

Derrick Coffee
County Officer
Campaign for Better Transport – East Sussex
9 Mayfield Place, Eastbourne
BN22 8XJ
19th October 2009

For the attention of Mr Christopher Tipping, Inspector.

Dear Sir

Bexhill to Hastings Link Road (BHLR) – RR/2474/CC (EIA)

Campaign for Better Transport – East Sussex

1. I am appearing on behalf of Campaign for Better Transport – East Sussex (CBT – East Sussex) to express an **objection** to the above scheme.
2. This organisation succeeded East Sussex Transport 2000, founded in the early 1980s with the same aims: to explore and promote alternatives to the car and improve integration between non-car modes. It is a county wide organisation and has had a membership of between 30 and 40 throughout that period.
3. From the early days it has always been clear to us that a whole range of 'quality of life' benefits flow from a less car dependent society, where walking, cycling, public transport, and supporting patterns of land use help to deliver objectives across a wide range of local and national policies.

History of Involvement

4. In a sense we are here reluctantly because the BHLR has been identified as a 'preferred solution' ahead of any proper examination of alternative schemes.
5. To the best of our knowledge, the BHLR was openly being talked about by its protagonists immediately after the government funded 'Access to Hastings Study Multi-Modal Transport Study' which reported in 2000. It was regarded by some as a 'consolation prize' for not getting the bypasses.
6. It was discussed at an early stage in the following South Coast Corridor Multi-Modal Study which reported in 2002.
7. Because we believed that the BHLR was prematurely determined as viable within that study before any proper investigation into alternatives had been undertaken (and we were members of the Steering Group for that Study), we commissioned a study from consultants.

Alternatives Investigated?

8. We asked Denvil Coombe Associates to address the question:

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9. 'Judging from the Hastings Strategy Development Plan document produced as part of the South Coast Corridor Multi-Modal Study (SoCoMMS), were alternative options to the proposed Bexhill to Hastings Link Road thoroughly and properly investigated in SoCoMMS, in line with current best technical practice and Government guidance?'
10. In brief, the consultant reported that there was little analysis of problems on the A259, or of the range of potential solutions that would flow from a proper analysis. Denvil Coombe was well placed to answer the question as he was the author of government guidance. (Core Doc)
11. The promoters continued to claim that SoCoMMS had adequately looked at alternatives.

Consultation on Inadmissible Schemes

12. Preparing their bid for the BHLR, the promoters developed their scheme for a road to traverse Combe Haven valley. Six routes were proposed and featured in a 'consultation' document distributed to households in Bexhill to Hastings in February 2004.
13. The consultation document describes in detail precise routes of 6 'alternative' (including 4 actually inadmissible) road routes and is exceptionally brief and vague on 'alternative travel choices'. It led its audience into choosing one road or another, though there was a poor response in any case.
14. (Appendix 1 'Future Travel Options' ESCC)

Alternatives Ignored Again

15. In the Major Scheme Bid document submitted to government in July 2004, it was evident that alternatives were seen as irrelevant, and that environmental damage would be unavoidable. That is still the case in late 2009.
16. The major scheme bid document gives little attention to the consideration of alternatives: less than a page in a document of almost 700 pages. A photo of 'traffic congestion' featured prominently on the cover of the document: we suggest there was probably an intention to create in the mind of the reader an impression of need for BHLR to relieve it, rather than one of a need for the road to open up development land. That change of emphasis came later.

Scheme Provisionally Approved

17. The bid was given provisional approval in December 2004 at £47.12m. (SoCoMMS had estimated the cost in 2002 at £24m).
18. The provisions for approval were described as follows:

1. No change in costs; 2. Design and value for money remains unchanged; 3. Satisfactory completion of statutory procedures; 4. Suitable consultation with the relevant Statutory Environmental Bodies; 5. Explore in detail scope for securing developer contributions.

Provisions Appear Optional

1. The direct costs are now estimated at £95m. Associated schemes will certainly take the costs

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higher and accelerate traffic growth,

2. There are some changes to design, and doubts on the 'value for money' calculations.

4. The planning application was submitted in May 2007, two and a half years after the conditional approval. At this point, all three SEBs raised serious concerns about the scheme, and two of them – Environment Agency and Natural England - formally objected, suggesting that the 'close working' required by the Secretary of State to address concerns over environmental impact had not taken place, had been ineffective, or had met with very difficult and complex problems. After a further 15 months, and as the revised planning application was submitted, there were still substantial environmental issues unresolved.

In the case of flood protection, ignoring advice from the Environment Agency added considerably to the costs of the scheme.

None of them support the BHLR.

In the revised 'Major Scheme Business Case' of August 2009, negative environmental impacts of the BHLR on the valley are now assessed as worse than when the scheme was given 'provisional approval'. (Landscape, biodiversity, water environment.)

5. There are at present no developer contributions (and only a contribution of £200k from SEEDA that is described as 'third party'). ESCC have paved the way for covering the absence of developer contributions through their own capital budget. It is not clear whether this is in respect of contributions to the BHLR, potential contributions through (absent) Section 106 agreements, or both. The exact sum to be covered and over what period of time is unknown to us; and the arrangements and timescale for recouping money from developers is also unknown to us. The nature and purpose of the potential contributions through Section 106 is also unclear.

BHLR – the promoter's single and exclusive transport focus

19. Throughout the SoCoMMS process, and of course in the Major Scheme Bid/Annual Progress Report document, the Bexhill to Hastings Link Road has been promoted by East Sussex County Council as the preferred and pre-eminent solution to many local problems. This has precluded proper examination and analysis of problems and their causes and led to a 'blind spot' in terms of awareness and consideration of the full range of demand management measures available that could be effective in dealing with those problems. BHLR appears to have obstructed the development of small, cheap, numerous, popular and (where tried elsewhere) effective measures.

20. It would be enlightening – and in accordance with government guidance - if the scheme promoters could give reasons for the elimination of any alternatives or combinations of these, but of course they cannot because these have never been examined.

Sustainable Transport – Why Not Here?

21. It is recognised that positive cumulative impacts of a number of smