. This is headed: "We ... do not want any road built in the Coombe (*sic*) Haven Valley. ... it will damage the environment and endanger wildlife as well as causing noise and pollution. We do not want the natural beauty and tranquillity of the valley spoilt". The petition was signed by over 700 people in a period of about one year. This is a clear indication of local and general opposition to the proposed road. A poll recently conducted in the Bexhill and Hastings Observer, where 74% of those who responded thought that the scheme should be scrapped, is further confirmation of the extent of this opposition.

6.8.4 Mr Boggis also and in particular objects to the scheme because of the danger represented by fog. Fog is particularly prevalent in the Combe Haven Valley and is often present there when there is no fog elsewhere. Mr Boggis has observed fog in the Valley for many years. He supported his objection in this respect by submitting photographs of the Valley in fog, and a DVD showing the presence of fog there on 12 November 2009. The DVD was shown at the inquiry on 26 November 2009 and a copy thereof and the photographs are contained in the appendices to Mr Boggis' statement (OBJ/015). The prevalence of fog in the Valley is also attested by a number of written objections.

6.8.5 It is widely accepted by weather agencies, motoring organisations and

insurers that fog is the most dangerous of driving hazards and that accidents in fog tend to be more serious than those occurring in other weather conditions. Guidance in the DMRB states that there is a need for specific provision to mitigate the effects of fog. The occurrence of accidents due to fog on the BHLR would become so notorious, that less traffic than predicted would use it, further reducing the benefits claimed for the new road. To build the road through a valley where fog was so prevalent would cost countless lives. ESCC's proposal is therefore irresponsible, and the scheme should not be permitted to proceed.

6.8.6 The BHLR would impact on the Roman bloomery on Byne's Farm land. Inadequate account has been taken by ESCC of the archaeological importance of the area, having particular regard to the views of Mr N Austin (OBJ268) as to the landing by the Normans at nearby Upper Wilitng; ESCC's claim that no ancient battlefield site is impacted on by the scheme is therefore incorrect.

6.8.7 The benefits which ESCC claims for the road are at best speculative, while the damage the road would cause in Combe Haven Valley is certain. Regeneration of the area should begin by using the huge number of empty commercial premises currently available locally. The 1990s bypass scheme was rejected because of its adverse environmental impacts, but ESCC is now promoting essentially the same scheme. Withdrawal of their objections by the EA and NE is not an indication of support for the scheme, as an email from NE dated 23 November 2009 (in Document OBJ/015) confirms.

6.8.8 Mr Boggis was the promoter of an alternative route (AR2) but said at the inquiry on 26 November 2009 that he no longer wished to pursue this. He acknowledged that his alternative route was also prone to fog, and had decided to withdraw his proposal in order to save lives. ESCC should reciprocate by withdrawing their promoted scheme.

6.9 Dr J Clark (OBJ223)

6.9.1 Dr Clark is a member of the Alliance who also appeared at the inquiry on her own behalf. She objects to the BHLR on a number of the grounds set out in section 6.1 above. Her particular concerns relate to the impacts of the scheme on the Combe Haven Valley, and especially its visual effects and its impacts on ecology. The Valley is very special, a place of beauty and tranquillity, with important wildlife and cultural heritage, and a diverse structure. ESCC itself in 2004 assessed the Valley as probably the finest medium-sized valley in East Sussex, outside the AONB. This assessment has not been carried forward into the ES, where the Valley is merely described as attractive, accessible countryside.

6.9.2 The adverse impacts of the link road on the Valley have been significantly underestimated. ESCC initially claimed that the landscape impacts would be slight adverse, but was forced by the DfT to amend this assessment to moderate adverse; in Dr Clark's view, similar under-assessments have been made with regard to ecological impacts. These forced reappraisals undermine any remaining confidence in the ESCC's judgment in these matters. ESCC has also failed to inform itself as to the perceptions of current users of the Valley. The failure to prepare a Non-Technical Summary of the Addenda to the ES has left members of the public with the erroneous impression that the environmental

impacts of the scheme are not particularly adverse. It has also added to the difficulty experienced by ordinary people struggling to find their way round the voluminous documentation published by ESCC.

6.9.3 ESCC claims to have applied DMRB guidance in assessing environmental impacts, but application of WebTAG guidance might have resulted in a more realistic outcome. Paragraph 1.2.11 of TAG Unit 3.3.7 recognises that undesignated landscape such as the Valley can be of high quality and great importance. The assumption that the High Weald AONB to the north is of more importance than the Valley may therefore be incorrect.

6.9.4 The BHLR would be seen and heard from everywhere within the Valley. ESCC's proposed mitigation has been largely concerned with disguising views of the road, rather than accepting that damage to the experience of being in the Valley and enjoying its remoteness and the unique structure of historic hedgerows and track-ways cannot be mitigated. The BHLR would cut across the Valley contours, and no amount of mitigation could disguise it. The screening proposed would merely create an intrusive line of vegetation, disfiguring the natural landscape. These very severe adverse impacts are 100% certain; the benefits claimed for the BHLR are uncertain at best.

6.9.5 While it appears that the Combe Haven SSSI would not be directly encroached upon, the southern scheme boundary is effectively contiguous with the northern SSSI boundary and some direct adverse impact on the SSSI therefore appears inevitable. Dr Clark has obtained an unpublished 2005 report prepared by the Transport Research Laboratory for the Countryside Agency. This forms Appendix 3 in the bundle of Dr Clark's evidence (OBJ/223). This states that the public may not have been given an impartial representation of the scheme's landscape impacts, and that these impacts are almost certainly large. Again, this judgment has failed to inhibit ESCC's undoubted optimism bias in respect of the adverse impacts of the BHLR on the Valley.

6.10 Mr C T Garland and Mrs H M Garland (together OBJ095)

6.10.1 Mr and Mrs Garland adopt a number of the general grounds of objection set out in section 6.1. Mr Garland has used the Combe Haven Valley for recreation since he was a child, and Mr and Mrs Garland and their children continue to use it in the same way. It should be preserved for the enjoyment of future generations.

6.10.2 Mr and Mrs Garland live close to the urban section of the proposed route, and the link road would have severe adverse impacts on their living conditions and especially on the peaceful use of their garden. An artist's impression of the BHLR shows it unrealistically empty of traffic and this is either deliberately misleading or demonstrates clearly that a need for the road has not been established. ESCC's case plays down the other adverse impacts which the link road would have. Rather than improving local traffic conditions, the BHLR is likely to impact adversely on other local roads, especially the A259 Little Common Road to its west, and Queensway and the road network to its east.

6.10.3 The inquiry procedure rules are unfair because they afford ESCC as promoting authority the right to open its case first and close its case last. This prejudices

objectors who are not afforded the same right. It is also unfair that the extensive preparation and presentation of ESCC's case to the inquiry should be publicly funded, while objectors are given no financial help and must devote their own time and money if they are to present a case.

6.10.4 The road would have impacts on people's lives, contrary to Article 8 (Right to respect for private and family life) of the European Convention on Human Rights. Such interference is unlawful because it would not be in pursuit of a legitimate aim.

6.11 Ms D Gray-Jones (OBJ201)

6.11.1 Ms Gray-Jones opposes the BHLR on a number of the general grounds set out in section 6.1. She considers that much could be done to reduce car-induced congestion on the A259 by improving bus services. The current old-fashioned boarding and ticketing systems should be updated. This would lead to a significant improvement in bus journey times and reliability, encouraging a modal shift from car to bus travel and obviating the need for a new road. There is, moreover, no necessary correlation between building the proposed road and regeneration.

6.12 Mr L Keeley (OBJ003)

6.12.2 Mr Keeley opposes the scheme on a number of the general grounds set out above. He is also the promoter of an alternative scheme, AR1, described in section 6.18.

6.13 Mr M Rosner and Mrs P Rosner (together OBJ131)

6.13.1 Mr and Mrs Rosner do not oppose the building of a new road in principle. However, if a new road is to be built, a full bypass is greatly to be preferred. This would provide traffic relief for Bexhill and Hastings as a whole. Although part of any bypass would need to pass through the AONB and would probably cross two SSSIs, these adverse impacts would be acceptable in respect of a full bypass because it would bring more certain relief to the residents of Bexhill. This would provide a clearer counter balance to the adverse environmental impacts and would also represent a better return on the investment proposed.

6.13.2 The BHLR would increase traffic generally and especially on the A259 Little Common Road in west Bexhill, a busy, narrow, poorly-aligned road which is already exceptionally dangerous. As newspaper reports confirm, there have already been three fatalities in 2009 on this stretch of road, on which a large new school is shortly to be opened. To introduce more traffic on to this highly dangerous road would be sheer lunacy. The proposed introduction of larger lorries into the United Kingdom would also add to the danger. The concerns of Mr and Mrs Rosner in this respect are supported in a number of written objections, including that of Mrs H Melsom (OBJ246).

6.13.3 The regeneration benefits which ESCC claims for the BHLR are uncertain. Development would spring up along the BHLR causing businesses to shun the town centres. No provision has been made for the necessary infrastructure for the new housing and commercial developments proposed.

6.13.4 Mr and Mrs Rosner also represented Mr and Mrs G Rogers (OBJ147) at the inquiry, but to the extent only of reading out their written submission, which is therefore reported in the general points set out above.

6.14 Mr A Smith (OBJ152)

6.14.1 The BHLR would achieve little or nothing, save for transferring the accepted severe congestion on the A259 to other parts of the local road network. There is considerable doubt as to whether the north east Bexhill developments would ever be built or occupied. No developer contribution has been forthcoming in respect of the junction with the BHLR which the proposed developments would predicate. There was little sign of any eagerness on the part of commercial property developers to build the scheme. There is plenty of industrial/commercial development space in Hastings. No access from Hastings to the north east Bexhill development is therefore necessary.

6.14.2 A more integrated approach could see the BHLR linked up with the A21, and also providing access to important local utility facilities, taking HGVs away from the A259. This could be achieved by promoting an alternative southerly route, avoiding most of the Combe Haven Valley and providing access to the proposed Pebsham Country Park. Another alternative would be the adoption of the S6A design considered at the 1995/6 bypasses inquiry, which has the advantage of avoiding the potentially troublesome proposed eastern junction of the BHLR at Queensway. Mr Smith also appeared at the inquiry to represent the WTRA in his capacity as its Vice-Chairman.

6.15 Mrs M Terry (OBJ107)

6.15.1 Mrs Terry lives in the parish of Crowhurst about 1 km south-east of the village and about 1 km north of the centre line of the proposed route for the BHLR at its nearest point. She opposes the BHLR for many of the general reasons set out in section 6.1. In 28 years' residence at her present address, there have been only two years when Crowhurst village was not flooded. The loss of agricultural land is matter of special concern at a time when it is essential for farmers to increase food production. She anticipates significant noise and visual disturbance at her property if the BHLR is constructed.

6.16 Dr J Thurston (OBJ135)

6.16.1 Dr Thurston, now a resident of Horsham but formerly a general practitioner in Bexhill who lived at Acton's Farm, makes no in-principle objection to a link road, but believes that there is an alternative and better route, which would avoid many of the adverse environmental impacts of the route promoted by ESCC. Dr Thurston's alternative, AR3, is described in section 6.18.

6.17 Written objections

Campaign to Protect Rural England – Sussex (OBJ332)

6.17.1 CPRE is a supporter of the Alliance. ESCC suggests that the installation of biomass boilers in schools could be used to offset the additional CO₂ emissions

which would be generated by the BHLR. That would damage the ability of schools to meet their own CO₂ targets. There is no evidence that there are available sufficient supplies of biomass fuel, and the predicted world shortage of food would cause people to starve in order to allow ESCC to provide this damaging new road.

- 6.17.2 The monitoring equipment used by ESCC to record NO₂ levels disguises dangerously high levels of pollutant emissions at peak times. This in turn means that the deadly Low Level Ozone (“LLO”) produced by interaction between NO₂ and other pollutants is also under-recorded. LLO concentrations recorded at nearby Lullington Heath are the highest in the United Kingdom and regularly exceed World Health Organisation danger levels. There is an established link between LLO and asthma, and the numbers of children suffering from asthma in the locality are also among the highest nationally. Other road projects have often given rise to higher than predicted additional pollutant emissions. In all the circumstances, to proceed with the BHLR would be irresponsible.

Sussex Wildlife Trust (OBJ259)

- 6.17.3 The Trust is a supporter of the Alliance. It objects to the scheme on a number of the general grounds set out above. The cost of environmental mitigation proposed has risen to such an extent that the scheme no longer represents good value for money. The scheme is part of a regeneration programme that involves substantial development in addition to the road; it is impossible to assess the real cumulative adverse impacts of the scheme, or to be satisfied that it meets the requirements of PPS1 - *Delivering Sustainable Development*.
- 6.17.4 The landscape damage to the Combe Haven Valley would be such that no amount of mitigation could reverse it. Water quality in the Valley is highly sensitive to pollution, and the BHLR would result in major adverse impacts on the four watercourses traversed. Salt in winter and pollutants throughout the year would find their way into the streams. The proposed use of culverts and embankments to control flooding would have a negative impact on river morphology. ESCC’s proposals with regard to greenhouse gases do not adequately address the additional volumes of CO₂ emissions which the BHLR would generate.
- 6.17.5 The ecological mitigation proposed concentrates on protected sites and individual features rather than looking at the impacts holistically and assessing fragmentation effects. Ecological compensation is proposed within the Valley, and this would itself affect existing habitats. The SSSIs should be seen as part of a wider functioning ecological system. ESCC’s evidence understates the impact of the BHLR on the Marline Woods SSSI. As to Combe Haven, there needs to be a buffer between the proposed greenway and the SSSI boundary. ESCC’s mitigation proposals would not adequately protect species from road kill. There would be impacts on bird assemblage, and a time lag of up to 20 years before the proposed ecological compensation becomes effective.
- 6.17.6 ESCC has failed properly to assess the impacts of the BHLR at ecosystem level, and its economic appraisal fails to include a monetary valuation of the damage to the ecosystem in accordance with DEFRA guidance, and is therefore incomplete and misleading. The scheme should not be allowed to proceed until,

at the least, these deficiencies have been corrected.

The Woodland Trust (OBJ284)

6.17.7 The route of the BHLR passes within a few metres of ancient semi-natural woodland on which the road would have a severe detrimental impact. This habitat includes Chapel Wood near Upper Wilting Farm and Park Wood, which is part of the Marline Woods SSSI. There would be direct impacts on the SSSI and indirect impacts on other designated sites. These are contrary to Government guidelines. PPS9 - *Biodiversity and Geological Conservation* - requires local authorities to avoid ancient woodland and not to grant planning permission where this would affect ancient woodland, unless the benefits of the development outweigh the loss of habitat. There are development plan policies which echo Government policy in seeking to protect habitats and biodiversity.

6.17.8 The Trust does not accept that sufficient attention has been paid by ESCC to the impacts on the ecosystem in the Combe Valley. The BHLR would have major and irreversible impacts on the local environment. The impacts of roads on woodland birds are well-documented in the Netherlands and elsewhere. Small areas of woodland are particularly susceptible to adverse impacts, because they lack a central core that could remain unaffected by the new road. Road verges encourage non-native plants to the detriment of local species.

6.17.9 The Trust shares the Sussex Wildlife Trust's concern that DEFRA guidance with regard to ecosystem valuation has not been followed.

Mr N Austin (OBJ268)

6.17.10 Mr Austin is a local archaeologist and historian. He appeared at the inquiry on 17 November 2009 and put questions to Mr J Munby, the County Council's cultural heritage witness. Mr Austin failed to submit his evidence to the inquiry either in accordance with the deadline set at the Pre-Inquiry Meeting or at all, with the result that there was, on 17 November, very little by way of comprehensible context for his questions to Mr Munby. On 20 November 2009, Mr Austin wrote to the Programme Officer stating that he wished to take no further part in the inquiry. His objection was, however, not withdrawn.

6.17.11 Mr Austin also appeared at the 1995/6 bypasses inquiry, and it appears clear from the questions he put to Mr Munby that his objection to the current scheme is on grounds similar to those on which he relied at the earlier inquiry. The County Council submitted evidence in response to Mr Austin's objection (ESCC/R58/OBJ-268), which is also based on the grounds of Mr Austin's objection as recorded in the Inspector's report following the 1995/6 inquiry (CD9.13).

6.17.12 From these sources, and in the absence of direct evidence from Mr Austin, his case of objection appears to be as follows: In 1066 the Normans landed not at Pevensey some distance to the west, but at Upper Wilting Farm. The Norman landing at Upper Wilting is evidenced in a number of historical documents. William the Conqueror established a camp or fort at Upper Wilting Farm, the remains of which are still there to be found. The area has been inadequately investigated for the remains of this structure. The promoted route of the BHLR

would destroy or compromise these very important remains.

6.17.13 Since the evidence submitted by ESCC does not and cannot conclusively disprove these assertions, and since Mr Austin is an academic archaeologist/historian, he considers that his claim should be accepted and acted upon. The BHLR should therefore either not be built at all or should be constructed along a route that avoids the Upper Wilting site. In her written submission, Ms M Robertson (OBJ260) supports Mr Austin's belief as to the existence at Upper Wilting Farm of important Norman remains.

Mr A M Chantler (OBJ254)

6.17.14 Mr Chantler similarly appeared at the inquiry to put questions to the ecology witness for ESCC, and briefly as described in paragraph 2.3. He did not wish to appear to present his case of objection, relying instead on the three written statements that he had submitted (at tab OBJ/254 in INQ/4b).

6.17.15 The proposed design of the bridges across watercourses would provide bankside margins only 2 metres in width, inadequate to ensure continuous corridors for wildlife. While EA and NE appear to have accepted the explanation given by ESCC as to the design of these structures, their objections have clearly been withdrawn only reluctantly and under pressure based on the greater visual impact which bridges with wider bankside margins would have. The impact of these narrow bankside margins on wildlife has been overlooked.

6.17.16 Mr Chantler lives in Chown's Hill which connects with the B2093 The Ridge and thereby to the Baldslow junction of the A21, A28 and A2100. Queensway, where the eastern end of the BHLR is proposed, connects to the A2100 west of the Baldslow junction. It is admitted by ESCC that with the BHLR in place there would be significant increases in traffic on parts of the local road network, including traffic using Chown's Hill and other rural roads to access the A259 in the vicinity of Guestling Thorn, north-east of Hastings. The impact on residents of the roads affected by this additional traffic would be severe. If built at all, the BHLR should be constructed at the same time as the Baldslow Link.

6.17.17 ESCC has too lightly dismissed some of the alternatives put forward by objectors, which might avoid some of the problems which the BHLR would create. Mr Chantler supports the alternatives put forward by Mr M Sullivan, AR4 and AR5 as described in section 6.18.

Mr P Connor (OBJ175)

6.17.18 In addition to his letter of objection, Mr Connor submitted a "closing statement", though he had been unable to take part in the inquiry. To this is attached a critique of ESCC's evidence. In his written submissions, Mr Connor adopts many of the general grounds of objection set out above. The BHLR is unlikely to achieve the objectives claimed for it by ESCC, is excessive to the point of self-defeat, and should not proceed at huge expense both financially and in terms of consumption of greenfield land. It should not be allowed to proceed without a further assessment of what continuing need there might be for it in the light of the on-going effects of the other regeneration projects already in hand.

6.17.19 The BHLR should be rejected in favour of a light rail alternative, and meanwhile the trackbed of the dismantled railway should be preserved for future use as a potential rail or tram link. The £100m available for the BHLR could be better spent in this way, and a marina and other commercial developments could also be provided, creating a considerable number of permanent new jobs. These alternatives would not have the damaging environmental and other impacts of the BHLR. Rejection of the BHLR should lead to a full assessment of the transport need of the region.

Ms J Ottley (OBJ141)

6.17.20 Ms Ottley appeared at the inquiry to cross-examine Mr Whiteman regarding noise, but otherwise relied on her letter of objection. She objects to the scheme on a number of the general grounds set out above. As a resident of the Queensway area, she is particularly concerned about the local traffic impacts of the scheme, especially in the absence of the Baldslow Link, believing that traffic seeking to access the A2100 Ridge West at its northern end would queue continuously in Queensway. She also supports Mr Keeley's alternative route (AR1).

Mr M Sullivan (OBJ265)

6.17.21 Mr Sullivan submitted a short undated statement (in INQ/4 at Tab OBJ/265) opposing the BHLR and adopting a number of the general points of objection set out above. In particular, he considers that the scheme would not reduce traffic at Glyne Gap on the A259. The main thrust of his objection was directed to promoting alternative routes AR4 and AR5, and these are described in section 6.18.

Mr I Tomisson (OBJ237)

6.17.22 ESCC has failed to establish a compelling need for the BHLR. There has been inadequate consideration of alternatives, and especially of potential public transport improvements. A flyover at Glyne Gap would resolve congestion there. The BHLR would in any event prove ineffective, in the absence of the Baldslow Link. The BHLR would cause the wholesale destruction of the Green Belt and cause irreparable damage to the living conditions of Combe Haven Valley residents and the peaceful enjoyment of its amenities by visitors.

6.17.23 As to regeneration, the Access to Hastings Study of November 2000 (CD.7.17) did not support the north east Bexhill developments, and a ministerial view at the time was that such developments could adversely affect regeneration initiatives in Hastings. There are other undeveloped sites available in the vicinity, including Marley Lane and the former goods yard at Sidley. There is no legal obligation for the Councils to comply with development plan policy in respect of north east Bexhill. The proposed developments there are speculative and would not be let. The BHLR is not in any event essential for regeneration. The FPP has already failed in a number of respects and will probably fail overall. Alternatively, the new developments would cause an influx of enterprise from outside the area with which local companies would not hope to compete.

6.18 Objectors' alternative routes

6.18.1 The following alternative routes are put forward by objectors. At the inquiry, Mr Boggis withdrew the alternative he had proposed (AR2).

AR1

6.18.2 AR1 is proposed by Mr L Keeley (OBJ003), and consists of two elements: a monorail, and improvements to the local road network to the north of the Combe Haven Valley, which would obviate the construction of a new road. The proposals are illustrated on the plan which forms Appendix A in ESCC/R22/OBJ-003.

6.18.3 The local roads to be improved would include Peartree Lane, linking the A259 and the A269 west of Bexhill, local roads to and through Henley's Down, and, from Henley's Down, local roads east to and through Crowhurst. A new bridge would be constructed over the railway in Crowhurst and the route would then link to the A2100 Hastings Road at Telham, north east of Crowhurst. These improvements would provide a through vehicular route which would obviate the need for a new road through the Combe Haven Valley and the consequent adverse environmental impacts. It would not be necessary to improve the whole of the local road route; some of the more dangerous bends would however need to be eased.

6.18.4 The monorail would start at a new station to be constructed near the Belle Hill junction and follow the promoted BHLR route along the dismantled railway. A second station would serve the proposed developments in north Bexhill, and the monorail would follow a central route across Combe Haven (similar to the purple BHLR route option), to a new station near Upper Wilting Farm on the Hastings to Charing Cross railway line. The monorail would allow a modal shift away from car use on the A259 and thus reduce congestion. That the monorail would give rise to objections from SEBs because it would cross the Combe Haven SSSI is not a conclusive reason for rejecting it.

6.18.5 Mr Keeley's alternative scheme also includes radical proposals with regard to the nature of the proposed north east Bexhill developments, including the community ownership of the proposed housing. In the course of his oral submissions at the inquiry, Mr Keeley suggested that, as a further alternative, the promoted route for the BHLR might be amended by realigning the eastern section north eastwards from Adam's Farm to join Crowhurst Road and thereby to provide a connection with Queensway.

AR3

6.18.6 AR3 is proposed by Dr J Thurston (OBJ135). The route of AR3 is shown on the plan in Document ESCC/R35/OBJ-135. It would initially follow existing residential streets in Bexhill, commencing on the A259 at the junction of King Offa Way and de la Warr Road, and leading north eastward along Dorset Road and then turning north along Penland Road, before crossing Hastings Road and running north west along Wrestwood Road. At a junction to be located some 300 metres north west of the Hastings Road junction, the route would turn through

90°, and a new section of road would be constructed running generally north east from this new junction, crossing the Combe Haven SSSI, to terminate at a new junction on Queensway to the south of that proposed for the promoted scheme.

6.18.7 Unlike the promoted scheme, this alternative would provide a direct connection between the link road and the heavily-trafficked A269 Ninfield Road, which remains a principal route out of Bexhill to the north-west and London. It would require fewer structures and would obviate the compulsory acquisition of the London Road dwellings and valuable agricultural land. It would be less obtrusive because it would in part re-use existing highways and would hug the northern edge of the urban area of Bexhill.

6.18.8 It might be necessary to acquire compulsorily and demolish the dwelling prominently situated to the west of the Dorset Road/Penland Road junction. The Hastings Road signalised crossing might present a severe problem, in which case it could be widened. In Dr Thurston's view expressed at the inquiry, the correct approach was to build the road on this route and resolve any problems once the traffic flows along it had been ascertained. Since the route would follow suburban streets, the residents there would lose their on-street parking, but this and the noise and air pollution impacts consequent on the substantial flows of additional traffic would be small sacrifices when set against the clear advantages of this alternative.

AR4

6.18.9 AR4 and AR5 are proposed by Mr M Sullivan (OBJ265), who relied on written submissions (in INQ/4b). The alternatives are set out in a letter dated 16 October 2009 to the SoSfT at GONE. No detailed submission as to their advantages over the promoted scheme has been made, though Mr Sullivan points out in his letter that his alternatives would obviate direct impacts on the Combe Haven Valley. Mr Sullivan's objection to the BHLR is summarised in a brief undated statement (received by the Programme Officer on 22 October 2009 (also in INQ/4b) and is based on a number of the general grounds set out above.

6.18.10 A plan showing AR4 was prepared by ESCC and sent to Mr Sullivan, and it forms Appendix A in ESCC/R68/OBJ-265. AR4 would follow the promoted route section along the disused railway. To the south of Glover's Farm, however, AR4 would turn east, passing through or close to the north east Bexhill development area, and then to the north of Pebsham Wood and Pebsham Landfill Site, and the water treatment works. It would then turn south-east and cross the Pebsham Landfill Site and the Hastings Caravan Park, before terminating at a junction with the existing road network in Harley Shute Road. AR4 also includes a stretch of new road bypassing a section of the A259 Bexhill Road in the vicinity of Bulverhythe. A variant of AR4 (AR4A) is also proposed in which the eastern end of the route would be located further to the north at a junction with the B2092 Crowhurst Road, the route having crossed the Hastings to Charing Cross railway.

AR5

6.18.11 The route of AR5 is shown on the plan which forms Appendix A in ESCC/R70/OBJ-265. The route again follows the proposed scheme route along the disused railway, follows route AR4 to a point east of the Pebsham Landfill site and then turns south to a junction with the A259 Bexhill Road to the west of its junction with the B2092 Harley Shute Road.

6.18.12 The A259 would be re-aligned to the south between the Glyne Gap Retail Park and connect with the uncompleted Sea Road in St. Leonards. AR5 also contains proposals for a tunnel to carry the A259 through Hastings Old Town (east of Hastings town centre), permitting the historic street pattern to be restored.

7. THE CASE OF THE COUNTER-OBJECTORS

The material points are:

7.1 Following advertisement, counter-objections were lodged to objectors' alternatives AR1, AR2 and AR3. AR2 having been withdrawn, the counter-objections to it were not pursued. The alternatives proposed by Mr Sullivan (AR4, AR4A and AR5) were received by the County Council too late to be included in the composite newspaper advertisement of alternatives. No counter-objections were received. However, the proposals were posted on the ESCC website and AR4 attracted two expressions of support which are to be found in ESCC/R68/OBJ-265.

AR1

7.2 Advertisement of AR1 generated 29 letters of objection and a 63-signature petition opposing it, mainly from residents of the minor roads in the vicinity of Henley's Down and in Crowhurst along which the alternative route would run. Of these objectors, three appeared or were represented at the inquiry. The advertisement also generated 2 letters of support. All these responses are to be found in Appendices E and F in ESCC/R22/OBJ-003. The local roads would be wholly inadequate to carry the volume and range of traffic involved, up to 30,000 vehicles per day. Parts of this local road network are subject to a 7.5-tonne weight limit. There are significant existing safety problems, and local residents have persistently asked for traffic-calming to be introduced. Mr Keeley accepted in cross-examination that there were "lethal bends" on this local road network that would need to be straightened. Existing footways would need to be removed and verges installed, seriously prejudicing pedestrian safety.

AR3

7.3 Advertisement of AR3 generated 23 letters of counter-objection, mainly from residents of Dorset and Penland Roads in Bexhill. Two counter-objectors appeared at the inquiry. The alternative route is not viable. In particular, the proposed use of suburban roads at the western end of the route would create intolerable traffic problems, arising from noise, pollution, severance and road safety hazards. The proposed link road is predicted to carry up to 30,000 vehicles per day, including HGVs. There are two schools in the roads proposed to be used for the alternative route, together with Bexhill College which is located

adjacent to the signalised, essentially single lane, Penland Road/Hastings Road junction. There is already severe congestion, particularly associated with the dropping and collection of school children and College students.

8. THE RESPONSE OF THE COUNTY COUNCIL

The material points, in addition to those set out in section 4, are:

8.1 General points

8.1.1 Much of the case of the County Council, as summarised in section 4.2, and as set out in the remainder of section 4, has not been seriously challenged. There is no objection to the SRO, and no party has suggested that the statutory tests for confirmation of the SRO are not met. As far as the CPOs are concerned, all save one of the objections from affected freehold landowners have been withdrawn.

8.1.2 The claim by objectors that the BHLR is simply a repeat of the 1990s bypasses proposal is not borne out by a comparison of either the route or the status of the roads proposed. The BHLR is a very different scheme from the earlier bypasses proposals. It is much more limited, as comparison of the two schemes as shown on Figures ENG1 and ENG2 in ESCC2/1 clearly establishes. The dual carriageway bypasses would have extended from the Lamb Inn junction on the A259 between Bexhill and Pevensey, some 7 kms west of Bexhill, to Guestling Thorn about 7 kms north east of Hastings, an overall distance of more than 20 kms.

8.1.3 Some objectors on the other hand wish to see the bypasses proposals reinstated, but, as the SoSFT concluded in 2001, the bypasses scheme would have severe adverse impacts on two SSSIs, the High Weald AONB and a designated wildlife site. While ESCC accepts that the BHLR would have residual adverse environmental impacts, its route has been chosen with great care so as to avoid the designated areas of land which were of particular concern to the SoSFT, and otherwise to minimise its impact.

8.1.4 ESCC's evidence as to the serious economic deprivation in the area comprising Bexhill and Hastings has also not been challenged. Some objectors suggest that it is only in Hastings that regeneration is needed, but the Bexhill/Hastings area cannot be severed as suggested; it is inevitably a single entity for employment purposes. This is acknowledged not only in the Rother District Local Plan but also in the emerging LDFs. Objectors sought to make a similar point at the Local Plan inquiry, but the Inspector there concluded that the two towns were to be regarded as a single area for employment purposes.

8.1.5 Other objectors seek to argue that, accepting that regeneration is needed, the link road and the NEBBP are not prerequisites. Despite the assertions of objectors that there is widespread local availability of empty property sufficient to accommodate business expansion, no evidence to support this has been provided. The assertion runs counter to the views of local entrepreneurs as expressed to Mr Shaw. Other objectors suggest that sufficient development land is available elsewhere in the area but provide no

evidence either as to where this land is to be found or that such land is capable of accommodating the very large commercial and housing developments proposed in north Bexhill.

- 8.1.6 This claim moreover runs clearly counter to the conclusion reached after due consideration on a number of previous occasions, including in respect of the Rother District Local Plan, and very recently, in the consideration leading to the SEP in its final form. Some objectors take the view that no further new housing should be built, but failure to deliver the new dwellings provided for in the development plan would place the district councils in breach of their obligations. The regeneration programme is a long-term aspiration and is not therefore materially affected by the current cyclical downturn in the economy, though the current very high level of unemployment in the area underlines the very clear need for regeneration.
- 8.1.7 Objectors who believe that, if the BHLR is not built, £100m would be available to be spent on other favoured projects plainly misunderstand the process by which public funding is allocated. The proposed greenway is part of the scheme and ESCC is bound by planning condition 8 to provide it, using BHLR funding, but only if the BHLR scheme is implemented.
- 8.1.8 The Baldslow Link is a Highways Agency project. It is a committed scheme included in the SEP as a Strategic Transport Infrastructure Priority, and with construction due to commence in 2013/4. There is every reason therefore to believe that its construction would commence within a very short period after completion of the BHLR, planned for 2013. With the Baldslow Link completed, delays at key junctions with the BHLR in place are predicted to be no worse than without it.

8.2 Consideration of alternatives

- 8.2.1 Careful iterative studies of the possible alternatives to the BHLR, including public transport options, have failed to identify any proposal which would adequately meet the regeneration and congestion-relieving objectives of the BHLR. In addition to the full review of alternative options carried out in the SoCoMMS, ESCC has considered possible alternatives to the BHLR on an on-going basis.
- 8.2.2 The latest study of alternatives: *BHLR – Online and Public Transport Options Appraisal*, was prepared in June 2009 by Mott MacDonald, and forms Appendix G in ESCC6/3. This includes an initial appraisal of 14 long-listed options, including, for example, the enforcement of parking restrictions on the A259 with grade separation at the Glyne Gap roundabout. This option was not carried forward because at the narrowest pinch-point on the A259 there is already a “no-stopping at any time” restriction, so that further parking restrictions would have little effect and because the grade separation would not allow capacity restrictions elsewhere on the relevant stretch of the A259 to be overcome.
- 8.2.3 Seven of these options were short-listed for fuller appraisal. They include three options based on bus service improvements, one based on rail improvements, one involving a new light railway between Bexhill and

Hastings, and another comprising a full dual carriageway A259 between the two towns with grade separation at both Harley Shute Road and Glyne Gap. The options are set out in an Option Appraisal Table and assessed against the five objectives of accessibility, safety, economy, integration and environment.

- 8.2.4 The conclusions remain that public transport options would not create an adequate modal transfer from car use to public transport. While the A259 road widening options have not been again assessed in detail, they remain unacceptable on the ground of the very extensive compulsory purchase and demolition of dwellings along the A259 that would be required. The light rail option would be very expensive to construct (probably costing over £150m), and potential patronage would fall far short of the 18,000 passengers per hour in each direction at which experience shows that such systems are likely to prove cost-effective.
- 8.2.5 ESCC remains of the view, independently endorsed on a number of occasions since 2001, that, of the alternatives considered, only the BHLR can meet the objectives of the scheme as set out in section 4.2. None of the alternative BHLR routes proposed by objectors (which are responded to more fully below) would meet these objectives as satisfactorily as the BHLR.

8.3 Environmental impacts

- 8.3.1 ESCC's response to objections relating to the environmental impacts of the scheme is as follows. In addition to this general response, individual objections on environmental grounds are where appropriate further addressed below.

Agriculture

- 8.3.2 Although objectors make assertions about the dramatic impact that the BHLR would have on agriculture (see for example paragraph 6.3.4), ESCC's evidence in this regard has not been seriously challenged and remains as set out in paragraphs 4.9.2 to 4.9.6. Reinstatement to agricultural use of land required only for construction purposes would limit the permanent loss of agricultural land to about 80 hectares, of which about half is best and most versatile land. The permanent loss of agricultural land would be very small in local and regional terms and would have a negligible impact on the level and security of food production.
- 8.3.3 The proposals would affect nine agricultural holdings, although some of this agricultural land is held mainly for development purposes. The owners of six of these holdings lodged objections, all save one of which were withdrawn before the inquiry closed (INQ/2). Some of the agricultural landowners are proposing to retire and have been able to release land by private agreement to compensate for land lost by those who wish to continue to farm. The West family, for example, owners of Hillcroft Farm from which some 40% of the land would be taken, would be provided with replacement land from the adjacent Hye House Farm, where the tenant farmer intends to retire. A tripartite agreement entered into during the inquiry allowed the objection of the West family to be withdrawn.

8.3.4 ESCC's evidence regarding the subsisting objection of Mr and Mrs Clancy is set out in paragraph 4.9.4. The objection of Mrs Blackford, HBC's tenant at Upper Wilting Farm, is addressed below.

Air quality and carbon

8.3.5 There is no substantive challenge to ESCC's conclusions as to air quality impacts, either during construction of the BHLR or its operation. The dramatic claims of some objectors as to the alleged adverse air quality impacts of the scheme are not borne out by the clear evidence that the BHLR would improve air quality at a majority of the 35,000 receptors which have been assessed as potentially experiencing air quality impacts, beneficial or adverse. This is largely because traffic levels would be reduced in more heavily populated areas, and much of the additional emissions generated by the BHLR would occur in rural areas where receptor properties are few. As indicated in paragraph 4.9.12, there would be significant impacts on air quality at some receptors, but in no case would these exceed national air quality objectives.

8.3.6 The concerns of objectors with regard to carbon emissions are recognised, and the need to deal with these additional emissions is fully accepted by ESCC. ESCC's Climate Change Strategy addresses greenhouse gas emissions on a County-wide basis. Pursuant to the Climate Change Act 2008, ESCC is committed to achieving strategic reductions in greenhouse gas emissions through the application of the strategy. Emissions are required by the Act to be reduced by 10% by 2010/11 and by at least 80% by 2050. The policies of the SEP confirm that this is the correct approach.

8.3.7 It is not possible at this stage to be prescriptive as to the implementation measures that would be applied to meet ESCC's County-wide commitment and to comply with its legal obligations in the unilateral undertaking; as was explained in evidence at the inquiry, a menu of options is available. These are discussed at length in section 6 of the Strategy (CD7.17). The Supplement to PPS1 states that strategic targets are tools for shaping policy and assisting with monitoring, and should not be applied directly to individual projects, and this guidance has been duly followed by ESCC. This issue is further addressed below in ESCC's response to the Alliance.

Cultural heritage

8.3.8 ESCC's case regarding the impact of the BHLR on cultural heritage was largely unchallenged. Although he presented no evidence to the inquiry and appeared only to cross-examine Mr Munby, Mr Austin's claim appears to be unchanged from that which he presented at some length to the bypasses inquiry in 1995/6. As a result of the claims then made by Mr Austin, the Highways Agency commissioned Wessex Archaeology to carry out a field evaluation of seven features referred to by Mr Austin as supporting his claim. The field evaluation produced no evidence to support Mr Austin's assertions. Mr Austin cross-examined Mr Munby about features in the vicinity of Upper Wilting referred to in ESCC's evidence, but none of these features provides any support for his claim.

8.3.9 In his report following the bypasses inquiry (CD9.13), the Inspector

reached the following conclusion in respect of the case made by Mr Austin at that inquiry: "There is not one piece of evidence that could indicate a reasonable probability or even a likelihood that Upper Wilting was either a former site of Hastings or was a port at which William the Conqueror landed." Mr Austin has submitted no new evidence to the BHLR inquiry to support his claim. ESCC's evidence confirms that there are archaeological features in the vicinity of the BHLR route, including a number near Upper Wilting Farm. Investigations have found nothing to link these features with Norman military activity.

8.3.10 Mr Boggis did not further explain his concerns on cultural heritage grounds at the inquiry. They appear to derive in part from the earlier claims made by Mr Austin. As to the Roman bloomery on Byne's Farm land adjacent to the route of the BHLR, this would be the subject of further investigation and mitigation in accordance with the scheme for archaeological mitigation agreed with EH and the County Archaeologist. The scheme is imposed by planning condition 17.

Ecology

8.3.11 ESCC's case remains that the residual impacts of the scheme on the ecological resources of the area, and especially of the Combe Haven Valley, would be no worse than slight. This is a view shared by the SEBs. The ecological impact of the scheme is further addressed in ESCC's response below to the cases of individual objectors.

Flood risk and water quality

8.3.12 It is understandable that local residents, and not least those in Crowhurst who currently suffer frequent flooding, should be concerned as to possible impacts of the BHLR on flood risk. However, the BHLR has no impact (except a potential small beneficial impact) on flooding in Crowhurst, or indeed anywhere else in the vicinity. There is essentially no difference between the Flood Outline for the 1-in-100-year flood plus 20% climate change with the BHLR in place (ESCC9/1, Figure 10), and the Flood Outline without the road (ESCC9/1, Figure 8). Contrary to the mistaken belief of some objectors, the proposed route of the BHLR does not lie across the frequently-flooded Combe Haven Valley bottom, which it accepted is a floodplain, but would largely run along the slope which forms the northern Valley side.

8.3.13 The measures proposed by ESCC to ensure that water quality is not adversely affected either during construction or operation of the BHLR are well-trying and tested. There is no cogent challenge to ESCC's case that, with these safeguards in place during both the construction and operational phases of the BHLR (as required under the CEMP and the OEMP), there would be no adverse impact on water quality from the proposed new road, either in the ecologically vulnerable Combe Haven Valley or elsewhere.

8.3.14 ESCC's evidence as to flood risk and water quality has satisfied the EA, the SEB responsible. NE has no objection to the scheme on grounds of risk to water quality and potential ecological impact.

Landscape and visual impacts

8.3.15 While there was some largely semantic debate between the ESCC and objectors regarding the appropriate adjectives to describe the initial and the fully mitigated residual landscape and visual impacts of the scheme, ESCC's evidence set out in paragraphs 4.9.49 to 4.9.60 has not been materially challenged. ESCC accepts that, even with the full mitigation proposed in place and with the proposed screening vegetation fully mature, the BHLR would have a moderate adverse landscape and visual impact. The new road would have a significant residual adverse impact on tranquillity in the Combe Haven Valley. The line of the road can be disguised, but traffic noise emanating from it would continue to intrude.

Noise and vibration

8.3.16 ESCC's noise and vibration assessments and predictions have again not been challenged by objectors. The noise impact of the BHLR has consistently been assessed as moderate adverse. The adverse impact in the Design Year is in part the result of the additional traffic generated by the developments in north east Bexhill and elsewhere that the BHLR would enable, in accordance with development plan policy for regeneration of the area. The higher noise levels would not generally be greater than those normally experienced in urban areas, but ESCC accepts that there would be major impacts on the small number of receptors in the Combe Haven Valley where ambient noise levels are currently very low. Increased noise levels as a result of the BHLR are partially offset by reductions in traffic and traffic-generated noise on other parts of the local road network. Individual objections based on noise impacts are further addressed below.

8.4 Other general grounds of objection

Reliability of transport forecasting

8.4.1 There was little challenge to ESCC's evidence as to the transport effects of the BHLR or as to the reliability of the data and modelling on which the predicted impacts are based. The apparent discrepancies in the evidence to which Mr Smith drew attention on behalf of the WRTA were explained to him at the inquiry. The DfT has considered this evidence as part of the MSBC submission and, following that consideration, has confirmed entry of the scheme into the DfT's Programme, as evidenced by the DfT's letter dated 9 October 2009 to ESCC (CD9.40).

8.4.2 Potential impacts of the operation of the BHLR on the local road network are addressed in ESCC's response to individual objectors, but the implementation of the BHLR does not result in the overloading of any local road or junction. ESCC's response with regard to the Baldslow Link is set out in paragraph 8.1.8.

Reliability of the economic appraisal

8.4.3 Similarly, the reliability of ESCC's economic appraisal of the BHLR has been

endorsed in the DfT's letter of 9 October 2009. INQ/30, submitted at the Inspector's request, contains a further full review of the scheme costs estimate, of the data on which it is based and the methodology applied, and including allowances for inflation and contingencies. This re-affirms the submitted total costs estimate of £95.28m.

- 8.4.4 ESCC does not therefore accept the assertions made by objectors that a significant costs overrun is inevitable, or even likely. A thorough investigation of ground conditions carried out in Summer 2009 has allowed the design and the costs estimate to take account of areas of unstable ground and compressive soils. The issues raised by the Alliance with regard to calculation of the BCR are addressed below.

8.5 Response to individual objectors

8.5.1 *Campaign for Better Transport Hastings Alliance*

- 8.5.1.1 It remains ESCC's case that the BHLR is a necessary (but not a sufficient) precondition for implementing the developments proposed in north Bexhill in accordance with the regeneration initiative and development plan policy. No specific package of alternative proposals has been put forward by these objectors. The potential alternatives identified by ESCC have been repeatedly tested and none of them would adequately meet the objectives for which the BHLR has been promoted. Close consultation with the SEBs has permitted the proposals for environmental mitigation and compensation to be fully developed and there is no objection from these bodies to the BHLR. There has been a limited re-assessment of some of the adverse impacts of the scheme as set out above.

- 8.5.1.2 On behalf of the Campaign, Mr Coffee maintained that the ecological impact of the scheme was shown by the "Sustainability Appraisal of the Core Strategy" (extract submitted as ESCC/INQ/24), a draft consultation document prepared by HBC in the context of its LDF, to be greater than the slight negative effect claimed by ESCC. Mr Coffee accepted in evidence at the inquiry that he had been misled and that the appraisal in fact supported ESCC's case in this respect, confirming that the adverse ecological impact of the BHLR would be slight, even before mitigation. Following expressions of concern at the planning application stage, the landscape and visual assessment has been revisited, and the impacts of the scheme in this respect are now assessed as moderate rather than slight adverse.

- 8.5.1.3 ESCC does not accept that the experience in the sustainable transport demonstration towns, Worcester, Darlington and Peterborough, can be directly applied to the situation in Bexhill/Hastings, and no detailed submission on the matter was made on behalf of the Campaign. The BNAR is not an adequate alternative to the BHLR because it would provide no direct connection with north west Hastings and the A21, including the existing elements of the Enviro21 corridor. This connection is a requirement of the Highways Agency, which has indicated that it would maintain an objection to any application for planning permission to develop the north east Bexhill commercial and housing sites unless the BHLR is in place first.

- 8.5.1.4 ESCC remains committed to obtaining developer contributions to infrastructure projects wherever possible, in compliance with government guidance. However, the BHLR is the catalyst enabling land to be brought forward for development. It is therefore not until the link road is in place and developers identify themselves by bringing forward proposals that contributions can be sought from them. ESCC is accordingly proposing at this stage to finance that part of the cost of the BHLR not met by central Government, and has made provision to that end in its capital programme.
- 8.5.1.5 There is no direct impact on the Combe Haven SSSI. At its closest point, the BHLR itself would be some 50 metres from the northern boundary of the Combe Haven SSSI. The greenway would be closer. The adjoining northern part of the SSSI at this point is secondary woodland on a man-made mound that forms a buffer protecting the wetland to the south, including the Filsham Reedbed, the largest reedbed in East Sussex, which is the primary reason for the Site's designation, and itself a local nature reserve. The Reedbed would be more than 1 km from the BHLR. The greenway would itself incorporate a further buffer between the BHLR and the SSSI, composed of grassland with scrub.
- 8.5.1.6 The BHLR would cross the southern tip of the Marline Woods SSSI overshadowing some 30 square metres of its area. This is unlikely to impact on any of the features for which the Site was designated, but any impact would in any event be addressed by the 6.6 hectares of new woodland proposed as compensation for this and other potential impacts of the BHLR.
- 8.5.1.7 The Campaign and the Alliance claim that significant developments could be carried out in north Bexhill without the BHLR and that the value of these developments should be deducted from the calculated benefits of the scheme. It is not accepted that any significant development is possible in north Bexhill without the BHLR. These objectors' assertions in this respect are not borne out by the facts or by the very clear provisions of development plan policy.
- 8.5.1.8 Reliance is placed by these objectors on the 2006 Denvil Coombes Report (HA/08), commissioned by East Sussex Transport 2000, a member of the Alliance, of which Mr Coffee is the County Officer. It is suggested that ESCC has taken no account of the Report's critique, especially with regard to the assessment of alternatives to the BHLR. The Report was referred to the DfT by Transport 2000. In a letter in response dated 1 March 2007 (appended to ESCC/R18/OBJ-179), the DfT noted that all available options had been considered both in the Access to Hastings Multi Modal Study (CD.7.16) and the SoCoMMS (CD7.9). These studies concluded that some of the problems in the study corridor could be addressed only through localised transport improvements including the BHLR. Contrary to the claims in the Denvil Coombes Report, the provisional approval given to the BHLR, subject to economic reappraisal at the higher cost, was therefore soundly based.
- 8.5.1.9 Alternatives were considered again in the context of the July 2004 MSBC submission (CD9.28), which concluded that solutions based on improvements to public transport were inadequate to meet the case. Similar arguments regarding potential alternatives to the BHLR were put by objectors to the Local

Plan Inspector, but he decided to uphold the safeguarding Local Plan policy for the BHLR (CD7.24 at paragraph 8.15).

- 8.5.1.10 Notwithstanding these iterations, alternatives to the BHLR have been further considered by ESCC, as is set out in the evidence of Mr Johnston (EXCC6/1, sections 8.3 to 8.7) and in the further work carried out by Mott MacDonald (paragraphs 8.2.2 to 8.2.4). On-line improvements to the A259 have again been considered, as have improvements to public transport (including a new railway station at Glyne Gap), together with travel plans and Smarter Choices. In the course of the inquiry, further information on this topic was provided by ESCC in response to requests from objectors (ESCC/INO/36 and /40). While objectors continue to assert that alternatives to a new road are “there to be found”, there is no cogent challenge to ESCC’s case in this respect; no substantive case for such an alternative has been put forward.
- 8.5.1.11 The national, regional and local policy support for the BHLR is formidable, culminating in the express policies in the SEP, published in its final form only in May 2009. It is instructive that the SEP does not figure in the list of documents on which Professor Wenban-Smith, who appeared on behalf of the Alliance to give evidence on this topic, claims to rely, though he accepted in cross-examination that the SEP is the “up-to-the-minute” expression of regional spatial policy for the area.
- 8.5.1.12 The Alliance’s approach to the DTZ Pidea Report is also self-contradictory. The Alliance’s stated view is that the Report is far-sighted and comes closest to providing a clear strategic vision compatible with regional spatial strategy and national policy. Yet its evidence ignores the strong support of the DTZ Pidea Report for the NEBBP, and its firm endorsement of the BHLR as the means of enabling the north east Bexhill developments to be implemented.
- 8.5.1.13 While the Alliance sought to characterise the BHLR as peripheral to the DTZ Pidea recommendations, the Report is in fact shot through with support for the scheme, including the following: “The (BHLR) has multiple benefits and would clearly contribute much to different strands of the regeneration strategy (it) is also very significant in enhancing the economic integration of Hastings and Bexhill. ... The scheme could also reduce traffic flows along the .. sea front, a factor that currently limits integration between the town centre and the (beachside) activities.” Recommendations 7 and 17 of the Report are that the NEBBP and the BHLR be progressed as crucial elements of the regeneration initiative.
- 8.5.1.14 The NEBBP and the BHLR were considered at the 47-day Local Plan Inquiry, at which members of the Alliance appeared as objectors, and the conclusions reached by the Inspector are set out in paragraphs 4.5.24 and 4.5.25; the Inspector concluded that the BHLR was essential if the proposed NEBBP was to be implemented.
- 8.5.1.15 The Alliance continues to claim that the regeneration benefits of the BHLR are envisaged to arise wholly from inward investment, submitting that it was unlikely that Bexhill/Hastings would ever match other investment hotspots, such as the Gatwick area or the Thames Valley. This is

misconceived; inward investment is predicted to provide only a small element of the additional jobs. Most regeneration, perhaps 80% as estimated by Mr Shaw, is predicted to be home grown, deriving from the expansion of local enterprises, with only some 20% from inward investment.

8.5.1.16 By comparison with West Sussex, East Sussex as a whole has a shortage of prime quality business floorspace. In interviews with Mr Shaw, local entrepreneurs have confirmed that this is a significant obstacle to expansion. The ESCC annual business survey, which extended to 25 local enterprises, ranging from the largest to the smallest, shows that there is overwhelming support for the BHLR in the local business community. It is generally recognised that the implementation of the NEBBP is wholly dependent on the BHLR being built.

8.5.1.17 The calculation of time savings benefits for the purposes of the BCR has been carried out wholly in accordance with current DfT guidance and the economic appraisal has been considered and approved by the DfT. In any event, however, the very small time savings impugned by the Alliance, and to which a benefit of £3.274m has been attributed, are almost completely counterbalanced in the calculation by small time disbenefits of £3.128m, so that the scheme benefits do not materially depend on time savings at the smaller end of the range.

8.5.1.18 While the Alliance questions the reliability of ESCC's economic forecasting, its robustness has been validated on more than one occasion and endorsed by the DfT. It is always possible for objectors to postulate an unlikely alternative scenario which would result in a lower BCR, but the work carried out by ESCC continues to represent the most likely outturn, and confirms that the scheme represents good value for money. The Alliance's claim that the BCR is in reality in the range 0.6:1 to 1.6:1 is unsupported by cogent evidence and is not accepted.

8.5.1.19 As to addressing carbon emissions, ESCC's approach is both coherent and in line with government policy, as set out in the Supplement of PPS1. Paragraph 16 of the Supplement is in the following terms:

Strategic targets, including any developed for cutting carbon dioxide emissions, and trajectories used to identify trends in performance form part of the framework for planning decisions provided by the RSS. They should be used as a strategic tool for shaping policies and contributing to the annual monitoring and reporting expected of regional planning bodies. They should not be applied directly to individual planning applications. If there is consistent under-performance against the planned outcomes, the Secretary of State will expect urgent consideration to be given to an early revision of the RSS and means of implementation (underlining added).

8.5.1.20 This guidance is unambiguous, and ESCC's proposals for addressing the significant additional carbon emissions that the BHLR and the north Bexhill developments would generate are fully compliant with it. A radical change in Government policy to apply strategic carbon-reducing targets to individual schemes, contrary to the above guidance in the PPS1 Supplement, would need to be promulgated in equally clear terms, and no such concluded policy has

been announced. The SEP is the current RSS published in May 2009, and contains express approval for the BHLR as an individual scheme. There is nothing in the July 2009 Carbon Reduction Strategy (CD5.35) that expressly countermands the guidance in the Supplement to PPS1 or that establishes that the approach of ESCC to the additional carbon emissions generated by the BHLR is wrong.

8.5.2 Crowhurst Parish Council The Crowhurst Society

8.5.2.1 It is not in dispute that Crowhurst suffers from flooding. The Powdermill Stream which passes through Crowhurst is effectively dammed by road crossings at either end of the village (as shown on Figure 4 in ESCC9/1) and the associated culverts are inadequate. The river banks at the higher end of the village are lower than the top of the culvert, and the river therefore overflows in times of spate. This would need to be addressed as part of a flood risk management scheme for Crowhurst. The BHLR, however, would have no adverse flood risk impact on Crowhurst; indeed, water levels downstream of Crowhurst are predicted to be slightly lower with the BHLR in place. The EA does not object to the scheme either in relation to the flood risk impact on Crowhurst or at all.

8.5.2.2 Residents of the parish of Crowhurst currently experience noise from traffic using the local road network. This includes both local and through traffic. With the BHLR in place, the levels of traffic through Crowhurst are predicted to be significantly reduced compared with the do-minimum scenario by some 20% in both 2013 and 2028, as shown in Figure 7.1 of ESCC6/3. Claims that the village would be used as a rat-run to gain access to the BHLR are misplaced, since the only access to/from the BHLR would be at the eastern and western terminal junctions.

8.5.2.3 Many of the grounds of objection put forward by those representing the residents of Crowhurst appear to overlook the distance between the route of the BHLR and the village. Crowhurst Parish Church is some 1.5 kms from the route. The BHLR would introduce a new source of traffic noise into the area, but the distance between the BHLR and the village, taken with the substantial earth bunding proposed to mitigate landscape and noise impacts, would result in significant attenuation, and no net adverse noise impact on dwellings in Crowhurst village is predicted.

8.5.2.4 As Table B10-4 in ESCC11/3 shows, for example, properties in Station Road, Crowhurst (representing village-centre receptors), are predicted to experience similar levels of noise in 2013 and 2028 with the BHLR in place and in its absence. Properties in Woodland Way (OBJ243), adjacent to the recreation ground towards the southern end of the Parish, are also predicted to experience similar noise levels in 2013 with and without the BHLR, and a small decrease in noise levels in 2028 with the road in place (see receptor property number 119 in Table B10-4). Some properties in the vicinity would experience a small decrease in noise levels in 2028 with the BHLR in place, compared with the no-BHLR scenario.

8.5.2.5 As to concerns over adverse light impacts, it is proposed to light only the

eastern and western terminal junctions of the BHLR at Queensway and Belle Hill. These are too distant to have any direct impact on Crowhurst and are in any event in or on the edge of urban areas that are already lit. As to light from vehicle headlights, the distance of the BHLR from Crowhurst, together with the extensive bunding proposed and the proposed planting once mature, would largely screen headlight glare.

8.5.2.6 It is claimed that emissions from the BHLR would affect the health of the residents of Crowhurst, including vulnerable groups such as the young, the elderly, the infirm and the disabled. However, vehicle emissions are generally detectable only within 200 metres of a road. The Primary School in Crowhurst is some 1.5 kms from the proposed line of the BHLR. Emissions from the BHLR would not therefore have any measurable effect in Crowhurst village, and because traffic flows on the local road system in Crowhurst are predicted to fall with the BHLR in place, the residents would experience a small but significant improvement in air quality.

8.5.2.7 Ground level ozone formation has not been assessed because the complexity of the formation process and the wide geographic spread of ozone sources make modelling for local schemes such as the BHLR impossible, and this is therefore not a DMRB requirement. This issue is further addressed in paragraph 8.5.12.3. All emissions factors and projected pollutant concentrations have been assessed in accordance with DEFRA's guidance as to best practice.

8.5.2.8 It is accepted that the BHLR would give rise to significant additional CO₂ emissions, though the comparative approach adopted in the Crowhurst objection fails to take into account the purposes of the BHLR to reduce congestion and facilitate development, or of its beneficial overall impact on air quality. ESCC is committed through the CEMP and the OEMP to reducing to a minimum the additional carbon emissions and to addressing the residual emissions through its Climate Change Strategy, as set out in the obligations in the unilateral undertaking.

8.5.2.9 Neither construction nor operation of the BHLR is predicted to have any residual adverse impact on water quality. The river and brook lampreys and the stone loach that it is claimed are to be found in local watercourses would accordingly be unaffected. There are no dangerously sharp bends proposed on the route of the BHLR. Five limited departures from standard are proposed, as set out in paragraph 4.1.11 of ESCC2/1. None of these would result in a significant reduction in safety and all have been accepted by the Highway Authority, as noted in the Departures Report of October 2009 prepared by Jacobs Engineering UK Limited (CD9.39).

8.5.2.10 ESCC can identify no dramatically adverse impacts on the historic environment of Crowhurst, nor on the living conditions of its residents. ESCC's evidence regarding impacts on agriculture shows that these would not leave vast tracts of derelict land.

8.5.3 *Sustrans*

8.5.3.1 A full economic appraisal of the BHLR has been carried out in accordance

with guidance and with the approval of the DfT. The robustness of the appraisal has been further and recently assessed as set out in ESCC/INQ/30. This reviews the cost-estimating work carried out by ESCC and includes preparatory and construction costs, additional contractor's and other costs, and allowances for inflation and risk. This confirms the overall cost estimate of £95.28m, and that, with a BCR of 2.5:1, the BHLR represents good value for money.

8.5.3.2 The alternative measures which Sustrans claims would meet the case as effectively as the BHLR have been repeatedly assessed and found insufficient. ESCC's Sustainable Community Strategy 2008-2026 (extract in ESCC/INQ/37) supports the sustainable measures proposed by Sustrans, but confirms that there is notwithstanding these a need to build the BHLR. In addition to cycle access to and via the greenway, improvements to cycle-ways and to public transport are proposed as part of the package of complementary measures.

8.5.3.3 The Sustrans measures could not alone sufficiently reduce congestion on the A259. Sustrans claims, for example, that on-line improvements could sufficiently improve bus priority as to render the BHLR redundant. Sustrans offers no evidence to counter that of the ESCC that, in the absence of the BHLR, bus priority could not be provided to a sufficient degree to have any material impact on bus journey time. Equally, a study of the potential to improve rail services between Bexhill and Hastings shows that such improvements would be inadequate to meet the objectives of the BHLR. This is partly because of the catchment area limitations of rail passenger demand. The Sustrans measures would not open up adequate access to the development sites in north Bexhill. Access to those sites, including access by vehicles, is essential if development plan policies are to be implemented.

8.5.3.4 Sustrans describes the BHLR and the development land as at best irrelevant to regeneration and at worst highly damaging to the local environment. There are, however, and despite assertions to the contrary by Sustrans and other objectors, no other sites in the Regeneration Area that have the potential to provide new jobs and new dwellings on a scale such as to meet the express requirements of development plan policy.

8.5.3.5 Sustrans also claims that a package of Smarter Choice measures should be planned into the new developments and that this would obviate a new road to service them. The details of the sustainability of the new development are matters to be addressed in the context of applications for planning permission for the developments, but there is no evidence that such measures could obviate the new road. The statutory development plans make clear that any significant growth in Bexhill is dependent on the BHLR and that the development could not be permitted to proceed if the BHLR is not built.

8.5.3.6 Sustrans' concerns about greenhouse gas emission are addressed in paragraphs 8.5.1.19 and 8.5.1.20.

8.5.4 *Wishing Tree Residents' Association*

8.5.4.1 It is accepted that with the BHLR in place there would be increases in traffic in Gillmans Hill. This moderate increase is offset by decreases in

congestion elsewhere on the local road network, notably on the heavily-congested A259. Moderate adverse noise and air quality impacts in the Gillmans Hill area would similarly be balanced by improvements elsewhere. For 2028, air quality assessments include the large amount of local development enabled by the BHLR. Nevertheless, emissions of No_x and PM₁₀ are predicted to rise by only 2.2% and 1.9% respectively by that year.

8.5.4.2 The one-direction capacity of Gillmans Hill is about 1,110 vehicles per hour. The highest hourly forecast for 2028 with the BHLR in place is 798 vehicles, well within the capacity of the road. Road works and the temporary traffic signals associated with them are a transitory cause of congestion, and it is not a reasonable test of a road's normal capacity to judge its performance when temporarily obstructed in this way.

8.5.4.3 To seek to compare the current predictions for the BHLR with those for the bypasses scheme, a different set of proposals put forward in a 15-year-old context, is misguided. As explained to and accepted by Mr Smith in the course of cross-examination, the traffic forecasting for the BHLR has been carried out using the latest DfT guidance. Changes in the guidance resulted in changed predictions.

8.5.5 Mrs Bargery

8.5.5.1 There is a clear linkage between roads and regeneration which is supported by recent documents of relevance, including the Eddington report, WebTAG, the New Approach to Appraisal ("NATA") and NATA Refresh. The BHLR is a necessary but not a sufficient condition for unlocking significant development potential in the Regeneration Area. That need for regeneration and the developments proposed to fulfil the need are clear and repeated requirements of development plan policy. The BHLR and the developments proposed would generate additional traffic, but this and any additional induced traffic are included in the traffic forecast predictions for both the scheme opening year and 2028. Nowhere would that additional traffic cause unacceptable congestion, or unacceptable adverse noise or air quality impacts.

8.5.5.2 The impact of the BHLR on the local road network in the Gillmans Hill/Springfield Road area is addressed in paragraph 8.5.4.2. The impacts of the BHLR on the local road network, both positive and negative, have been assessed, and complementary measures, such as traffic calming, would be introduced where necessary. Other local roads in St. Leonards are predicted to experience reduced traffic levels with the scheme in place, as shown on Figure 7.1 in ESCC6/3.

8.5.5.3 The reference that Mrs Bargery makes to the Eddington Report applies to the current scheme, since one of the objectives of the BHLR is to provide targeted relief of the A259 Bexhill road pinch point. A more careful look at Mrs Bargery's car ownership data shows that levels of ownership are low in those wards such as Castle and Central St. Leonards which are centrally located and have good access to public transport, whereas residents in wards on the periphery of the urban area tend to own a car irrespective of employment status.

8.5.5.4 Mrs Bargery's claim also takes no account of the extent to which bus services along the A259 would be improved, following significant relief of congestion with the BHLR in place. Improved bus services would improve accessibility for those with no private car or van. Close cooperation is on-going between ESCC, HBC and Stagecoach as part of the Quality Bus Partnership. This has led to an 18% increase in bus use in the area between 2002 and 2009, a period during which overall bus use in England (excluding London) declined by 9%. Cycle access between Hastings/St. Leonards (including the deprived area of Hollington) and north Bexhill would be improved by the provision of the greenway.

8.5.7.5 The BHLR also provides a potential route for new direct bus services between Bexhill and St. Leonards/Hastings. This again would provide greatly improved accessibility between the two towns for those without a private car or van. Under the current commercial bus regime, however, bus companies are not normally prepared to commit themselves to the provision of new bus services until a new route is in place.

8.5.6 Mrs Blackford

8.5.6.1 A plan showing Upper Wilting Farm, and the Farm land affected by the scheme forms Figure 9 in ESCC10/3. During the construction phase, a total of 11.1 hectares would be occupied, because a site for a construction compound would be required to the south-east of the farmhouse alongside Crowhurst Road. The location of the proposed construction site is predicated upon transport and logistical considerations. The plot of land to be occupied by the compound extending to some 0.9 hectares would be returned to agricultural or horticultural use when construction is complete, in accordance with planning condition 14.

8.5.6.2 ESCC recognises the value of the Farm Trust and the community gardening project. There have been discussions with Mrs Blackford about the relocation, temporary or permanent of the project, but Mrs Blackford is adamant that these proposals are unacceptable, and ESCC is forced to accept that these discussions are now unlikely to prove fruitful. The benefits provided by the Trust and the project fall to be judged against the much larger regeneration benefits that would flow from the BHLR and the developments it enables in north Bexhill. ESCC does not accept that benefits on such a scale could be generated by local sourcing of the food for school meals.

8.5.6.3 It is accepted that the permanent loss of 10.2 hectares, 11% of the area of the Farm, would have a continuing effect on its working, and the impact of the BHLR is therefore assessed as moderate adverse. It is not accepted that, even with a loss from the holding of part of the land of better quality, the Farm would be rendered non-viable. Mrs Blackford provides no reasoned explanation of the assertion she makes in this respect. Compensation would be payable in respect of any loss or damage suffered by Mrs Blackford's business.

8.5.6.4 The Farmhouse at Upper Wilting lies close to the proposed route of the BHLR, and it is accepted that there would be adverse impacts on the living conditions of the occupiers of the Farm. However, noise levels in both 2013

and 2028 are predicted to be only of the order of 5dB(A) higher with the BHLR in place than in its absence.

8.5.7 Mr and Mrs Boggis

8.5.7.1 It is accepted that Byne's Farm would be among the dwellings adversely affected by the BHLR because of its rural location and relative proximity to the proposed route. Earth bunding would be in place from the Opening Year and would reduce the noise and visual impacts. The modelling predicts that noise levels at the property would increase by up to 15dB(A), a major change. However, this is from a very low estimated current level of about 35dB(A); noise levels at the Farm with the BHLR in place would still be no more than about 50dB, low by comparative standards. In a Grade II listed building, the permissibility of secondary glazing would depend on its design, and in particular whether it would alter the exterior appearance of the property.

8.5.7.2 The visual impact of the road including the headlights of vehicles using it, would also be screened by the bunding, and be further mitigated over time as the screening vegetation matures.

8.5.7.3 Contrary to the assertion made by Mr Boggis in the course of his appearance at the inquiry, full ecological surveys were carried out in the vicinity of Byne's Farm, the species surveyed including dormouse, bat, badger and breeding birds. Mr Boggis gave his consent for access for these surveys by telephone in March 2008. It would have been necessary for the surveyors to inspect the farmhouse and buildings only in relation to the bat survey and this limited requirement for access to the property may be the cause of Mr Boggis' mistaken view that no other surveys took place. The surveys are core documents (CDs 9.48 to 9.58). A further bat survey in the vicinity of Glover's Farm is required by planning condition 18.

8.5.7.4 It is not the function of the SEBs to express support for infrastructure schemes. Their function is to ensure that the adverse impacts on the environment of such schemes are minimised, and where schemes, despite mitigation, remain unacceptably damaging, to oppose them. The full terms of the email from NE relied on by Mr Boggis make this clear: "We originally objected to the proposals on a number of grounds Over the last few years we have worked very closely with (ESCC) to ensure that impacts will be mitigated; this mitigation has now been included in the current proposals. On this basis we have withdrawn our objection"

8.5.7.5 It is accepted that fog may occur locally to a larger extent than generally, Combe Haven being a river valley. Mr Boggis' assertions with regard to the frequency with which fog occurs may be exaggerated: a geotechnical investigation was conducted in the Valley for some 15 weeks in 2008/9; a site diary was kept which recorded the daily weather, and fog or mist was mentioned on only 6 out of the 90 weekdays when the investigation was being carried out.

8.5.7.6 The DVD submitted by Mr Boggis shows radiation fog gathering in the Valley bottom, as would be expected. As acknowledged by Mr Boggis in withdrawing his alternative proposal, all routes in the Valley could be affected

by fog. The promoted BHLR route runs to the north of the Combe Haven and avoids the valley bottom. The road would be raised on embankment above the worst of the fog, and the drained and drier swathe of land consisting of the BHLR and the landscaping would also have some limited impact in reducing the frequency and extent of fog by reducing moisture.

8.5.7.7 There is no guidance from the DfT requiring that roads should not be built in river valleys. The DMRB does not recognise fog or any other prevalent weather condition as a constraint on the siting of a road alignment. Fog occurs widely in the United Kingdom and may be especially prevalent in river valleys. Many road routes follow river valleys. The DMRB guidance referred to by Mr Boggis is to the effect that, where it is necessary to mitigate the danger posed by fog, warning signs should be provided.

8.5.8 Dr Clark

8.5.8.1 The scheme design and the ecological protection strategy adopted are compliant with PPS9 – *Biodiversity and Geological Conservation* – in that the least damaging viable route has been chosen from the options initially considered. Notwithstanding the objections of Dr Clark and of the Sussex Wildlife Trust, ESCC's case in this respect has satisfied both the EA and NE that the mitigated scheme would have only slight adverse ecological impacts. PPS9 makes it expressly clear, while recognising that non-designated sites may be important, that there is a hierarchy of designated sites, including those identified through international conventions and European Directives, and those identified nationally, such as SSSIs and AONBs, which command greater protection than non-designated sites.

8.5.8.2 The assessment of the impacts of the BHLR has been an iterative process. The ES was prepared primarily in the context of the application for planning permission for the BHLR. Mr Cook described in his evidence how ESCC conscientiously carried out its dual role as highways and local planning authorities in this respect. As ESCC's head of planning, he properly and independently identified areas of concern with the ES, and required further work to be carried out, including the Addendum ES (CD9.1d). Supplementary nature conservation information (CD9.1j) was also required. This process has rendered the assessment still more robust, and has satisfied the SEBs, with whom ESCC was in 2003 invited by the SoSfT to consult and cooperate fully, that the environmental impacts of the scheme, taking account of mitigation and ecological compensation, are acceptable.

8.5.8.3 It is accepted that the BHLR would give rise to significant adverse impacts on the landscape through which it would pass. The description of the Valley in Dr Clark's evidence is drawn from an ESCC Cabinet Report dating from June 2004, which also recognises the need to reduce traffic on roads in the High Weald AONB to the north of the Valley. The scheme is designed to follow the ridges that form the northern flank of the Valley, allowing optimum use of existing landform and proposed mounding and planting to minimise its impacts, and maintaining the integrity of the Valley itself. Increased noise levels would be attenuated by the earth mounding to some extent and would also be offset at least in part by reduced noise levels on other local roads, including roads in the AONB. Despite the amended assessment, the landscape

and visual impacts of the BHLR are still assessed at no worse than moderate adverse.

8.5.9 Mr and Mrs Garland

8.5.9.1 ESCC's response to the general points of objection relied on by Mr and Mrs Garland is set out above. While the BHLR would lead to loss of tranquillity in the Valley, the provision of the greenway with connections to the proposed Pebsham Countryside Park and the Park itself would create new opportunities for family recreation.

8.5.9.2 The noise impacts of the scheme have consistently been assessed as moderate adverse. There is the likelihood of significant construction noise impacts, but as explained above these would generally be short-lived. As to operational noise, noise attenuation fencing is to be provided along the urban section of the route close to which Mr and Mrs Garland live. As Mr Wightman's evidence shows in respect of a receptor property in the road when Mr and Mrs Garland live (Property number 69 in Table 10-2 in ESCC11/3), operation of the BHLR would increase noise levels by some 10dB(A) in both 2013 and 2028. The resultant noise levels would nevertheless remain at or below the levels of noise generally associated with an urban environment.

8.5.10 Mr and Mrs Rosner

8.5.10.1 Bypass proposals were fully considered in the 1990s, and rejected by the SoSfT mainly on the grounds of their adverse environmental impacts on the nationally designated AONB and SSSIs. With the BHLR in place, traffic is predicted to increase on the A259 to its west, but traffic levels would remain within the capacity of this trunk road. Even with the BHLR in place, delays at the Belle Hill junction are unlikely to exceed 2 minutes during peak hours. Although Mr Rosner asserted that the traffic predictions submitted by ESCC had been manipulated, he was unable to explain in cross-examination the respects in which he considered the figures to be wrong.

8.5.10.2 As to accidents, records show that during the 5-year period 2004 to 2008 inclusive, the accident rate on the A259 west of the Little Common roundabout was slightly below the national average, while the accident rate between the roundabout and Belle Hill was slightly above it. This information is contained in ESCC/INQ15. It does not support Mr Rosner's characterisation of this section of the road as exceptionally dangerous. Impacts on the adjoining road network would be monitored, and complementary measures would be introduced where necessary.

8.5.10.3 While any significant development in north Bexhill is dependent on the BHLR being constructed, any necessary infrastructure improvements would be requirements of the planning permission for such developments when granted, and developer contributions to the cost of new infrastructure would be sought in the ordinary way. These developments would fall to be fully assessed in the course of considering applications for planning permission for their construction.

8.5.11 Mrs Terry

8.5.11.1 Mrs Terry resides in the Parish of Crowhurst and relies on some of the general grounds of objection raised on behalf of the Parish and the Crowhurst Society which are responded to in section 8.5.2. It is accepted that implementation of the BHLR scheme would have a detrimental effect on tranquillity in the Combe Haven Valley, though there would be some improvements in tranquillity in the wider area, including in the High Weald AONB near the southern boundary of which Mrs Terry resides.

8.5.11.2 Use of land form and screening would limit any visual impact. This would be further reduced by the distance between Mrs Terry's property and the route of the BHLR at its nearest point. Noise and disturbance from construction and operation of the BHLR would be similarly attenuated. There is predicted to be a reduction in traffic and therefore traffic noise on the local road network with the BHLR in place. Operational noise impacts are shown for a nearby receptor property in Mr Wightman's evidence (Property 372 in Table B10-6 in ESCC11/3). His evidence is that the BHLR would have no material noise impact in 2013, and that in 2028, there would be a slight reduction in noise levels with the BHLR in place, compared with the do-minimum scenario.

8.5.12 Written objections

Campaign to Protect Rural England - Sussex

8.5.12.1 ESCC's Climate Change Strategy sets an overall target for reduction of CO₂ emissions. There is no separate schools target. The legal undertakings given by ESCC require it to offset the additional CO₂ emissions generated by the BHLR (and the developments thereby enabled) in meeting its overall CO₂ reduction target under the Climate Change Act 2008. A menu of carbon-reduction options is in course of investigation. One option is the use of coppiced wood, in which East Sussex is particularly rich, which could sustainably fire 80 boilers, the output of only 9 of which would offset 5,000 tonnes of CO₂ per year. Such an option would have no impact on food production.

8.5.12.2 The NO₂ data was obtained from the HBC and RDC monitoring sites. The equipment used and the methodology applied are fully in accordance with guidance published by DEFRA. The assessment is robust and appropriately addresses the published national air quality objectives for NO₂.

8.5.12.3 Ground level ozone is not considered a local air quality management issue but is addressed through national and international agreements such as relate, for example, to emission standards for vehicles and power stations. It is accepted that ozone concentrations recorded at Lullington Heath are above WHO guidelines and also exceed United Kingdom air quality objectives. Urban ozone levels tend to be lower than those at rural locations such as Lullington Heath because of the so-called "scavenging" effect, whereby nitric oxide combines with ozone to form NO₂. Local NO₂ levels in 2013 and 2028 are nevertheless predicted to be below those in the base year, 2008. ESCC is aware of no research which either associates ozone with asthma or establishes

that pupils in schools in the Bexhill/Hastings area have an asthma incidence rate among the highest nationally.

**Sussex Wildlife Trust
The Woodland Trust**

8.5.12.4 The environmental mitigation proposed is the result of close collaboration between ESCC and the SEBs, as enjoined by the SoSfT in 2003. The economic case for the BHLR has been re-appraised following this collaboration, and the environmental work required has been factored into this re-appraisal, which, as shown in paragraph 4.7.4, confirms that the scheme continues to represent good value for money.

8.5.12.5 The selective extract relied on by the Wildlife Trust does not correctly represent the overall thrust of Government policy as set out in PPS9. In selecting the least damaging route for the BHLR and including measures to avoid minimise and compensate for impacts on biodiversity, ESCC has followed key principle 1(vi) in PPS9. This approach has been pursued in detailed consultation with the EA and NE. An example of the mitigation achieved by careful route choice is the attenuating distance of the BHLR from the important bird breeding ground at Filsham Reedbed. Moreover, in granting planning permission after full consideration, ESCC decided that the benefits of the scheme outweighed its residual impacts so that the decision is in any event compliant with the PPS9 extract relied on.

8.5.12.6 It is accepted that compensatory habitats do not always operate with full effect or immediately (though the 20-year delay alleged is not accepted). It is for that reason that, where there would be residual impacts on habitats and biodiversity, compensation is to be provided generally on a 2 for 1 basis. Little Bog and Decoy Woods, together with the edge of Chapel Wood, have been included in the land to be compulsorily acquired so that they can be managed to increase their structural capacity to accommodate breeding birds, invertebrates and mammals.

8.5.12.7 Other potential impacts have also been fully taken into account: for example, where wildlife corridors are severed, alternatives would be provided. The hydrological impacts of the scheme on woodland and other habitats has been carefully modelled and assessed. Mitigation works would ensure that there would be no material change in groundwater levels. The effect of the scheme on hydrology is predicted to be neutral.

8.5.12.8 The research findings relied on by the Woodland Trust principally largely relate to motorways which carry a much higher volume of traffic than is predicted here. The results should not be applied without addressing local circumstances. The DEFRA guidance referred to by the Trusts is described by DEFRA itself as introductory, and DEFRA acknowledges that it cannot be applied until further testing and development have taken place. The methodology adopted by ESCC is that promoted by the Institute of Ecology and Environmental Management, and is the guidance approved by all relevant statutory bodies.

Mr Chantler

8.5.12.9 ESCC has satisfied itself, in consultation with EA, that the proposed design of the bridges across water courses would not adversely affect wildlife. The bridge details, including the 2-metre set back from the bank top, are provided for in Condition 5 attached to the planning permission (CD9.34). While additional traffic would be generated on Chown's Hill, the predicted increases remain well within the capacity of the local road network. ESCC's response with regard to the Baldslow Link is set out in paragraph 8.1.8.

Mr Tomisson

8.5.12.10 The BHLR does not cross land included in any Green Belt. ESCC's response with regard to the Baldslow Link is set out in paragraph 8.1.8, and its evidence as to its full consideration of alternatives can be found in sections 4.3 and 8.2. A flyover at Glyne Gap would not resolve the severe traffic congestion elsewhere on the A259 between Bexhill and Hastings. A full range of transport measures complementary to the BHLR is proposed, but these have been assessed and found inadequate, in the absence of the BHLR, to provide relief from congestion and the necessary access to north east Bexhill.

8.5.12.11 As to Mr Tomisson's claim that RDC is not legally bound to provide the additional housing provided for in the development plan, it could not, as a responsible local planning authority, ignore the obligation which it has to provide its proper share of the additional housing required regionally and nationally.

8.5.12.12 The overwhelming majority of local firms believe that they would benefit from the existence of the BHLR and the commercial developments which it enables. ESCC does not share Mr Tomisson's pessimistic opinions regarding the progress already made with implementation of the FPP and the regeneration prospects afforded by the BHLR. The conclusion of Mr Shaw, based on his 7 years' experience as Project Director for the regeneration of Hastings and Bexhill and Director of Sea Space, with direct knowledge of the position and contact with the business stakeholders concerned, is that, not only is the BHLR essential to successful regeneration, but that a decision to reject it would send out a highly negative public message, jeopardising both the achievements to date of the initiative and its future success.

8.6 Objectors' alternative routes

AR1:

8.6.1 The road element of Mr Keeley's alternative would require existing country roads to be improved and widened to a standard 7.3-metre width. 2-metre wide verges would also be required on both sides of the carriageway. The boundary of the AONB runs along part of this route, and the AONB would clearly be impacted upon both by engineering works and visually. Mr Keeley accepted in cross-examination that it would be unrealistic to widen the whole of these routes, but thought that localised improvements would suffice. Such partial improvements would not produce a route suitable for use by the very high volumes of general traffic predicted, including a significant proportion of

HGVs and buses. The improved local roads would have to be subject to speed limits of 40mph or less.

8.6.2 Mr Keeley's suggestion made only in the course of cross-examination that the use of his route should be limited to cars and light vehicles is unrealistic and would be difficult to enforce. The route would run through the centre of Crowhurst and residents of the village and of the other dwellings along the proposed routes would be severely affected by noise and severance from the high volume of additional traffic, as the extent of counter-objection confirms. The route would in any event not provide vehicular access to the proposed development areas in north east Bexhill. In 2028 in the absence of the BHLR but with AR1 in place, traffic flows on the A259 are predicted to be reduced by only 6%. In both of these respects, AR1 would fail to meet the regeneration objectives of the BHLR.

8.6.3 As to the monorail, it would cross and require land-take from the Combe Haven SSSI. It would impact on the important breeding bird area of Filsham Reedbed. Both the EA and NE have both indicated in correspondence (Appendices A and B in ESCC/R22/OBJ-003) that they would object to the alternative on these grounds. Moreover, the monorail would not provide vehicular access to the housing and commercial development proposed in north east Bexhill. It is unrealistic to suppose that these developments could be implemented in the absence of adequate road access.

8.6.4 Mr Keeley's belated further alternative proposal to reroute the eastern section of the promoted route north-eastwards to Crowhurst Road would involve unacceptably tight curves and speed restrictions, and would not prove practicable, nor would its cost or environmental impacts be significantly less than those of the promoted scheme. His views regarding the manner in which the north east Bexhill developments should be carried out do not form part of the matters before this inquiry or for the SoSs' decision.

AR3:

8.6.5 Dr Thurston's alternative route would not meet the transport objectives of the BHLR. Among the difficulties associated with it are that the route would cross the Combe Haven SSSI at a point where the flood plain is some 500m wide and this crossing would therefore require a viaduct. This impact on the SSSI would attract an objection from NE and probably from the EA (as confirmed in the correspondence in ESCC/R35/OBJ-135).

8.6.6 The suburban roads along which Dr Thurston envisages the western section of his alternative being routed are wholly inadequate to carry the volume of traffic predicted for the link road (up to 30,000 vehicles per day), if it is effectively to address congestion problems on the A259. The impact of this traffic, including HGVs and buses, on the occupiers of the dwellings in these roads, including residents of care homes and pupils/students attending school and college, would be unacceptably adverse.

AR4, AR4A and AR5:

8.6.7 ESCC does not oppose these alternatives in terms of their traffic functionality. With all three alternatives, there is, however, a significant engineering and environmental problem, since it is proposed that they cross

the Pebsham Land Fill Site. The Site has been used for many years for the deposit of waste, most of which is non-inert. It closed only in September 2009, though planning permission has now been granted for a further deposit of waste in the north east quadrant of the Site.

- 8.6.8 The Site is expected to settle by up to 30% in the next 5 to 10 years, and there is a complex system of methane gas collection. Any movement of waste at the Site made necessary for the purposes of these alternative routes would almost certainly lead to the waste being reclassified as hazardous. The EA has set out its detailed concerns about the crossing of the Site in the attachment to an email dated 17 November 2009 which is in the appendices to both ESCC/R68/OBJ-265 and ESCC/R70/OBJ-265.
- 8.6.9 AR4 would be some 35% longer than the promoted route and, from the additional length and the complex engineering work required, it is to be inferred that it would cost some 50% more to build it. The equivalent figures for AR5 are 40% and 75%. The A259 sea front bypass element of AR5 would also require substantial and expensive sea defences.
- 8.6.10 These alternatives would also run very close to the Filsham Reedbed, the part of the Combe Haven SSSI which is the focus for breeding birds and which is therefore the most sensitive to noise and visual disturbance. The A259 bypass proposed as part of AR5 would largely obliterate the Glyne Gap and Bulverhythe Shingle Beach and Cliffs SNCIs, and would sever any surviving areas of these SNCIs from their essential connection with the sea. This would be a permanent large adverse impact, and it is impossible to identify any means by which compensation for this impact could be provided.

9. MODIFICATIONS

- 9.1 No modifications are proposed to the SRO. A modification to each of the Planning and Transport CPOs is proposed. Further investigation has established that acquisition of Plot 2/12 in the Transport CPO (land forming part of the curtilage of Strome House) is not required for construction of the Ninfield Road bridge and may therefore be deleted from the Order. Subject to this modification being made, the objection lodged on behalf of the Strome House residents (OBJ170) is withdrawn (INQ/2).
- 9.2 Following discussions with Mr and Mrs van Rijn (OBJ005), a modification is proposed to the Planning CPO with regard to the ecological compensation land to be provided. It is proposed to delete Plot 4/1 from the Order. Mr and Mrs van Rijn have reached agreement for the private sale to ESCC of an alternative area of land. The land which it is proposed be deleted from the Order is marked "A" and the substituted land is marked "A1" on Figure B.1 in ESCC7/1. NE has confirmed that the revised compensation land is acceptable in ecological terms (see email at Appendix C in ESCC7/1). Subject to the Planning CPO being modified as proposed, the objection of Mr and Mrs van Rijn is withdrawn (INQ/2).
- 9.3 The draft modifications to the Schedules to the CPOs and to the annexed plans are contained in ESCC/INQ/42.

10. CONCLUSIONS

10.1 Introduction

10.1.1 Having regard to the foregoing, I have reached the following conclusions, references being given in square brackets to earlier paragraphs and sections of this report where appropriate. I turn first to the statutory criteria for confirmation of the Orders, though most of the subsisting objections do not directly relate to these criteria but arise from in-principle opposition to the scheme itself.

10.1.2 The criteria for confirmation of the SRO are that alternative routes to any highways proposed to be stopped up must be reasonably convenient, and that, if private means of access are to be stopped up, another reasonably convenient access is available or will be provided. The provisions of the SRO are summarised in paragraph 4.8.4, and there is no express objection to that Order [8.1.1]. I have considered the provisions of the SRO with care but can identify no respect in which the criteria are not met.

10.1.3 As to the CPOs, having regard to statute and to the guidance in ODPM Circular 06/2004, ESCC must establish that there is a compelling need for compulsory purchase in the public interest which justifies interference with the human rights of those with an interest in the land affected, that ESCC has a clear idea of how it intends to use the land it seeks to acquire and the resources necessary to carry out its plans, and that the scheme is unlikely to be blocked by any impediment to implementation. I also need to be satisfied that all the land and rights in land proposed to be acquired are required for the purposes of the scheme or, in the case of the Planning CPO, to provide the compensatory habitat proposed.

10.1.4 With the CPO criteria in mind, I turn first to those landowners who are affected by the compulsory acquisition of land and rights in land. With the exception of that of Mr and Mrs Clancy regarding Decoy Pond Farm, all the objections lodged by freehold landowners affected by the CPOs have been withdrawn [8.1.1]. I address the objection of Mr and Mrs Clancy at paragraphs 10.5.27 and 10.5.28, and, at paragraphs 10.5.16 to 10.5.20, I address the objection of Mrs Blackford which is also based on the loss of part of a farm holding.

10.1.5 The other subsisting objections to the BHLR are either in-principle opposition to the building of a new road, particularly through the Combe Haven Valley, and/or from those who fear that their living conditions would be impacted upon to an unacceptable degree by the construction or operation of the new road. In arriving at my recommendation, the principal balance which I need to strike is therefore between the need for the road and the benefits which ESCC and its supporters believe create a compelling case for it in the public interest, and the adverse impacts which it is claimed by objectors that construction and operation of the road would generate, and which would therefore in their view undermine any claim that the BHLR would be in the public interest.

10.1.6 A small number of objectors, including Mr and Mrs Garland [6.10], consider

that the BHLR would interfere with the human rights of those affected by it. The Articles of the European Convention on Human Rights that might be engaged are Article 8 (Right to respect for private and family life) and Article 1 of Protocol 1 (Protection of property). Both of these Articles are subject to the provisos set out in their respective second paragraphs, which render lawful such interference with a person's human rights as is proportionate to the general interest. The same overall balance between the public benefits of the scheme and its adverse impacts thus falls to be struck in my assessment of the degree of any interference with human rights.

10.1.7 In the ensuing sections of this report, I turn first to the need for the BHLR and the benefits that are claimed for it by ESCC and the supporters of the scheme. I then address the consideration by ESCC of alternatives, the scheme's environmental and other general impacts, the cases of individual objectors, objectors' alternative routes, the remaining CPO criteria, public consultation and opinion, and proposed modifications to the Orders, before setting out at section 10.10 a summary of my conclusions, and making my recommendations in section 11.

10.2 Need for the BHLR and the policy background

10.2.1 The BHLR is promoted on the dual grounds of its ability to reduce congestion on the A259 and its essential role in enabling development to be implemented in north east Bexhill [4.2]. Objectors claim that the alleged regenerative impacts of the BHLR have been belatedly seized on by ESCC as a justification for its preconceived obsession that a link road should be provided [6.2.17]. This is a view, however, which is not borne out by the history of the scheme development set out in section 4.5, which may be summarised as follows.

10.2.2 In 2001, the SoSfT decided that the 1990s bypasses scheme should not proceed. He reached this conclusion largely because of the unacceptable environmental impacts which the bypasses would have created on designated sites. He also took the view, however, that it was desirable that a strategy for regeneration of Bexhill/Hastings be developed and implemented. This led in 2003, after consideration by the SoSfT of SoCoMMS, to an invitation issued to ESCC to work up a link road scheme. It is therefore not the case that regeneration was created as a justification for the BHLR, as asserted by some objectors, but rather that the BHLR was developed at the request of the SoSfT as a catalyst for the economic regeneration of the area.

10.2.3 Some objectors claim that the BHLR is essentially the same as the 1990s bypasses scheme and that "nothing has changed" [6.1.4]. I do not accept this view. It is quite clear at the simplest level that dual carriageway bypasses extending some 20 kms from the Lamb Inn junction on the A259 between Bexhill and Pevensy some 7 kms west of Bexhill, to Guestling Thorn to the north east of Hastings [8.1.2], are not the same as or even similar to a single carriageway road extending to only 5.6 kms and providing a link between the centre of Bexhill and north west St. Leonards/Hastings.

10.2.4 Some objectors on the other hand believe that the 1990s-proposed bypasses should be built rather than the BHLR [6.1 and 6.13.1]. It is in my

view clear, however, that no such scheme could or would now be promoted. The SoSfT concluded that the bypasses carried severe implications for two SSSIs, the AONB and a local nature site [8.1.3]. In rejecting the bypasses scheme and recognising that a road scheme was nevertheless necessary, the SoSfT in 2003 enjoined ESCC to work closely with the SEBs to identify a route and work up a scheme which would avoid and/or mitigate the excessive impacts on the environment of the bypasses scheme. The developed scheme accordingly avoids the AONB altogether, and directly impacts only very marginally on one of the two SSSIs by overshadowing some 30 square metres of its area [4.9.28].

10.2.5 Many objectors point out that there can be no certainty that the BHLR would produce the regeneration benefits claimed for it, while the adverse impacts of the BHLR are certain and unavoidable [6.1, etc.]. It is of course true that the benefits claimed for the BHLR are based on predictions to which varying degrees of probability can be attached, and I bear this in mind in the ensuing consideration of the regeneration case.

10.2.6 First, there is very little dispute as to the high levels of existing deprivation in the area. Among the relevant indicators of this are those set out in paragraphs 4.5.2 and 4.5.3. They include the extent of SOAs in Hastings which are in the most deprived category. Measured against the IMDs, Hastings is the most deprived district in the South East and the 31st most deprived in England. The very poor educational standards in the area are attested by the 2008 GCSE results, in which Hastings pupils had the lowest success rate of any district in England.

10.2.7 Objectors point out that Bexhill is not subject to the same extreme levels of deprivation as Hastings, and I accept this, although Bexhill is not without its areas of deprivation [4.5.3]. No objector provided cogent evidence or argument to establish that Bexhill and Hastings, adjoining towns whose centres are only some 7 kms apart [3.2], could meaningfully be addressed as other than a single entity in employment terms. Such an assertion would also run counter to the view taken following earlier consideration of this issue [8.1.4]. I return below to the issue of whether there is scope for significant economic regeneration without developing the identified sites in north east Bexhill.

10.2.8 The need for regeneration having been accepted by Government [4.5.4], a significant range and volume of studies were carried out from which a regeneration strategy has emerged. The sequence and detail of these studies is set out in section 4.5. It fell to the Rother District Local Plan Inspector to consider the development opportunities that exist in Bexhill/Hastings and the adequacy of the available development sites for the purpose. He considered the matter at length and heard objections at the Local Plan inquiry, including a number from objectors who appeared at or submitted written objections to the BHLR inquiry. The Inspector noted that the BHLR was one of the particularly controversial matters raised at the inquiry. His conclusions, however, are unequivocal [4.5.24], and the adopted Local Plan confirms that, while consideration has been given to alternative or additional urban extensions around both Bexhill and Hastings, any significant growth is dependent on the north east Bexhill sites and on the building of the BHLR [4.5.25].

- 10.2.9 The studies thus culminated in the clear identification of the north east Bexhill development sites as the only adequate land available to accommodate a significant proportion of the large numbers of new dwellings and new jobs required. The Local Plan Inspector went on to conclude that the BHLR was "essential" if the sites were to be developed. This is a conclusion firmly endorsed by the Highways Agency, which states that it would object to development of the north east Bexhill sites unless the BHLR is first put in place [8.5.1.3]. As Mr Shaw put it in evidence, the BHLR is therefore a necessary but not a sufficient condition for the bringing into full economic use of those sites [8.5.5.1].
- 10.2.10 Objectors consider that at least part of the north east Bexhill developments could be implemented in the absence of the BHLR [6.2.32]. It is difficult to see how this might be achieved, and objectors advance no detailed or convincing case in this regard. I consider below the views of objectors that alternatives to BHLR have not been adequately addressed. It may, however, be of significance that no other sites have been proposed by developers (save as referred to in ESCC's evidence), that no application has been made for partial development of the north east Bexhill sites, and that the ability of such developments to meet the requirements of a traffic assessment has not therefore been tested. It is in my view difficult to overstate the extent to which the sites and the BHLR are essentially linked as vital elements of the local development plan.
- 10.2.11 Some objectors take the view that sufficient regeneration could be achieved without taking the north east Bexhill sites into use and therefore without needing to build the BHLR. They claim that there are sites elsewhere, for example in north west Hastings, which could be used instead. They do not identify these sites, nor is there any cogent evidence that there are anywhere else in the area sites that could accommodate more than 1,000 new dwellings and 50,000 square metres of commercial/ industrial employment floorspace as are proposed for the north east Bexhill sites.
- 10.2.12 Objectors state that there are large numbers of vacant business premises which could fulfil all current regeneration aspirations [6.1.2]. This is echoed in Professor Wenban-Smith's claim that business expansion could be accommodated by so-called "churn", that is, the movement of businesses between existing premises as their needs change, thus vacating their current premises for others [6.2.21]. Despite this claim and the assertions of other objectors, there is no evidence before me of widespread availability of a sufficiency of vacant floorspace (whether of appropriate quality or at all) to accommodate "churn" or otherwise to allow businesses to find space to expand without new-build. If Professor Wenban-Smith were correct, then it is surprising that local entrepreneurs told Mr Shaw at interview [8.5.1.16] that the local shortage of adequate accommodation was a major impediment to local business expansion.
- 10.2.13 Some objectors point out that it is unrealistic to expect the Bexhill/Hastings area to be able to compete with the Thames Valley or the Gatwick area for inward investment [6.2.18]. There are to my mind two considerations here: first, it is not anticipated that inward investment would

form more than the minor share, perhaps 20%, of business expansion [8.5.1.15]; secondly, as pointed out by Mr Shaw following discussion with local entrepreneurs, rejection of the BHLR, which local businessmen recognise as essential to regeneration, could not but send a strongly negative message not only to local business interests but also to any outside sources of investment [4.5.23].

10.2.14 I have had careful regard to the reservations expressed by objectors as to the potential regenerative effects of the proposed link road. These range in scope from a concern that the link road and the developments it enables may have less regenerative impact than is predicted by ESCC [6.1.1, 6.6.5], to an outright opposition to any further development in the area [6.1.1, 6.2.16]. Objectors take the view that to proceed with the road at a time of cyclical economic downturn is pointless [6.1.2], but the BHLR and the north east Bexhill developments are long term projects. Moreover, they assume a greater potential importance at a time of recession when current local unemployment levels are particularly high [4.5.2].

10.2.15 I can find no convincing evidence that there is any real prospect of major economic development in the Bexhill/Hastings area, such as might match the scale of those proposed in north east Bexhill. The latter are essential in my view, if the regeneration initiative is not to fail or falter. I consider below whether they can be implemented in the absence of the BHLR by means of an alternative scheme to provide access.

10.2.16 The promotion of the BHLR does not therefore seem to me to be a matter of rhetoric [6.6.2]. It is the result of an iterative sequence of investigation and review logically leading to the decision to promote the BHLR. The essential decisions were made by those elected to make them, both in central and local government. It may be that County Councillors found difficulty in balancing the arguments for and against the BHLR (though there is before me no evidence about this), but the fact remains that the scheme has the support of the County Council and both District Councils, the members of which are answerable to their electors.

10.2.17 Contrary to the claims of some objectors [6.2.11], that is clearly part of the democratic process. Objectors were given the opportunity to be heard not only at this inquiry but also on at least one earlier occasion [8.5.1.14]. As to inequality of resources, this is not a matter for me, as I explained at the inquiry. Parties to planning and analogous inquiries are normally expected to meet their own expenses. This was reiterated as recently as April 2009 at paragraph A7 of the new DCLG Costs Circular 03/2009 (CD4.3).

10.2.18 In my view, the admitted need for regeneration in Bexhill/Hastings, and the absence from the area of development land on a sufficient scale, save for the sites in north east Bexhill, potentially amount to a compelling case in the public interest for the new road, to act as the catalyst for them and therefore for confirmation of the CPOs and the SRO to permit this. That case, however, remains subject to the scale of the adverse impacts of the road on the environment and on local residents. It also remains subject to a conclusion as to whether access to the sites could be achieved by alternative means, and I turn next to this issue.

10.3 Alternatives to the BHLR

- 10.3.1 It is claimed by a number of objectors that there has been inadequate consideration of alternative schemes to the BHLR that would meet its objectives without causing damage on a similar scale to the environment, especially in the Combe Haven Valley [6.1.3, 6.2.2, 6.4.1, etc.]. Some objectors claim that ESCC has been obsessed with the plan to build the BHLR to the exclusion of all other possibilities [6.2.18]. This is also one of the criticisms of the Denvil Coombe Report relied on by the Alliance [6.2.20].
- 10.3.2 It seems to me, however, that these claims overlook the history of events and the iterative studies of possible alternatives which ESCC has carried out. The history is set out in section 4.5. The studies include the Access to Hastings Multi-Modal Study, the SoCoMMS, the consideration of alternatives carried out as part of the working up of the scheme, and the results of further, recent work carried out by Mott MacDonald and presented at the inquiry by Mr Johnston [8.2.2 to 8.2.4]. It is to be remembered that it was the SoSfT who, in 2003 having considered the SoCoMMS, invited ESCC to develop proposals for a link road [4.3.7].
- 10.3.3 The burden of proof of establishing the truth of a proposition lies with its propounder. In other words, it is for the objectors who claim, notwithstanding these iterative studies, that viable alternative proposals have nevertheless been overlooked, to state what these proposals are and to make at the least a basic case to meet the evidence of the ESCC that repeated studies have failed to identify them. To my mind, the objectors concerned have failed to provide such a case. It is not enough for them to assert that alternatives are there to be found.
- 10.3.4 I have, for example, carefully considered the case presented by Sustrans [6.4]. Sustrans' proposals for the promotion of cycling locally would to my mind be valuable complementary measures. This is also the view taken by ESCC [8.5.3.2]. The provision of the greenway, a requirement of a planning condition, which would accommodate walkers, cyclists and equestrians [4.1.6], would to my mind significantly enhance off-road cycle access between the two towns, as well as potentially providing cycle access to the north east Bexhill sites, close to which it would pass. If, as submitted by Sustrans, there would be inadequate intermediate cycle access to the greenway, this is a matter that could be addressed by application to the County Council as the authority with responsibility for the public rights of way network.
- 10.3.5 Sustrans does not, however, materially challenge the evidence of ESCC that the promotion of cycling could not sufficiently reduce traffic on the A259 as to render the BHLR redundant [8.5.3.3]. Sustrans also fails to explain how the measures it proposes would provide vehicular access to north east Bexhill and directly to the Enviro21 Corridor and the A21, as required by the Highways Agency [8.5.1.3]. I return to this point when briefly addressing the BNAR below.
- 10.3.6 I am not alone in reaching such a conclusion: the SoSfT did so in 2003, having considered the studies then available, including the SoCoMMS, and the

Local Plan Inspector reached a similar conclusion, after considering the evidence from both sides of the divide at the lengthy inquiry of 2004/5 [4.5.24]. The Inspector concluded that the BHLR was essential if the north east Bexhill sites were to be brought into use in accordance with development plan policy.

- 10.3.7 Some objectors claim that ESCC was so determined to promote a road, that its public consultation exercise gave respondents no opportunity to oppose the principle of a new road [6.2.2]. This claim is plainly incorrect, since the first question in the questionnaire distributed to 65,000 households by ESCC addressed precisely this issue, a question which a small number of respondents answered in terms opposing a new road on any route [4.3.10].
- 10.3.8 It is of course open to me to recommend that the BHLR should not proceed until yet another study of possible alternatives has been carried out. As supporters of the scheme point out, this could not but add to the cost and delay [5.2, 5.4 and 5.7]. Since I can find no evidence to suggest that the outcome of a further study of alternatives would be materially different from the outcome of earlier studies, I do not think it appropriate to make such a recommendation. If the momentum of the regeneration initiative is to be maintained, then it seems to me that the provision of the BHLR is now a matter of some urgency; it also seems to me that a public statement that the BHLR is to proceed would also have a significant positive impact on local business confidence and also on potential inward investors [4.5.23].
- 10.3.9 I recognise that not everyone who may in the future be seeking a job in north east Bexhill has access to a car or van, though I also note that ownership of a private vehicle is not as simply correlated to deprivation as claimed by Mrs Bargery [6.6.5, 8.5.5.3]. The improvement of bus services between Hastings and Bexhill, including potential new services on the BHLR, would aid accessibility between the deprived areas of Hastings/St. Leonards and Bexhill [8.5.5.4]. The enhancement of the proportion of willing commuters seems to me a matter of considerable weight [4.5.18].
- 10.3.10 I conclude that the iterative studies carried out by ESCC establish that there are no alternatives to the BHLR which would adequately meet its objectives. I consider that to recommend a further study of alternatives would merely add to cost and delay, while sending a negative message that would risk undermining business confidence and the regeneration initiative. I concur with the Local Plan Inspector when he called for the timely construction of the BHLR [4.5.24].
- 10.3.11 It follows that there is no cogent evidence that the potential compelling case in the public interest to which I refer in paragraph 10.2.18 could be adequately met by any alternative means. I turn next to an assessment of the environmental and other impacts of the scheme and the matters raised in objections.

10.4 Environmental and other impacts of the BHLR

- 10.4.1 ESCC was enjoined by the SoSfT in 2003 to work closely with the EA, NE and EH, to identify and as far as possible avoid and mitigate the potential

adverse impacts of the BHLR [4.5.7]. ESCC has carried out an extensive range of investigative work, reported in section 4.9. This has allowed the route of the BHLR to be designed to allow a range of environmental impacts to be avoided and for mitigation and compensation proposals to be put forward, and has led to the position where there is no subsisting objection from any of these bodies.

- 10.4.2 Some objectors take the view [6.8.7] that the absence of objection from the SEBs does not indicate support for the scheme, and that withdrawal of objection has sometimes been grudging or the result of duress [6.17.15]. This view to my mind represents a misunderstanding of the functions of the SEBs. They do not exist to promote or support infrastructure projects: their task is to review proposals critically, and to object to them where there would be unacceptably damaging residual adverse impacts. Withdrawal of the objections of the SEBs to the planning application (the SEBs did not object to the Orders that are the subject of this report) is therefore a clear indication that the SEBs do not regard the residual impacts of the BHLR as unacceptably adverse.

Agriculture

- 10.4.3 The rural section of the BHLR between Glover's Farm on the northern edge of Bexhill and Upper Wilting Farm on the Crowhurst Road would cross a total of nine agricultural units [4.9.3]. ESCC's evidence is that careful route consideration has allowed the permanent loss of agricultural land to be limited to 79.7 hectares, of which 42.2 hectares would be best and most versatile land; a further 16 hectares approximately would be required temporarily for construction purposes and would then be returned to agricultural use. The permanent loss of land would have only a minor impact on agriculture and food production in both local and regional terms [4.9.6].
- 10.4.4 As to individual holdings, the residual impact on six is assessed as minor, with three being impacted upon to a moderate degree. I address the objection of Mr and Mrs Clancy below. There is otherwise no subsisting objection from the farmers and/or landowners concerned, save for that of Mrs Blackford in relation to Upper Wilting Farm, which I also address below.
- 10.4.5 I recognise that the lack of active objection from some of the freehold landowners may stem from their ownership of the land being for development purposes; other owners are proposing to retire and have been able to release land by private agreement to compensate for land lost by others who wish to continue to farm [8.3.3]. An example is the tripartite agreement whereby the West family, owners of Hillcroft Farm from which the land-take for the BHLR would amount to some 40% of the holding, would be mitigated by the provision of replacement land from the adjacent Hye House Farm, where the tenant farmer intends to retire. This agreement, entered into during the inquiry, allowed the objection of the West family to be withdrawn.
- 10.4.6 ESCC's evidence in these respects has not been generally challenged by objectors. There is no evidence to support the more dramatic claims made by some objectors [6.3.4] as to the devastating impact of the BHLR on local agriculture. There is no basis on which I could conclude that there would be a

significant adverse impact on food production or security, whether locally, nationally or internationally [4.9.6, 6.17.1]. In my view, none of the adverse impacts of the BHLR on agriculture would be worse than moderate.

Air quality and carbon

- 10.4.7 The gist of ESCC's air quality evidence is that the effect of the BHLR would be to reduce concentrations of NO₂ and PM₁₀ in both the Opening (2013) and Design (2028) Years at about 60% of the 35,000 receptor properties assessed [4.9.11]. This is because the majority of the exhaust emissions generated by the BHLR would occur in rural areas where there are very few receptors within 200 metres of the route of the proposed road; 200 metres represents the accepted guidance as to the maximum distance from a source at which vehicle emissions are detectable [8.5.26].
- 10.4.8 The remaining 40% of receptor properties would experience an increase in emissions, and some in the vicinity of the urban section of the route, and especially in London Road Bexhill, would suffer moderate adverse air quality impacts in 2013, though no exceedences of national air quality objectives are predicted (either at these properties or anywhere else), and no mitigation measures would be required [4.9.12]. Significant improvements are predicted for receptors in roads on the existing network where the BHLR would lead to a reduction in traffic and emission levels, and it is to my mind important to note that among these roads is the A259 in Hastings, the only location in Bexhill/Hastings where to date it has proved necessary to declare an AQMA [4.9.8].
- 10.4.9 In regional terms, the presence of the BHLR is predicted to increase NO_x emissions by about 2.2% and PM₁₀ emissions by some 1.9% by 2028. These increases in emissions largely result from implementation in accordance with development plan policy of the north east Bexhill developments which the BHLR would enable [4.9.13].
- 10.4.10 I accept that during the construction period there would remain a risk that an escape of dust would impact on local residents. However, the well-tried and tested methods to be included in the CEMP and imposed on the contractor [4.9.9] would to my mind reduce such a risk to an acceptable level.
- 10.4.11 ESCC's evidence with regard to air quality was not materially challenged on the part of objectors. Some objectors expressed fears of serious air quality impacts on local residents, claiming that there would be severe impacts on members of vulnerable groups [6.3.4]. These submissions were unsupported by any evidence to establish any real risk of such impacts. As to ground or low level ozone [6.3.4 and 6.17.2], there is no evidence before me to challenge that of ESCC that the complexity of the generation of this gas renders assessment of it in relation to individual schemes inappropriate [8.5.12.3]. There is also no evidence to support the assertions as to the connection between ozone and asthma or that there is an exceptionally high asthma incidence in the Bexhill/Hastings area.
- 10.4.12 In my view the overall air quality impacts of the scheme are on balance to be characterised as beneficial, as submitted by ESCC [4.9.11].
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- 10.4.13 The additional carbon emissions resulting from implementation of the BHLR and the dependent developments in north east Bexhill were among the issues canvassed at some length at the inquiry. The BHLR is predicted to cause annual additional carbon emissions in the Opening Year of some 125 tonnes, increasing to some 5,500 tonnes by the Design Year [4.9.14]. The total predicted additional carbon emissions of 74,000 tonnes include 29,000 tonnes arising from construction activities. These emissions would be reduced as far as possible by the application of provisions in the CEMP and OEMP, but ESCC acknowledges that they would remain significant even after mitigation.
- 10.4.14 ESCC proposes to address these residual emissions through its Climate Change Strategy [4.9.16]. The obligations in the unilateral undertaking which are reproduced in paragraph 2.8 would require ESCC to carry the residual additional carbon emissions across into the debit side of the calculation when setting about the task of reducing County-wide carbon emissions overall, in accordance with its required contribution to the national reductions pursuant to the Climate Change Act 2008 [8.3.6]. ESCC accepts that this is necessary and appropriate to ensure that the BHLR does not prevent the County from meeting its contribution to the carbon emission reduction targets set by Government.
- 10.4.15 Objectors do not take issue with ESCC's predictions of the likely extent of the increases in carbon emissions. They point out, however, that the BHLR would be the second worst local road scheme in carbon emissions terms [6.4.4]. Additional carbon emissions on such a scale are or should be a "show-stopper", alone sufficing to cause cancellation of the scheme [6.2.22]. Further or in the alternative, it is not enough in the view of objectors for the County Council to address the emissions within its overall Climate Change Strategy. Using carbon savings garnered elsewhere in the County to offset the additional carbon emissions generated by the BHLR would mean that these savings would not be available to offset other increases and this would create a calculable opportunity cost. Including this cost in the BCR would undermine the economic case for the road. Emerging Government policy indicates the direction in which national climate change policy is moving, leaving the BHLR as an outstanding example of an outmoded scheme which fails to comply with current policy trends [6.2.23].
- 10.4.16 In addition to its submission regarding emerging Government policy, the Alliance also relies on the "cross-cutting" Policies CC1 and CC2 of the SEP [6.2.26]. These provide for the achievement of sustainable development and the addressing of climate change. In the view of the Alliance, the BHLR would run counter to those policies and is therefore contrary to regional spatial strategy as set out in the SEP.
- 10.4.17 ESCC relies on the Climate Change Supplement to PPS1, and in particular paragraph 16, which is set out in paragraph 8.5.1.19. This Government guidance seems to me unambiguous, stating that overall carbon emission targets, such as those adopted in ESCC Climate Change Strategy, are not to be applied to individual schemes. Having studied carefully the submission of the Alliance and the Government's July 2009 Carbon Reduction Strategy, I can nowhere find current Government guidance which provides that developments

that would add significantly to carbon emissions are for that reason alone automatically to be rejected.

10.4.18 Careful study of the Policies in the SEP relied on by the Alliance leads me to the same conclusion. Policies CC1 and CC2 are not expressly applied to individual projects; they predicate an overall regional reduction in greenhouse gas emissions. The carbon-generating impacts of the BHLR were known in advance of the publication of the SEP in its final form in May 2009. I accept that, as submitted on behalf of ESCC and admitted on behalf of the Alliance in cross-examination [8.5.1.11], the SEP is the most recent and current expression of regional spatial policy. It is in my view unlikely, to put it at its lowest, that the BHLR would remain as a committed transport scheme in the SEP if the “show-stopping” provision claimed by the Alliance were in reality part of current Government policy.

10.4.19 It seems to me, on the contrary, that the SEP itself provides confirmation that the approach of the County Council is correct: The Climate Change Act 2008 contains a statutory framework within which ESCC is required to work towards a radical overall reduction of carbon emissions. To that end, ESCC has drawn up its Strategy and is actively investigating the various compliance options which are therein discussed [8.3.7]. If Government policy required that no projected individual development should add significantly to carbon emissions, such a clear-cut move away from the unambiguous expression of policy in the PPS1 Supplement would need and to my mind would have received unequivocal and widespread promulgation.

10.4.20 I have set out in section 2 of this report the legal issue as to the enforceability of the carbon emission obligations entered into by ESCC, together with the County Council’s response. As I say at paragraph 2.11, repeating that which I said at the inquiry, legal submissions do not fall to me to determine.

10.4.21 All this having been said, there can be no doubt that the additional carbon emissions predicted to be generated by the BHLR are among its potentially most significant adverse impacts. Given the weight I attach to my conclusion as to the need for and the benefits of the scheme [10.2.8], and given ESCC’s proposals for dealing with the emissions through its Climate Change Strategy, I do not regard this impact as a sufficient reason for me to recommend that the BHLR be not implemented. However, the SoSs will no doubt wish to be made aware of the likely extent of the additional carbon emissions that would be generated by the BHLR.

Cultural Heritage

10.4.22 It is accepted by ESCC that the Combe Haven Valley contains valuable cultural heritage assets, and that there is the potential for finding further archaeological deposits. The known assets in the cultural heritage Study Area, which extended to 500 metres around the proposed route, include not only the nine Grade II-listed buildings, but also heritage features including hedges and field patterns [4.9.19 and 4.9.21].

10.4.23 There would be an adverse impact on the Grade II-listed Adam’s Farm,

both in terms of the setting of the Farmhouse, and on buildings in its curtilage [4.9.20]. However, the historic brick barn in the curtilage would be rebuilt nearby on an identified and agreed site and would thereafter serve as a bat roost. The other buildings in this curtilage to be demolished are acknowledged to have little cultural heritage value. There would be significant adverse visual and noise impacts on other listed buildings, including Byne's and Upper Wilting Farms. Apart from that on structures in the curtilage of Adam's Farm referred to above, there would, however, be no impact on the fabric of any listed building.

10.4.24 The potential impacts of the BHLR on cultural heritage have been fully assessed by ESCC and a mitigation strategy and a programme of work have been agreed with EH and the County Archaeologist [4.9.22]. The strategy and programme are supported by planning condition and obligation. To the extent that this strategy results in archaeological investigation and recording, there would clearly be a significant public benefit [4.9.23], since funding for such investigation is otherwise unlikely to be forthcoming. It is also acknowledged by ESCC that a major archaeological find of national importance might require local re-routeing of the BHLR. The wetland areas may yield up significant preserved organic remains [4.9.21]. Again, the construction of the BHLR may result in the potential discovery and investigation of nationally important remains, and the recovery of archaeological remains, a significant potential benefit of the project.

10.4.25 Mr Austin's belief that there are present at Upper Wilting Farm significant remains of a structure dating from the early stages of the Norman Conquest has been the subject of investigations for at least 15 years [6.17.10 to 6.17.13; 8.3.8 and 8.3.9]. There are recorded in the ES and in Mr Munby's evidence a number of features at or near the Farm, but none is of the scale, significance or apparent date of the structure that Mr Austin continues to believe is to be found there. Apart from his cross-examination of Mr Munby, Mr Austin did not appear at the inquiry to sustain his case, nor did he submit evidence.

10.4.26 I therefore find myself in the same position as the Inspector who held the 1995/6 bypasses inquiry [8.3.9]. There is no evidence before me from which I could conclude that it is likely that in the vicinity of Upper Wilting Farm there are the remains of a Norman camp or fort dating from 1066. Mr Austin does not appear to claim that the Battle of Hastings took place at a location other than the recognised site on Senlac Hill in Battle, and the submission of ESCC [4.9.21] that no historic battlefield is affected by the scheme therefore appears correct, notwithstanding Mr Boggis' claim in this respect [6.8.6].

10.4.27 The Roman bloomery in the vicinity of Byne's Farm is one of the sites which remain to be investigated; the impact of the scheme on this feature cannot until then be fully assessed [4.9.21]. That process would form part of the strategy for archaeological investigation and recording referred to above. Mr Boggis did not claim in evidence that this strategy would be inadequate to address the bloomery site.

10.4.28 With the strategy in place and implemented in accordance with planning condition and obligation, I conclude, in common with EH and the County

Archaeologist, that there would be no unacceptably adverse impact on cultural heritage.

Ecology

- 10.4.29 Some objectors remain unconvinced that the potential adverse ecological impacts of the scheme, and especially those of the rural section of the route through the Combe Haven Valley, will or can be adequately mitigated [6.8.2, 6.9.5, 6.17.5, etc.]. It is accepted by ESCC that this section of the route would cross a valley system which contains nationally important biodiversity resources, including two SSSIs [4.9.24].
- 10.4.30 The promoted route has, however, been chosen to avoid the Combe Haven Valley bottom, which contains the Filsham Reedbed, and would have no direct impact on the Combe Haven SSSI. The route runs to the north of the SSSI and the greenway would provide an additional buffer between the proposed road and the SSSI [4.9.27]. The topography of the SSSI itself would provide a further buffer, because the land near its northern boundary shields the more important habitats to the south, including the Reedbed, an important bird breeding and over-wintering area [8.5.1.5].
- 10.4.31 Objectors fear that impacts of the construction and operation of the BHLR on water quality would affect the ecology of the Valley and impact on vulnerable species such as stone lampreys and loach [6.3.6]. I return to the issues of water quality below, but the provisions of the CEMP and the measures to protect watercourses during operation of the road, including those to be contained in the OEMP, establish to my mind that there is no unacceptable risk of such damage occurring.
- 10.4.32 Mr Chantler expresses concern that the design of the bridges would be such as to inhibit wildlife movement along the banks of the watercourses, but provides no evidence or detailed argument to support his claim [6.17.15]. The bridge design has the approval of the SEBs. Mr Chantler claims that the EA was placed under some kind of duress when agreeing to the design, and that such agreement was grudging. The fact remains that none of the SEBs objects to the design of the bridges whether on ecological or other grounds.
- 10.4.33 Having regard to the evidence submitted by ESCC [8.5.7.3], I am unable to conclude that, as alleged by Mrs Blackford and Mr Boggis [6.7.5, 6.8.2], the ecological surveys have been inadequate. If the ecological surveys were in any regard inadequate, this would have led to objections from the EA and/or NE. Further surveys are proposed where appropriate, given that the main construction works for the BHLR would not in any event commence before 2011. There is the added protection provided by the need for ESCC to obtain licences, where necessary [4.9.31].
- 10.4.34 I have had regard to the objections of the Wildlife [6.17.3] and Woodland [6.17.7] Trusts. Neither Trust sustained its written objection by an appearance at the inquiry, where its criticism of ESCC's approach could have been tested both in cross-examination by the Trusts of ESCC witnesses and cross-examination by ESCC of the Trusts' witnesses. I have taken into account ESCC's response to these objectors in section 8, and I note again that the

SEBs with responsibility for ecological protection have no objection to the scheme.

10.4.35 I conclude that, with the ecological mitigation and compensation proposed by ESCC, the residual effect of the BHLR on ecology would, as ESCC submits, be slight adverse.

Flood risk and water quality

10.4.36 Although a number of objectors express concerns as to the impact of the BHLR on local flooding, these appear largely to arise from inadequate consideration of the route actually proposed for the BHLR and the flood attenuation proposals of ESCC [6.1.6]. I address flooding in Crowhurst below [10.5.11]. There is no objection from the EA with regard to flooding issues. The assessment of flood risk addresses a 1-in-100-year flood event plus a 20% allowance for climate change [4.9.36].

10.4.37 As to fluvial flood risk, ESCC's proposals with regard to the Egerton Stream, with larger culverts and channels and the regular maintenance associated with the new road, including keeping the system free of vegetation and rubbish, would to my mind improve the drainage of the Stream and obviate much of the local flooding which currently occurs [4.9.38 and 4.9.39].

10.4.38 As to the Combe Haven and its tributary streams, there is no evidence before me to suggest that ESCC's Flood Risk Assessment (prepared in conjunction with and approved by the EA) [4.9.36] and the range of attenuation works proposed [4.9.41 and 4.9.42] would not adequately address flood risk in the Valley. The result of these measures would be that the Flood Outline for the flood event described in paragraph 10.4.36 would be the same whether the BHLR is built or not [8.3.12].

10.4.39 The road would generally be aligned away from the Valley bottom and would run on embankment where it crosses the flood plain. It is not at material risk of flooding even in a 1-in-1,000-year fluvial flood event in 2060 [4.9.44]. While the lowest point of the road would be about 0.25 metres below the sea level associated with a tidal breach during a similar extreme event, the BHLR is unlikely to be at risk since it would be well inland from the sea [4.9.45].

10.4.40 Objectors express concerns about the risk of damage to water quality during both construction and operation of the BHLR, especially impacting on wildlife [6.17.14]. These do not seem to me to take account of the provisions in the CEMP and the OEMP designed fully to protect water quality during both phases. There is no informed challenge to ESCC's evidence in this regard [4.9.46 to 4.9.48]. The CEMP and OEMP provisions have the approval of the EA, and, as far as potential ecological impacts are concerned, of NE.

Landscape and visual effects

10.4.41 It is not in dispute that the route of the BHLR through the Combe Haven Valley would have significant adverse visual and landscape impacts. I recognise that ESCC has chosen the route of this rural section of the BHLR so

as to reduce its visual impact to a minimum [4.9.58]. The route would not cross the open Valley bottom but would run along the northern Valley slope, where the existing land form could better be used to disguise the presence of the BHLR. This alignment would allow the link road to be hidden from many viewpoints in the AONB generally, and in the village of Crowhurst.

- 10.4.42 I recognise that opinion as to the true severity of the visual impact of the road is inevitably to an extent subjective, and it is accordingly unsurprising that there was debate at the inquiry as to how this impact should properly be described [8.3.15]. I have had a full opportunity to study the route proposed in its landscape context in the course both of unaccompanied and formal site visits [1.2]. I have also been able to compare my inspection of the land over which the BHLR would run with the photomontages which seek to present the visual impacts of the road in 2013 and 2028, against the existing appearance of the Valley [4.9.59]. From my study of these sources, I conclude that the road would largely be hidden from direct view, though not along some sections of the route until the screening vegetation matures.
- 10.4.43 There is clearly some risk that an impression of a new strongly linear feature would intrude into the landscape of the Valley [6.9.4]. The road itself would necessarily be an unbroken linear feature. However, it seems to me that the proposed use of different forms of screening (existing landform, cuttings, bunding and vegetation) would have the effect of breaking up the linear form to a sufficient degree.
- 10.4.44 Visual screening would be less effective at the BHLR bridges over watercourses. Screening is here proposed by way of fencing, but the fencing itself would remain to a degree intrusive, even with mature bankside vegetation. This is shown, for example on the photomontage of the Powdermill Valley which forms Sheet 3 of Appendix 6.E in ESCC8/3 [4.9.59]. The fencing on the bridges would also not hide high-sided vehicles.
- 10.4.45 The purely visual impact of the scheme would nevertheless to my mind be adequately mitigated so that the BHLR would not be unacceptably intrusive. The landscape impact that cannot be so successfully mitigated is that on tranquillity. The Valley is currently a tranquil place, on which the introduction of a linear source of essentially continuous noise cannot but impact significantly.
- 10.4.46 The objections to the scheme on landscape and visual grounds were largely limited to concerns about the Combe Haven Valley. I accept, as does ESCC, that there would also be some visual impacts from the urban section of the BHLR, which would in large part run along the rear of the London Road and other properties in Bexhill. These impacts would, however, be significantly mitigated by the proposed 1.8-metre fencing and the retained and new vegetation proposed [4.9.52 and 4.9.53]. I note the undisputed evidence of ESCC that the effect of this screening would be, even in the winter months, to reduce from 96 in the Opening Year to 4 in the Design Year the number of residential properties suffering a moderate adverse visual impact.
- 10.4.47 I also do not ignore the potential visual impacts of the construction phase of the scheme. I recognise that wherever possible the earthworks screening

would be put in place first, but the provision of the bunding is itself a construction process that cannot, by definition, be adequately screened. I accept on the other hand that the adverse impacts of the construction process would be relatively short-lived both locally [4.9.67] and overall [4.6.4].

10.4.48 In my view, notwithstanding the proposed mitigation, there would remain a significant residual adverse landscape impact, affecting in particular the tranquillity of the Combe Haven Valley.

Noise and vibration

10.4.49 It is clear that there would be significant noise impacts during both construction and operation of the BHLR. Measures to restrict construction noise would be contained in the CEMP, including restrictions on weekend and night-time work, and it is generally only with the application of the worst case combination of construction activities such as is unlikely to eventuate that the recommended criteria would be exceeded [4.9.66 and 4.9.67]. As with the visual impacts of construction activities [10.4.47], impacts on individual receptors would be short-lived.

10.4.50 Some 5,700 properties are predicted to experience an increase in traffic noise generated by operation of the BHLR [4.9.70]; up to 60 properties may qualify for assistance with noise insulation [4.9.73]. ESCC does not dispute that in the vicinity of the urban section of the BHLR at the south western end of the BHLR there would be moderate increases in traffic noise, though mitigation would be provided by way of acoustic fencing. These increases would, however, generally not result in noise levels above those normally associated with an urban environment.

10.4.51 More than half of the route lies in the rural area between north east Bexhill and the northern part of St. Leonards. There are few residential properties in this area. Nevertheless, those few properties closest to this section of the road would experience significant noise impacts. I address, for example, the objection of Mr and Mrs Boggis in this respect below. Some of the objections, including those made by or on behalf of the majority of residents of Crowhurst seem to me misconceived or exaggerated [6.3.4]. From the undisputed predictions made by Mr Wightman, it is clear that even residents of the southern part of the Parish [8.5.2.4] would not experience significant increases in noise levels.

Traffic impacts on the existing road network

10.4.52 A number of objectors are concerned that the implementation of the BHLR would cause unacceptable traffic increases on parts of the local road network. They include the WRTA [6.5], Mrs Bargery [6.6], Mr and Mrs Rosner [6.13], and Mr Chantler [6.17.6]. While ESCC has modelled the impacts of the BHLR on the local road network, these predictions may, in the view of objectors, prove unreliable [6.5.6], and ESCC's predictions, even if accurate, would cause unacceptable impacts on some residents from noise, severance and air quality deterioration.

10.4.53 No detailed issue is taken with ESCC's traffic modelling, however; Mr

Smith on behalf of WRTA recognised following cross-examination that the apparent discrepancies that he had identified arose from changed methodologies and inputs, though he pointed out that such changes appeared to confirm that modelling was an unreliable process [6.5.6 and 8.5.4.3]. The modelling, accepted by the DfT after due consideration, confirms that nowhere on the local network would a road or junction be overloaded by reason of the operation of the BHLR. It is also clear that, while there would be increases in traffic on some local roads, there would be decreases on others to the benefit of local people resident there, and that these include the A259 in Hastings, the only location where air quality deterioration has rendered it necessary to introduce an AQMA [4.9.8].

10.4.54 Among the matters that cause particular concern to these objectors are the lack of automatic linkage between the BHLR and the A21 Baldsloew Link [6.5.7]. The Link is a Highways Agency scheme, while the BHLR is a County road scheme. To this extent they are subject to different Order processes and inevitably fall to be promoted separately. I note however that the Link, like the BHLR, is an adopted SEP scheme with provisional funding. Construction of the Link is planned to commence in 2013 which is the current predicted date for completion of the BHLR [8.1.8]. The existence of the BHLR is likely in my view to create an additional pressure for completion of the Link.

10.5 The cases of individual objectors

10.5.1 I turn next to other issues raised in the cases of individual objectors, that are not addressed elsewhere in these conclusions.

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10.5.2 The case of these objectors and of the members and supporters of the Alliance [6.2.8] was by a considerable margin the largest in extent presented to the inquiry. I have addressed most of the issues these objectors raise earlier in these conclusions, including those on alternative non-road solutions, carbon emissions and climate change, ecology, and regeneration.

10.5.3 As I conclude above [10.2.12], there is no evidence to suggest that there are sufficient vacant commercial premises in the area to permit business expansion through "churn", or that there are development sites of sufficient extent and quality elsewhere in the locality to obviate the use of the north east Bexhill sites. No evidence of the availability of available premises or sites has been provided, and the claim runs counter to the informed evidence of Mr Shaw and the views expressed to him by local entrepreneurs.

10.5.4 There is also no cogent evidence to suggest that the north east Bexhill sites could be developed to any significant extent without the BHLR. The earlier BNAR scheme which is supported by the Campaign [6.2.4] is essentially an out-and back spur which might serve the north east Bexhill sites, but which would provide no relief from congestion on the A259 [8.5.1.3]. It is to my mind unsurprising that the Highways Agency is opposed to the BNAR, insisting that the north east Bexhill sites should not be developed in the absence of the direct connection to north St.

Leonards/Hastings and the A21 that the BHLR would provide.

- 10.5.5 I have had regard to the Alliance's criticisms of the economic appraisal of the BHLR, to the respects in which it considers that the appraisal should be modified, and to the impacts on the BCR that it predicts, reducing it to a level where it no longer indicates value for money or indeed causing it to fall below unity [6.2.31].
- 10.5.6 The outturn of an appraisal self-evidently depends on the inputs, and I agree that it is always possible to postulate alternative scenarios which will result in a different outcome [8.5.1.18]. I can find no support in the relevant guidance for the Alliance's case in this respect. Moreover, the economic appraisal has been reviewed by the DfT on a number of occasions and most recently in October 2009. ESCC's transport and economic appraisals were endorsed by the DfT and provisional entry of the scheme into the DfT's Programme was reconfirmed [8.4].

Crowhurst

- 10.5.7 The Parish Council and the Crowhurst Society raise concerns about a range of severe adverse impacts to which they fear that Crowhurst would be subjected if the BHLR is built [6.3]. I visited the village and its environs on a number of occasions during my unaccompanied site inspections and in the course of the accompanied inspection on 1 December 2009 [1.2].
- 10.5.8 The centre of the village lies about 1.5 kms from the proposed line of the road [8.5.2.3], and the impacts on it would accordingly be significantly attenuated by distance. Between the village and the proposed line of the BHLR lies the shallow ridge which marks the southern boundary of the High Weald AONB and the northern edge of the Combe Haven Valley, and this would afford further protection. Though it is claimed that the historic landscape in which the village lies would be damaged, Crowhurst does not form part of the Combe Haven Valley through which the road would pass. It is difficult to see how, for example, the pre-Conquest church or the ruined medieval manor house [6.3.1] would in any material way be impacted upon.
- 10.5.9 Contrary to the alarm expressed on behalf of Crowhurst residents about the blight that would be caused in the village by the impact of traffic noise [6.3.4], implementation of the BHLR is predicted to reduce traffic flows through Crowhurst in both 2013 and 2028 [8.5.2.2]. The general levels of noise, even on the southern (BHLR) side of the village centre, would be effectively unchanged in both 2013 and 2028 whether the BHLR is built or not [8.5.2.4].
- 10.5.10 The village of Crowhurst also lies well outside the appropriate study area for air quality [8.5.2.6]. Reference is nevertheless made in Crowhurst's submissions to the impact of deteriorating air quality on vulnerable groups, though no specific evidence was presented to support this claim. The village school lies near the centre of the village and thus some 1.5 kms from the line of the road. There is no evidence from which I could conclude that there would be any measurable adverse air quality impact on its pupils.

- 10.5.11 Those representing Crowhurst state that they do not accept ESCC's assurances that the BHLR would not worsen the acknowledged flooding problems that already exist there [6.3.3]. I have carefully considered ESCC's evidence as to flooding both as far as Crowhurst is concerned and the proposed management of any additional flood risk created by the BHLR in the Combe Haven Valley [8.5.2.1]. I can find no flaw in the BHLR drainage proposals or in the proposed maintenance of the system once in place. I note that the EA has no objection on flood risk grounds, notwithstanding its recognition that Crowhurst has a history of flooding.
- 10.5.12 I took the opportunity during unaccompanied site visits to inspect the topography of Crowhurst, among other considerations insofar as it affects flooding, and as described by Mr Knott on behalf of ESCC. This evidence was unchallenged by the representatives of Crowhurst residents. It is suggested that ESCC should fund flood defences in Crowhurst rather than using public money to build the BHLR. This suggestion is, however, an apparent misunderstanding of the manner in which public funding is allocated, apparently shared by others [6.1.3]. There is no direct competition for funding between the two projects. If the BHLR is not built, it is not the case that the funds allocated to it would be liberated to be spent on other projects preferred by objectors, including flood defences in Crowhurst.
- 10.5.13 ESCC's evidence is that neither during construction (given the contractual enforcement of the CEMP) nor during operation of the BHLR (given enforcement of the OEMP) would there be any adverse impact on the water quality of the watercourses in the Combe Haven Valley. The EA agrees. I do not therefore consider that there is any real threat of harm to river and brook lampreys or other water-based wildlife [6.3.6].
- 10.5.14 I have dealt elsewhere with the other matters relied on by the Parish Council and the Society, including cultural heritage impacts and the potential for light pollution. Careful consideration of the accepted impacts of the scheme on local agriculture does not persuade me that vast tracts of land (or indeed any land) [6.3.4] would be left derelict. For these reasons, I do not believe that the severe impacts upon the residents of Crowhurst which were claimed on their behalf at the inquiry are likely to eventuate.
- 10.5.15 There are dwellings between the village of Crowhurst and the line of the road, and I accept that the BHLR may have a greater impact on the living conditions of the occupiers of these properties. Of these residents, Mr and Mrs Boggis and Mrs Terry attended the inquiry to voice their concerns, which I address below.

Mrs Blackford

- 10.5.16 Mrs Blackford's case is set out in section 6.7. She is strongly opposed in principle to the building of the BHLR on some of the general grounds canvassed at the inquiry [6.1, 6.7.1]. There can be no doubt that the BHLR would impact to some extent on Upper Wilting Farm. The permanent loss of land would amount overall to about 11% of the holding [8.5.6]. Mrs Blackford states that the proposed permanent acquisition of land would impact disproportionately on the more productive land. She states that only about

half the land at the Farm can be productively farmed. The permanent land take would therefore amount to between 20% and 25% of the productive land [6.7.1].

10.5.17 It is unclear from Mrs Blackford's evidence how the Farm Trust's activities would be impacted upon. The temporary use as a construction compound of the plot of land used by the fruit and vegetable group would plainly prevent continuance of the group's activities for a period of at least two years, unless as suggested by the ESCC it is accommodated on another site, a suggestion which Mrs Blackford was adamant would not be practicable. The popularity of the group [6.7.2], suggests, however, that it could readily be re-instated following completion of the road and the return to horticultural use of the construction compound plot; restoration of the land to fitness for this use is a requirement of Planning Condition 14 [8.5.6.1].

10.5.18 Mrs Blackford states that a significant element of the adverse impact on the trade in the Farm Shop would flow from suspension of the group's activities, though there is again no supporting evidence in this regard. Compensation for loss suffered by Mrs Blackford's business would be payable [8.5.6.3]. There is no evidence from which I could conclude that regeneration benefits on a scale equivalent to those predicted to flow from the north east Bexhill sites could be generated by local sourcing of food [6.7.2, 8.5.6.2].

10.5.19 Mrs Blackford submitted no accounts or other detailed evidence showing how the profit from the Farm is derived from its various activities, and what contribution is made by the Trust, the group and the Shop. In the absence of detailed evidence, it is difficult to assess the weight to be attached to Mrs Blackford's claim that the impacts of the BHLR on Upper Wilting Farm would be severe to the extent of rendering it non-viable. On the one hand, Mrs Blackford is the joint operator of the Farm, and may be expected best to know her own business. On the other hand, she is on her own evidence opposed to the construction of the BHLR as a matter of principle.

10.5.20 In my view, the appropriate approach is therefore to apply the worst case scenario, that is, to accept that there is no alternative land which could compensate temporarily or permanently for the impacts of construction and operation of the BHLR, and no other mitigation which might be applied, that compensation would not adequately meet the case, and that the effect of the road may be to render the Farm non-viable. Even in these circumstances, however, it does not seem to me that the potential loss of this single agricultural enterprise, regrettable though this would undoubtedly be, is of sufficient moment to predicate abandoning the north east Bexhill developments and the regeneration benefits that I have concluded above they would afford.

Mr and Mrs Boggis

10.5.21 I visited Byne's Farm during my accompanied site visit on 10 November 2009, and also inspected it from public viewpoints, including the adjacent right of way, during one of my unaccompanied visits [1.2]. Byne's Farm is among the residential properties that are located close to the proposed line of the BHLR, and I recognise that the BHLR would have a significant adverse

impact on the living conditions of Mr and Mrs Boggis and their family. Byne's Farm lies some 250 metres distant from the proposed centre line of the road [6.8.1].

- 10.5.22 Noise levels at the Farm are predicted to rise by some 15dB(A), a major impact, though noise levels with the road in place would remain generally at the relatively low level of about 50dB(A) [8.5.7.1], and therefore below noise levels generally experienced elsewhere in Bexhill/Hastings. There would clearly also be residual visual impacts, especially in the short term. The proposed earth mounding would have an immediate mitigatory effect, but the full mitigation of visual impacts would be effective only when the proposed planting matures.
- 10.5.23 In his objection, Mr Boggis placed heavy reliance on the risk that he considered fog to represent [6.8.4]. The extent and frequency of the local incidence of fog in his view meant that the BHLR should not be routed through the Combe Haven Valley. I have had regard to a number of written objections which also refer to fog in the Valley.
- 10.5.24 It is not in dispute that, in common with other river valleys, radiation fog may be more prevalent in the Combe Haven Valley than elsewhere generally [8.5.7.5]. The weather record in the site diary kept in during the geotechnical investigation has not been submitted and the weight to be attached to this element of ESCC's evidence is therefore small. By the same token, however, there is little objective evidence to support Mr Boggis' claim that fog is exceptionally frequent in the area; his own DVD evidence related to one day only, 12 November 2009 [6.8.4]. The inquiry and the period immediately before it fell in late autumn and early winter [1.1], when the incidence of fog generally might be expected to be particularly high.
- 10.5.25 There is, in any event, no evidence from which I could conclude, as Mr Boggis claims, that building the BHLR would lead to "countless deaths", or that the danger presented by fog in the Valley would create such notoriety for the BHLR that use of it would be so significantly reduced as to undermine the traffic and economic case for building it [6.8.5]. There is no Government guidance precluding roads from being constructed in river valleys or elsewhere where there may be a higher than normal risk of fog. Guidance in the DMRB is limited to the provision of warning signage where necessary [8.5.7.7]. That mitigation guidance regarding fog is provided in the DMRB is in itself confirmation that an enhanced risk of fog does not create a prohibition on road building.
- 10.5.26 I have addressed elsewhere the issues raised regarding ecological surveys and archaeology, and I refer below to the petition promoted by Mr Boggis [6.8.3]. The residual impacts on Byne's Farm and on the living conditions of Mr and Mrs Boggis and their family would in my view be significant and I need to take them into account when striking the balance between the benefits of the BHLR and its adverse impacts.

Mr and Mrs Clancy

- 10.5.27 Mr and Mrs Clancy did not attend the inquiry to sustain or amplify their

objection, and indeed have made no further submission since the original letter of objection from their agents [4.9.4]. I note that a prospective agreement with a third party may meet their objection by providing replacement land.

10.5.28 The permanent loss of land at Decoy Pond Farm would be some 3.7 hectares or about 10% of the holding, though taking account of other land farmed by Mr and Mrs Clancy, the land lost would represent only about 5% [4.9.4]. A new access is proposed to mitigate severance. ESCC assesses the impact on the holding as minor to moderate [4.9.5]. No issue with this assessment has been taken by or on behalf of Mr and Mrs Clancy. Even in the absence of an agreement for the provision of replacement land, the impact on the Farm is in my view correctly assessed as no more than moderate, and there is therefore no basis on which I could conclude that any interference with the human rights of Mr and Mrs Clancy resulting from the proposed acquisition of part of the Farm would be disproportionate having regard to the public interest, or not fully met by the payment of compensation.

Mrs Terry

10.5.29 Mrs Terry lives over 1 km from the proposed route of the BHLR at its nearest point. I included an inspection of Mrs Terry's property from public viewpoints in the course of one of my unaccompanied site visits [1.2]. Mrs Terry fears that the route would be visible from her property, though, as much of this route section would be in cutting and also screened by vegetation, any visual impact would be limited. There would clearly be some adverse noise impact, both from construction and during operation of the road, but the evidence of Mr Whiteman, not challenged by Mrs Terry, shows this to be at worst slight, with potentially a small beneficial impact in the Design Year with the BHLR in place [8.5.11.2].

Written objections

10.5.30 I have addressed the points raised in written submissions above. In many cases, these duplicated the objections put by other objectors who appeared at the inquiry, or were general points raised in a number of written objections [6.1].

10.5.31 I have carefully considered Mr Connor's written submissions [6.17.18 and 6.17.19]. He was present at many of the inquiry sessions, but unable on health grounds to take part. The matters raised in the critique accompanying his "closing submission" were therefore not put to ESCC witnesses in the course of the inquiry, neither were Mr Connor's own submissions the subject of cross-examination. The weight that I can attach to his views is accordingly reduced. Moreover, as I explained at the Pre-Inquiry Meeting and when opening the inquiry, my remit is to consider the Orders relating to the BHLR. I also explained on the same occasions and later the extent to which I am to have regard to objectors' alternative routes, and this is repeated in paragraph 2.5 and again in paragraph 10.6.1. Any such consideration is in any event limited to alternatives to the BHLR and does not extend to a review of regional transport [6.17.19].

10.6 Objectors' alternative routes

10.6.1 In the light of my overall conclusion and recommendations set out in sections 10.10 and 11 below as to the promoted route, it is not necessary for me to recommend that any of the alternative routes proposed by objectors warrants further investigation [2.5]. However, it is for the SoSs to make the decision, and it may be that they will choose not to follow my recommendation. In the ensuing paragraphs, I therefore consider the alternatives proposed by objectors:

AR1:

10.6.2 AR1 is described in paragraphs 6.18.2 to 6.18.5. There is no cogent evidence before me to suggest that the monorail proposed by Mr Keeley would be practicable or financially viable. It would cross the SSSI on a necessarily intrusive viaduct. The EA and NE both indicate that they would object to the alternative on this basis. Mr Keeley's approach that the view of the SEBs should effectively be ignored is to my mind unlikely to prove acceptable and would lead to a decision to reject the alternative, should it be formally promoted.

10.6.3 Mr Keeley proposes that the local network of roads along the edge of the AONB should be selectively improved and could then carry the heavy volumes of traffic which the BHLR is proposed to accommodate. In my view, having visited these roads in the course of site inspections, without a comprehensive widening and improvement programme, amounting virtually to a rebuild, these roads would be wholly inadequate for the purpose. Improving them to the necessary standard would be more damaging than the BHLR.

10.6.4 It seems clear that the impact on local residents, including those in Crowhurst, would be very significantly worse than the impacts on local residents of the rural section of the BHLR. I note that residents along parts of this route are already pressing for traffic calming measures [7.2]. Mr Keeley's belated further alternative, re-routeing the eastern end of the promoted route [6.18.5], was unsupported by any detailed justification and does not appear to be practicable or to offer any advantage over the promoted route [8.6.4]

AR2 is not pursued.

AR3:

10.6.5 Dr Thurston's alternative is described in paragraphs 6.18.6 to 6.18.8. It does not seem to me to bear the hallmarks of practicality. As I observed in the course of my site visits including both accompanied inspections [1.2], the suburban streets at the western end of the route of this alternative would be wholly inadequate to carry the volumes of traffic concerned, up to 30,000 per day including a proportion of HGVs. Dorset Road climbs relatively steeply north-eastwards between rows of suburban houses. There are care/rest homes in the road and at its north-eastern end it turns sharply to the left into Penland Road, another residential street. The junction between Penland Road is essentially single-lane and traffic-signal controlled. It is located adjacent to

the main entrance to Bexhill College, where bus stopping areas are delineated and occupy much of the northern side of the road.

10.6.6 It would to my mind be wholly impractical to route the volume of traffic which the link road is designed to carry, or even a substantial proportion of it, along these suburban roads, without extreme and unacceptable noise, severance, road safety and other impacts on local residents. Dr Thurston's strategy that the road should be constructed along his alternative route and only assessed when it is in operation (including postponing decisions as to whether any demolition of residential property might prove necessary) also does not seem to me an acceptable or practical way of proceeding [6.18.8].

AR4 (AR4A) and AR5:

10.6.7 Mr Sullivan's alternatives are described in paragraph 6.18.9 to 6.18.12. He did not provide a detailed submission as to their advantages over the promoted scheme or sustain his case by an appearance at the inquiry to explain them. ESCC does not object to them on the basis of their traffic functionality. Nevertheless, the engineering, ecological and other difficulties associated with them, both with regard to the Pebsham Landfill Site and otherwise [8.6.7 to 8.6.10], matters not addressed by Mr Sullivan, appear to me to render them less effective than the promoted scheme.

10.7 Other CPO criteria

10.7.1 I have considered in accordance with ODPM Circular 06/2004 whether there are any other impediments to implementation of the scheme. The letter of 9 October 2009 from the DfT confirms provisional funding for the scheme at the revised higher cost [4.6.2]. The remainder of the cost of the BHLR is to be funded locally [4.6.3]. No objector has suggested that there are other impediments to implementation not addressed by ESCC, and I can identify none. Subject to the decision of the SoSs, preliminary work on the BHLR is scheduled to commence later in 2010, with the main construction works starting in 2011. In these circumstances, I do not consider that making the Orders would be premature.

10.7.2 I have considered fully the extent of the compulsory acquisition proposed, and have satisfied myself that subject to the proposed modifications set out in section 9, all the land that ESCC seeks to acquire is required for the purposes of the scheme and the compensatory habitat proposed. Having viewed the location more than once in the course of my site visits, I accept ESCC's evidence that it is necessary for transport and logistical reasons to locate the proposed construction site on land at Upper Wilting Farm, and that the temporary acquisition of this site is therefore necessary.

10.8 Public consultation and perceived support and opposition

10.8.1 I turn finally to issues raised regarding public consultation and opinion. I do not attribute much weight to claims and counterclaims regarding public support for or opposition to the scheme. I accept the point made by some objectors that the response to the public consultation questionnaire circulated by ESCC was so limited (2%) as to render inferences as to public support for

and opposition to the BHLR impossible to draw. On the other hand, this very limited response does not seem to me to support the claim of objectors that there is widespread opposition to the link road [6.1.7]; only 419 people took advantage of the opportunity to reject a new road outright [4.3.10]. There were some 300 objections to the Orders, though a significant proportion of these were photocopied standard responses [1.3] which are to my mind akin to signatures on a petition. The weight to be attached to petitions is also limited, in my view, because in general they invite potential signatories to address, as in the case of Mr Boggis' petition, for example [6.8.3], only one question among a much wider and more complex range of issues.

10.8.3 Only 2 supporters and 31 objectors appeared or were represented at the inquiry, though I appreciate that some of these may have been representative of a section of public opinion.

10.8.4 I address this issue at this length only because some objectors clearly consider that the strength of their opposition to the road and their belief as to the widespread local opposition to it is or ought to be alone sufficient to cause a decision to be made to reject the scheme [6.1.7]. The inquiry process does not, however, form part of a public referendum process. The basis for my conclusions and recommendation is the evidence which I have heard and considered.

10.9 Modifications

10.9.1 The modifications proposed by ESCC to the Planning and Transport CPOs are set out in section 9. They result from reconsideration by ESCC following the receipt of objections from the Strome House residents (OBJ170) and Mr and Mrs van Rijn (OBJ005). They are accordingly proposed with the express consent of the parties, but do not in any event add to the extent of the compulsory land acquisition proposed. I do not consider that either would amount to a substantial modification to the Orders.

10.10 Summary of Conclusions

10.10.1 For the reasons set out above, it is my view that there is a compelling need for the BHLR in the public interest. This compelling need arises from the essential role that the BHLR would play in the furthering of regeneration of the area, including the enabling of the NEBBP and other developments in north east Bexhill. Without the BHLR these developments could not proceed; without the developments, the necessary new dwellings and commercial/industrial floorspace, express requirements of development plan policy, could not be constructed. These developments represent by far the largest part of the regeneration proposals for the area, and, without them, it is my view that the initiatives for regeneration of the area are likely to falter or fail altogether. The extent of deprivation in the area is not disputed.

10.10.2 The BHLR would have other more minor beneficial impacts, largely arising from the predicted reduction of traffic on sections of the local road network, leading to some local improvements in the local air quality and noise ambiance. The BHLR would clearly also have residual adverse impacts. These include additional traffic on other parts of the local road network, though some

of these impacts would be relieved on construction of the Baldslow Link. I have drawn the attention of the SoSs to what appear to me to be the more significant among these adverse impacts, and especially the impact of the BHLR on landscape and tranquillity in the Combe Haven Valley, the additional carbon emissions that the BHLR would generate, the adverse impacts on the living conditions of a significant number of local residents, and the possible loss of one agricultural unit.

10.10.3 Whether taken severally or cumulatively, however, these impacts do not seem to me to be of such severity as to outweigh the regenerative and other benefits of the BHLR. The balance to which I refer in paragraph 10.1.5 to my mind falls decisively in favour of the BHLR. I have had regard to these and all other matters raised both at the inquiry and in written representations. They do not alter the conclusions I have reached.

10.10.4 I conclude that ESCC should be granted the powers it seeks in order to construct the BHLR. I therefore propose to recommend that the Orders be confirmed, with, in the case of the CPOs, the proposed modifications set out in section 9 of this report.

11. RECOMMENDATIONS

11.1 I recommend that

**The East Sussex County Council (Bexhill to Hastings Link Road)
Compulsory Purchase Order 2009**

be modified as proposed in paragraph 9.1, and, so modified, be confirmed.

11.2 I recommend that

**The East Sussex County Council (Bexhill to Hastings Link Road)
(Planning) Compulsory Purchase Order 2009**

be modified as proposed in paragraph 9.2, and, so modified, be confirmed.

11.3 I recommend that

**The East Sussex County Council (Bexhill to Hastings Link Road) Side
Roads Order 2009**

be confirmed.

C J Tipping

Inspector

Annex A

APPEARANCES

EAST SUSSEX COUNTY COUNCIL

represented by

Mr Rhodri Price Lewis QC

and

Mr Christopher Lewsley of Counsel both instructed by Berwin Leighton Paisner LLP
Adelaide House, London Bridge
London EC4R 9HA

They called:

Mr A Robertson	East Sussex County Council
Mr G Davies	Mott MacDonald
Mr J Shaw	Hastings and Bexhill Renaissance Limited
Mr M Shenfield	Mott MacDonald
Mr T Cook	East Sussex County Council
Mr I Johnston	Mott MacDonald
Ms K Colebourn	Ecological Planning & Research
Mr G Hewson	Mott MacDonald
Mr G Knott	AECOM
Ms J Tindale	RPS
Mr R Whiteman	Southdowns Environmental Consultants Limited
Mr M O'Brien	Mott MacDonald
Mr J Munby	Oxford Archaeology

SUPPORTERS

Mr G Chave (SUP003)

Mr H Arbuthnott (SUP007)

OBJECTORS

Campaign for Better Transport (OBJ178)
represented by Mr D Coffee

Crowhurst Parish Council (OBJ241)
The Crowhurst Society (OBJ238)
represented by Mr E McCall, and Councillors R Cousins and C Pearce

Hastings Alliance (OBJ179)
represented by Mr N Bingham, who gave evidence himself and called

Mr K Buchan and
Professor A Wenban-Smith

Mrs G Bargery (OBJ244)

Dr J Clark (OBJ223)

Mr D Coffee (OBJ???)

(Mrs Bargery, Dr Clark and Mr Coffee appeared at the inquiry on their own behalf, and as supporters of the Alliance; Mr Coffee's also appeared on behalf of the Campaign for Better Transport and Mrs C Calcott)

Sustrans (OBJ242)
represented by Mr C Boocock

The Wishing Tree Residents' Association (OBJ155)
represented by Mr A Smith

Mr N Austin (OBJ268)

Mrs S Blackford (OBJ007)

Mr R Boggis (OBJ015)

Mrs L Boggis (OBJ157)

Mrs L Calcott (OBJ191)

Mr A M Chantler (OBJ254)

Mr M Daly (OBJ130)

Mr C T Garland and Mrs H M Garland (together OBJ095)

Ms D Gray-Jones (OBJ201)

Mr L Keeley (OBJ003)

Mr T Massey (OBJ018)

Mrs J Ottley (OBJ 141)

Mr P Poole (OBJ114)

Mr M Rosner and Mrs P Rosner (together OBJ131)
who also represented Mr & Mrs G Rogers (OBJ147)

Mr R Sanderson (OBJ102)

Mr A Smith (OBJ152)

Mrs M Terry (OBJ107)

Dr J Thurston (OBJ135)

Miss G Wilson (OBJ262)

COUNTER-OBJECTORS

AR1

Mr D C Kirby

Mr B J May

Mr R Moore

AR3

Mr and Mrs J Newton

Annex B

DOCUMENTS

ESCC CORE AND INQUIRY DOCUMENTS

Core Documents

1. EUROPEAN LEGISLATION

- 1.1 Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora 1992 (92/43/EEC)
- 1.2 Article 1 of the First Protocol to the European Convention on Human Rights
- 1.3 Directive on the Noise Emission in the Environment by Equipment for Use Outdoors 2000 (2000/14/EC and 2005/88/EC)
- 1.4 Directive on Ambient Air Quality and Cleaner Air for Europe 2008 (2008/50/EC)
- 1.5 Water Framework Directive 2000 (2000/60/EC)

2. UK ACTS OF PARLIAMENT

- 2.1 The Acquisition of Land Act 1981
- 2.2 Extracts of The Town and Country Planning Act 1990
- 2.3 The Highways Act 1980
- 2.4 The Local Government (Miscellaneous Provisions) Act 1976
- 2.5 The Planning and Compulsory Purchase Act 2004
- 2.6 Human Rights Act 1998
- 2.7 New Roads and Street Works Act 1991
- 2.8 Extracts of the Control of Pollution Act 1974
- 2.9 Environmental Protection Act 1990
- 2.10 Noise and Statutory Nuisance Act 1993
- 2.11 Land Compensation Act 1973
- 2.12 National Parks and Access to the Countryside Act 1949
- 2.13 Environment Act 1995
- 2.14 Climate Change Act 2008

3. UK STATUTORY INSTRUMENTS

- 3.1 Compulsory Purchase (Inquiries Procedure) Rules 2007 (SI: 2007/3617)
- 3.2 Conservation (Natural Habitat, etc) Regulations 1994 (SI: 1994/2716)
- 3.3 Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI: 1999/293)
- 3.4 Compulsory Purchase of Land (Prescribed Forms) (Minister) Regulations 2004 (SI: 2004/2595)
- 3.5 Town and Country Planning Regulations 1992 (SI: 1992/1492)
- 3.6 Highways (Inquiries Procedure) Rules 1994 (SI: 1994/3263)
- 3.7 Noise Insulation Regulations 1975 (SI: 1975/1763)
- 3.8 Noise Insulation (Amendment) Regulations 1988 (SI: 1988/2000)
- 3.9 Air Quality (England) Regulations 2000 (SI: 2000/928)
- 3.10 Air Quality (England) (Amendment) Regulations 2002 (SI: 2002/3043)
- 3.11 Air Quality Standards Regulations 2007 (SI: 2007/64)
- 3.12 Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 (SI: 2003/3242)
- 3.13 Control of Pollution (Oil Storage) (England) Regulations 2001 (SI: 2001/2954)
- 3.14 The Renewable Transport Fuel Obligations Order 2007 (SI: 2007/3072)
- 3.15 The Hedgerow Regulations 1997 (SI: 1997/1160)

4. CIRCULARS

- 4.1 Circular 06/04: Compulsory Purchase and the Crichel Down Rules
- 4.2 Costs Circular 08/93: Award of Costs incurred in Planning and other (including compulsory purchase order) Proceedings
- 4.3 Circular 03/2009: Costs Awards in Appeals and other planning procedures

5. PLANNING POLICY STATEMENTS AND PLANNING POLICY GUIDANCE NOTES

- 5.1 PPS1: Delivering Sustainable Development and Supplement on Climate Change (2007)
- 5.2 PPS3: Housing (2006)
- 5.3 Not used

- 5.4 PPS7: Sustainable Development in Rural Areas (2004)
- 5.5 PPS9: Biodiversity and Geological Conservation (2005)
- 5.6 PPS23: Planning and Pollution Control (2004)
- 5.7 PPS25: Development and Flood Risk (2006)
- 5.8 PPG4: Industrial, Commercial Development and Small Firms (1992)
- 5.9 PPG13: Transport (2001)
- 5.10 PPG15: Planning and the Historic Environment (1994)
- 5.11 PPG16: Archaeology and Planning (1990)
- 5.12 PPG24: Planning and Noise (2004)
- 5.13 Government White Paper- The Future of Transport: A Network for 2030 (July 2004)
- 5.14 First Soil Action Plan for England (2004-2006)
- 5.15 Consultation PPS4: Planning for Prosperous Economies (May 2009)
- 5.16 Government White Paper- A New Deal for Transport: Better for Everyone (July 1998)
- 5.17 Roads Review: A New Deal for Trunk Roads in England (July 1998)
- 5.18 Department for Transport/ Welsh Office Memorandum "Calculation of Road Traffic Noise" (1988)
- 5.19 Department of the Environment Advisory Leaflet 72 "Noise Control on Building Sites" (1976)
- 5.20 Department for Environment, Food and Rural Affairs: Update of Noise Database for Prediction of Noise on Construction and Open Sites (2005)
- 5.21 British Standards Institution: Code of Practice for Noise and Vibration Control on Construction and Open Sites- Part 1: Noise BS 5228-1 (2009)
- 5.22 British Standards Institution: Code of Practice for Noise and Vibration Control on Construction and Open Sites- Part 2: Vibration BS 5228-2 (2009)
- 5.23 British Standards Institution: Guide to Evaluation of Human Exposure to Vibration in Buildings Part 1: Vibration sources other than blasting BS 6472-1 (2008)
- 5.24 The Landscape Institute and the Institute of Environmental Management and Assessment: Guidelines for Landscape and Visual Impact Assessment (2nd Edition: 2002)

- 5.25 The Landscape Institute: Use of Photography and Photomontage in Landscape and Visual Assessment: Advice Note 01/09 (2009)
- 5.26 Landscape Character Assessment Guidance for England and Scotland: Scottish Natural Heritage and the Countryside Agency, C Swanick and Land Use Consultants (2002)
- 5.27 Department of Communities and Local Government: Lighting in the Countryside- Towards Good Practice (1997)
- 5.28 The Institute of Lighting Engineers: Guidance Notes for the Reduction of Obtrusive Light (2005)
- 5.29 Natural England: National Character Areas Map (2005)
- 5.30 Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Mineral Extraction in England (March 2005)
- 5.31 Air Quality Strategy for England, Scotland, Wales and Northern Ireland (2007)
- 5.32 National Society for Clean Air's Development Control: Planning for Air Quality (2006)
- 5.33 Department for Energy and Climate Change: UK Low Carbon Transition Plan (2009)
- 5.34 Not used.
- 5.35 Department for Transport: Low Carbon Transport: A Greener Future (2009)
- 5.36 Environment Agency: Carbon Calculator for Construction Activities
- 5.37 Department for Environment, Food and Rural Affairs: The UK Climate Change Programme 2006
- 5.38 Not used
- 5.39 Department for Environment, Food and Rural Affairs: Local Air Quality Management Technical Guidance LAQM.TG (February 2009)
- 5.40 PPS25 Development and Flood Risk- Practice Guide (2008)
- 5.41 PPG25 Development and Flood Risk (2001)
- 5.42 Draft PPS15 Consultation Paper: Planning for the Historic Environment (July 2009)
- 5.43 Department for Environment, Food and Rural Affairs: Consultation on a draft Code of Practice for the sustainable use of soils on construction sites (July 2008)

5.44 Department for Environment, Food and Rural Affairs: Safeguarding our Soils (September 2009)

5.45 Department for Environment, Food and Rural Affairs: Sustainable Use of Soils on Construction Sites (September 2009)

6. REGIONAL PLANNING GUIDANCE

6.1 RPG9: Regional Planning Guidance for the South East (March 2001), including Chapter 9: Regional Transport Strategy

6.2 The Final Regional Spatial Strategy: The South East Plan (May 2009)

6.3 The Regional Economic Strategy 2006-2016 (2006)

6.4 London Best Practice Guidance: The Control of Dust and Emissions from Construction and Demolition (2006)

7. LOCAL POLICY

7.1 East Sussex and Brighton and Hove Structure Plan 1991-2011 (Saved Policies) (1999)

7.2 East Sussex Local Transport Plan 2006-2011 (July 2006)

7.3 Rother District Local Plan (July 2006)

7.4 Hastings Local Plan (Saved Policies) (2004)

7.5 Prosperity for Bexhill and Hastings, DTZ Piedad Report (October 2001)

7.6 Hastings and Bexhill Five Point Plan, DTZ Final Report (March 2002)

7.7 Sea Space Business Plan (November 2003)

7.8 "You and Your Future in Hastings and Bexhill", Leaflet (February 2002)

7.9 South Coast Multi Modal Study Final Report (August 2002)

7.10 Hastings Strategy Development Plan (August 2002)

7.11 Rother District Council Local Development Framework- Core Strategy (Consultation on Strategy Directions) (October 2008)

7.12 Hastings Local Development Framework- Shaping Hastings; Core Strategy Preferred Approaches (May 2008)

7.13 North East Bexhill Masterplan SPD- draft (2007)

7.14 East Sussex Strategic Partnership Local Area Agreement 2006-2009

7.15 East Sussex Strategic Partnership Local Area Agreement 2008-2011

- 7.16 Access to Hastings Multi-Modal Study (November 2000)
- 7.17 East Sussex County Council Climate Change Strategy for East Sussex, September 2009
- 7.18 East Sussex County Structure Plan (adopted in 1975)
- 7.19 East Sussex County Structure Plan (as approved by the Secretary of State in 1978)
- 7.20 Policies HBA11, HBA13 and HBA15 from the East Sussex County Structure Plan (1982)
- 7.21 East Sussex County Structure Plan (1985)
- 7.22 East Sussex County Structure Plan (1991)
- 7.23 Panel Report for the Examination in Public for the 1975 East Sussex County Structure Plan
- 7.24 Inspector's Report into the Rother District Council Local Plan (2005)
- 7.25 East Sussex County Council Landscape Assessment (2004)
- 7.26 East Sussex County Council: Remoteness at the Local Scale, An Application in East Sussex (1997)
- 7.27 North East Bexhill Masterplan SPD (2009)
- 7.28 East Sussex County Council Waste Local Plan (2006)
- 7.29 Bexhill Local Plan (1985)
- 7.30 Rother District Council Local Air Quality Management Progress Report (2008)
- 7.31 Hastings Borough Council Air Quality Action Plan for the Bexhill Road Air Quality Management Area
- 7.32 Hastings Borough Council Local Air Quality Management Progress Report (2007/2008)
- 7.33 Rother District Council Strategic Flood Risk Assessment- Level 1 (April 2008)
- 7.34 Hastings Borough Council Strategic Flood Risk Assessment (August 2008)
- 7.35 Hastings and Rother Employment Strategy and Land Review, May 2008
- 7.36 Hastings County Borough Town Development Scheme Explanatory Report (September 1971)

7.37 Extract from North Bexhill Strategic Framework, 1993 (Chapter 3, Roads and Access)

7.38 Pebsham Countryside Park Project Development Strategy, March 2008

8. SITE CITATIONS AND NOTIFICATIONS

8.1 Designation of Marline Valley Woods SSSI (1989)

8.2 Designation of Combe Valley SSSI (1985)

9. APPLICATION FOR PLANNING PERMISSION AND SUPPORTING DOCUMENTS

9.1 Applications for planning permission for the Bexhill to Hastings Link Road and supporting documentation:

(a) The planning application for the Scheme, plans and drawings and related correspondence (May 2007);

(b) Environmental Statement including appendices, Non-Technical Summary, Regeneration Statement, Sustainability Report, Traffic and Transport Report, Waste Management Report and Design and Access Statement (May 2007);

(c) IEMA Report on the Environmental Statement

(d) Environmental Statement Addendum (August 2008);

(e) Design and Access Statement Addendum (August 2008);

(f) Regeneration Statement Addendum (August 2008);

(g) Traffic and Transport Report Addendum (August 2008);

(h) Flood Risk Assessment Report (August 2008);

(i) Supplementary Report- Hydrology (August 2008); and

(j) Supplementary Nature Conservation Report (October 2008).

9.2 Application for Listed Building Consent

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

9.4 Report by Head of Planning to East Sussex County Council Planning Committee dated 10 December 2008 relating to the Listed Building Consent

9.5 Minutes of East Sussex County Council Planning Committee of 10 December 2008

- 9.6 Report by Director of Transport and Environment to Cabinet dated 16 December 2008
- 9.7 Minutes of Cabinet Meeting of 16 December 2008
- 9.8 Report by Director of Transport and Environment to Cabinet dated 26 January 2008
- 9.9 Minutes of Cabinet Meeting of 26 January 2009
- 9.10 Letter dated 3 February 2009 from Government Office for the South-East regarding the Secretary of State's decision not to call in the planning application
- 9.11 Listed building consent (January 2009)
- 9.12 Local Transport Plan Major Scheme Business Case (May 2009)
- 9.12a Local Transport Plan Major Scheme Business Case: Updated Information (August 2009)
- 9.12b Local Transport Plan Major Scheme Business Case: Updated Information Explanatory Note (August 2009)
- 9.13 Inspector's Report: The A259 Pevensey to Bexhill Improvement, A259 Bexhill and Hastings Western Bypass and A259 Hastings Eastern Bypass
- 9.14 Secretary of State's Letter – The A259 Pevensey to Bexhill Improvement, A259 Bexhill and Hastings Western Bypass and A259 Hastings Eastern Bypass (July 1998)
- 9.15 Secretary of State's Letter – The A259 Pevensey to Bexhill Improvement, A259 Bexhill and Hastings Western Bypass and A259 Hastings Eastern Bypass (August 2001)
- 9.15a Press Release from the Department for Transport on Multi-Modal Transport Study (12 July 2001)
- 9.16 Secretary of State's decision on the Access to Hastings Study (July 2001)
- 9.17 Secretary of State's decision on the South Coast Multi-Modal Study (July 2003)
- 9.18 Local Transport Plan Provisional Funding Approval for the Bexhill to Hastings Link Road (December 2004)
- 9.19 Minutes of South East England Regional Transport Board Meeting dated 26 October 2007
- 9.20 South East England Regional Transport Board Funding Advice dated 27 February 2009
- 9.21 Extracts from the Design Manual for Roads and Bridges:

Volume 1, Section 1
Volume 2, Section 2, Part 8
Volume 5, Section 1, Part 3
Volume 5, Section 2, Part 2
Volume 6, Section 1, Part 1
Volume 6, Section 1, Part 2
Volume 7, Section 2, Part 3
Volume 11, Section 2, Part 5
Volume 11, Section 2, Part 7
Volume 11, Section 3
Volume 11, Section 4

9.21A Volume 13

9.22 Extracts from the Department for Transport's Transport Analysis Guidance:

Chapter 2.8
Chapter 2.9.1
Chapter 3.3.1
Chapter 3.3.2
Chapter 3.3.3
Chapter 3.3.4
Chapter 3.3.5
Chapter 3.3.6
Chapter 3.3.7
Chapter 3.3.8
Chapter 3.3.9
Chapter 3.3.10
Chapter 3.3.11
Chapter 3.5.6
Chapter 3.10.3

9.23 The Green Book, The Treasury

9.24 Review of Sub-National Economic Development and Regeneration 2007

9.25 Indices of Multiple Deprivation (2007)

9.26 Secretary of State's Written Answer to a Parliamentary Question regarding the refusal of the Eastern and Western Bypass Schemes (July 2001)

9.27 Letter from Department for Environment Food & Rural Affairs responding to public consultation on the Bexhill to Hastings Link Road dated 14 January 2008

9.28 Major Scheme Business Case Submission, July 2004

9.29 Letter dated 6 July 2006 from the Secretary of State regarding funding for the BHLR

9.30 Letter dated 15 November 2007 from the Regional Transport Board to the Secretary of State

- 9.31 Letter dated 7 January 2008 from the Minister of State for Transport regarding the BHLR
- 9.32 East Sussex County Council, Regeneration Report, October 2009
- 9.33 Unilateral Undertaking entered into by East Sussex County Council dated 28 July 2009 in favour of Hastings Borough Council and Rother District Council
- 9.34 Decision Notice for the Bexhill to Hastings Link Road Scheme dated 29 July 2009
- 9.35 Letter from the Highways Agency to Rother District Council dated 20 September 2004
- 9.36 Consultation Responses from English Heritage, Environment Agency and Natural England on the Route Proposals for the Bexhill to Hastings Link Road
- 9.37 Sea Space: Evaluation of Early Wins and Phase Two Projects- Final Report, Grant Thornton UK LLP, August 2008
- 9.38 Stage 1 Road Safety Audit, Designers Response and Exceptions Report (October 2009)
- 9.39 Departures from Standards Report and East Sussex County Council Acceptance (October 2009)
- 9.40 Letter from Department for Transport re-confirming approval of funding for the BHLR dated 9 October 2009
- 9.41 WHO Guidelines for Community Noise, Berglund, Lindvall, Schwela (1999)
- 9.42 Campaign to Protect Rural England: Saving Tranquil Places (2006)
- 9.43 Campaign to Protect Rural England: Mapping Tranquillity (2005)
- 9.44 Not used
- 9.45 University of Bath: Inventory of Carbon and Energy, Version 1.6a (Prof. Hammond and Jones)
- 9.46 University of Birmingham: Airborne Particulate Matter in the United Kingdom: Third Report of the Quality of Urban Air Review Group (1996)
- 9.47 Bexhill to Hastings Link Road – Hydraulic Modelling, Bullen Consultants Ltd, Report 13C028/01/A, July 2004
- 9.48 Bexhill to Hastings Link Road Dormouse Survey (August 2009)
- 9.49 Bexhill to Hastings Link Road Badger Bait Marking Study of Sett 24, August 2009

- 9.50 Bexhill to Hastings Link Road Badger Bait Marking Study, August 2009
- 9.51 Bexhill to Hastings Link Road Updated Badger Activity Survey, August 2009
- 9.52 Bexhill to Hastings Link Road Bat Surveys 2008, August 2009
- 9.53 Bexhill to Hastings Link Road Bat Surveys 2009, November 2009
- 9.54 Bexhill to Hastings Link Road Great Crested Newt Mitigation Strategy, August 2009
- 9.55 Bexhill to Hastings Link Road Water Vole Survey, August 2009
- 9.56 Bexhill to Hastings Link Road Technical Note, Great Crested Newt Survey, September 2009
- 9.57 Bexhill to Hastings Link Road Breeding Bird Survey, August 2009
- 9.58 Bexhill to Hastings Link Road Reptile Mitigation Strategy, August 2009
- 9.59 Letter from Regional Transport Board to Department for Transport regarding funding dated 27 July 2009

10. CPO DOCUMENTS

- 10.1 CPO and Order Maps
- 10.2 Planning CPO and Order Maps
- 10.3 Side Roads Order and Order Maps
- 10.4 Statement of Reasons- East Sussex County Council
- 10.5 Statement of Case- East Sussex County Council
- 10.6 Not used
- 10.7 Scheme Navigation Plans
- 10.8 Composite Bundle of Plans
- 10.9 Log of objection letters prepared by East Sussex County Council

Evidence

Statements of Evidence

- ESCC1/1-3 Statement, summary and appendices of Mr A Robertson – Scheme overview
- ESCC2/1-2 Statement and summary of Mr G Davies – Engineering
- ESCC3/1-3 Statement, summary and appendices of Mr J Shaw – Regeneration: Policy & Implementation
- ESCC4/1-4 Statement, summary, and errata of Mr M Shenfield – Regeneration:

	Economic Context, with unemployment Data
ESCC5/1-2	Statement and summary of Mr T Cook – Planning
ESCC6/1-3	Statement, summary and appendices of Mr I Johnston – Transport & Economics
ESCC7/1–3	Statement, summary and supplementary statement of Ms K Colebourn – Ecology
ESCC8/1-3	Statement, summary and appendices of Mr G Hewson – Landscape and visual effects
ESCC9/1-3	Statement, summary and appendices of Mr G Knott – Flood Risk and Water Quality
ESCC10/1-3	Statement, summary and appendices of Mrs J Tindale – Agriculture
ESCC11/1-3	Statement, summary and appendices of Mr R Whiteman – Noise
ESCC12/1-2	Statement, summary and appendices of Mr M O’Brien – Air Quality & Carbon
ESCC13/1-3	Statement, summary and appendices of Mr J Munby – Cultural Heritage

Rebuttal statements

ESCC/R1/OBJ-018	Mr T Massey
ESCC/R2/OBJ-114	Mr P Poole
ESCC/R3/OBJ-117	Campaign for Better Transport
ESCC/R4/OBJ-117	Campaign for Better Transport
ESCC/R4a/OBJ-117	Campaign for Better Transport
ESCC/R5/OBJ-131	Mrs P Rosner
ESCC/R6/OBJ-131	Mr M Rosner
ESCC/R7/OBJ-147	Mr & Mrs G Rogers
ESCC/R8/OBJ-152	Mr A Smith
ESCC/R9/OBJ-172	Ms C Wedmore – Hastings Alliance
ESCC/R10/OBJ-179	Mr N Bingham- Hastings Alliance
ESCC/R11/OBJ-179	Prof. A Wenban-Smith – Hastings Alliance
ESCC/R12/OBJ-179	Prof. A Wenban-Smith – Hastings Alliance
ESCC/R13/OBJ-179	Prof. A Wenban-Smith – Hastings Alliance
ESCC/R13a/OBJ-179	Errata Response to R13 above
ESCC/R14/OBJ-223	Dr J Clark
ESCC/R15/OBJ-107	Mrs M Terry
ESCC/R16/OBJ-242	Sustrans
ESCC/R17/OBJ-244	Mrs G Bargery
ESCC/R18/OBJ-179	Mr K Buchan – Hastings Alliance
ESCC/R19/OBJ-260	Ms M Robertson – Hastings Alliance
ESCC/R20/OBJ-003	Mr L Keeley
ESCC/R21/OBJ-003	Mr L Keeley
ESCC/R22/OBJ-003	Mr L Keeley
ESCC/R23/OBJ-015	Mr R Boggis
ESCC/R24/OBJ-157	Mrs L Boggis
ESCC/R25/OBJ-130	Mr M Daly
ESCC/R26/OBJ-007	Mrs S Blackford
ESCC/R27/OBJ-191	Mrs L Calcott
ESCC/R28/OBJ-241	Crowhurst Parish Council
ESCC/R29/OBJ-238	Crowhurst Society & Crowhurst Parish Council
ESCC/R30/OBJ-008	Messrs E. G. West & Sons
ESCC/R31/OBJ-155	Wishing Tree Residents Association

ESCC/R32/OBJ-015	Mr R Boggis
ESCC/R33/OBJ-015	Mr R Boggis
ESCC/R34/OBJ-135	Dr J Thurston
ESCC/R35/OBJ-135	Dr J Thurston
ESCC/R36/OBJ-254	Mr A M Chantler
ESCC/R37/OBJ-276	Mr C Ogborn
ESCC/R38/OBJ-273	Mr O Khan
ESCC/R39/OBJ-278	Mrs S Hiles
ESCC/R40/OBJ-279	Mrs J Wells
ESCC/R41/OBJ-267	Miss N Jones
ESCC/R42/OBJ-082	Mrs S Palmer
ESCC/R43/OBJ-169	Mr M Turner
ESCC/R44/OBJ-223	Dr J Clark
ESCC/R45/OBJ-236	Mr K Gubbins
ESCC/R46/OBJ-037	Mr P Caunter
ESCC/R47/OBJ-052	Mr C F & Mrs D L Glassborow
ESCC/R48/OBJ-270	Mr H Bennett
ESCC/R49/OBJ-275	Mr C Causton
ESCC/R50/OBJ-281	Mr H Hookham
ESCC/R51/OBJ-160	Mr N Green
ESCC/R52/OBJ-269	Mr L Webster
ESCC/R53/OBJ-271	Mr G Waters
ESCC/R54/OBJ-237	Mr I Tomisson
ESCC/R55/OBJ-159	Ms M Bernard
ESCC/R56/OBJ-291	Mr M Wickens
ESCC/R57/OBJ-074	Ms J Buckham
ESCC/R58/OBJ-268	Mr N Austin
ESCC/R59/OBJ-272	Mr K Kearnes
ESCC/R60/OBJ-014	Amicus Horizon
ESCC/R61/OBJ-328	Mr A Black
ESCC/R62/OBJ-177	Mr M Varney
ESCC/R63/OBJ-265	Mr M Sullivan
ESCC/R64/OBJ-332	CPRE Sussex
ESCC/R65/OBJ-259	Sussex Wildlife Trust
ESCC/R66/OBJ-259	Sussex Wildlife Trust
ESCC/R67/OBJ-265	Mr M Sullivan (AR4)
ESCC/R68/OBJ-265	Mr M Sullivan (AR4)
ESCC/R69/OBJ-265	Mr M Sullivan (AR5)
ESCC/R70/OBJ-265	Mr M Sullivan (AR5)
ESCC/R71/OBJ-284	The Woodland Trust
ESCC/R72/OBJ-284	The Woodland Trust
ESCC/R73/OBJ-285	Mr B E Holland
ESCC/R74/OBJ-334	Mr P Walter
ESCC/R75	Various written objections

ESCC Inquiry Documents

ESCC/INQ/0	List of ESCC appearances
ESCC/INQ/1	Opening statement of Mr R Price Lewis QC
ESCC/INQ/2a	Statutory compliance documents
ESCC/INQ/2b	Note on costs spent by ESCC to date – response to Mr Chave
ESCC/INQ/3	Note on costs spent by ESCC to date – response to Mr Cousins

ESCC/INQ/4	Note on costs spent by ESCC to date – response to Mr Boggis
ESCC/INQ/5	Numbers on Housing Registers as at 05/11/09
ESCC/INQ/6	Information on sea level at Crowhurst Marshes- response to Mr Keeley
ESCC/INQ/7	Response to Dr Clark concerning the Grant Thornton Report in CD9.37
ESCC/INQ/8	Note on spatial distribution of new jobs – response to Mr Rosner
ESCC/INQ/9	Note on Air Quality effects at Gillsmans Hill – response to Mrs Bargery
ESCC/INQ/10	Note on Workplace Travel Plans – response to Mr Coffee
ESCC/INQ/11	Withdrawal letter dated 18 November 2009 of E G West & Sons
ESCC/INQ/12	Note on costs of the BHLR – response to Mr Coffee
ESCC/INQ/13	Note on Egerton Stream attenuation tank – response to Mr Coffee
ESCC/INQ/14	Note on small time savings – response to Prof Wenban-Smith
ESCC/INQ/15	Note on accidents along the A259 – response to Mr Rosner
ESCC/INQ/16	Technical Note – Ecology Surveys at Bynes Farm – response to Mr Boggis
ESCC/INQ/17	Note on increase in pollutant concentrations in the air quality management Area – response to Mr Poole
ESCC/INQ/18	Note on Signal Control at A2100/A21 Junction
ESCC/INQ/19	Note on Costs of the BHLR Greenway by Gareth Davies
ESCC/INQ/20	Note on TUBA output Carbon Emissions included new development traffic - response to Mr Buchan
ESCC/INQ/21	Reply from Mr Robertson to Mr Bingham concerning the July 2009 Low Carbon Transport Plan not requiring compliance with Regional targets and carbon budgets for local projects
ESCC/INQ/22	Email exchange regarding withdrawal by Sustrans of its evidence regarding bus services on the new link road
ESCC/INQ/23	Extract from CD7.12 - Strategic Road and Rail Schemes
ESCC/INQ/24	Extract from CD7.12 -Sustainability appraisal of the core strategy, preferred approaches
ESCC/INQ/25	Note on Glyne Gap Station – response to Mr Coffee
ESCC/INQ/26	Note on Smarter Choices Modelling- response to Prof Wenban-Smith
ESCC/INQ/27	Note on Hastings Alliance & Friends of Brede Valley's comments on the Draft SE Plan
ESCC/INQ/28	Further note on pollutant concentrations in the AQMA
ESCC/INQ/29	Withdrawal letter from AmicusHorizon dated 24/11/09
ESCC/INQ/30	Note on the sufficiency of the scheme cost estimate
ESCC/INQ/31	Note responding to Mr Boggis' DVD showing fog in the Combe Haven Valley
ESCC/INQ/32	Reply from ESCC to CPRE questions (OBJ/332)
ESCC/INQ/33	Note to Mr Keeley in response to questions on land-take
ESCC/INQ/34	Reply to questions of Prof Wenban-Smith on employment types
ESCC/INQ/35	Note in response to Mr Boocock's question on Greenway linkages
ESCC/INQ/36	Note on Bus and Rail Improvements – response to Mr Buchan on bus & rail improvements
ESCC/INQ/37	Note in response to Sustrans presentation
ESCC/INQ/38	Note on Issues arising from cross examination by Mrs Blackford
ESCC/INQ/39	Letter of withdrawal from Mills & Reeve on behalf of Trinity (B) Ltd
ESCC/INQ/40	Note on bus & rail improvements & smarter choices
ESCC/INQ/41	Copy of letter of 22 May 2006 from Mr H Beamish to Mr N Austin
ESCC/INQ/42	Proposed Modification

ESCC/INQ/43 Closing Submissions

SUPPORTERS' DOCUMENTS

SUP/003 Statement of Mr G Chave
SUP/007 Statement of Mr H Arbuthnott

OBJECTORS' DOCUMENTS

Hastings Alliance Core Documents

HA/01 Transport Appraisal & the Green Book TAG Unit 2.7.1
HA/02 Cost Benefit Analysis TAG Unit 3.5.4
HA/03 MSA Cost Benefit Analysis TAG Unit 3.9.2
HA/04 The Greenhouse Gases Sub-Objective TAG 3.3.5
HA/05 Values of Time & Operating Costs TAG Unit 3.5.6
HA/06 Wider Economics Impacts TAG Unit 2 8 August 2003
HA/07 LTP Funding BHLR bid – Hastings Alliance response – final
HA/08 The Denvil Combe report of July 2006
HA/09 BHLR AWS Report August 2004
HA/10 BHLR AWS Report August 2008
HA/11 SACTRA Transport Economy 1999-1
HA/12 SACTRA Trunk Roads & the generation of Traffic December 1994
HA/13 Prof. J. Whitelegg 1994 Roads, Jobs & Economy

Objectors' Evidence

OBJ/003 Statement and supplementary statements of evidence of Mr L Keeley with appendices, and closing submission

OBJ/007 Statement of evidence and closing submission of Mrs S Blackford

OBJ/015 Bundle of evidence submitted by Mr R Boggis, including statements and appendices, DVD and closing submission

OBJ/018 Statement of evidence of Mr T Massey

OBJ/095 Statement and supplementary statement of evidence, and closing submission of Mr C T and Mrs H M Garland

OBJ/102 Statement of evidence of Mr R Sanderson

OBJ/107 Statement of evidence of Mrs M Terry

OBJ/114 Statement of evidence of Mr P Poole

OBJ/118 Statement of evidence of Mr R Mann

OBJ/130 Statement of evidence of Mr M Daly

OBJ/131 Statements of evidence of Mr M and Mrs P Rosner with???

- OBJ/135 Statements of evidence of Dr J Thurston
- OBJ/147 Statement of evidence of Mr and Mrs G Rogers
- OBJ/152 Statement of evidence of Mr A Smith
- OBJ/155 Statement of evidence of Mr A Smith on behalf of the Wishing tree Residents' Association
- OBJ/157 Statement of evidence and closing submission of Mrs L Boggis
- OBJ/178 Statements of evidence of Mr D Coffee on behalf of the Campaign for Better Transport, with appendices
- OBJ/179 Statement of evidence of Mr N Bingham on behalf of the Hastings Alliance, with appendices and joint closing submission with Mr Coffee on behalf of the Campaign for Better Transport
- OBJ/179/1 Statements of evidence of Professor A Wenban-Smith on behalf of the Hastings Alliance, with appendices
- OBJ/179/2 Statements of evidence of Mr K Buchan on behalf of the Hastings Alliance, with appendices
- OBJ/191 Statement of evidence of Mrs L Calcott
- OBJ/201 Statement of evidence of Ms D Gray-Jones
- OBJ/223 Statement and supplementary statement of evidence of Dr J Clark, with appendices, and closing submission
- OBJ/238 Statements of evidence with appendices and supporting documents of
OBJ/241 Mr E McCall, and Councillors R Cousins and C Pearce on behalf of Crowhurst Parish Council and the Crowhurst Society
- OBJ/242 Statement of evidence of Mr C Boocock on behalf of Sustrans, with appendices, and closing submission
- OBJ/244 Statement of evidence of Mrs G Bargery, appendices and closing submission
- OBJ/262 Statements of evidence of Miss Georgia Wilson

INQUIRY DOCUMENTS

- INQ/1 Pre-Inquiry Meeting Notes – 03 September 2009
- INQ/2 Withdrawal letters Folder
- INQ/3 Alternative Routes Folder
- INQ/4(a) Supporter/objector letters Folder pre PIM meeting
- INQ/4(b) Supporter/Objector letters Folder following PIM meeting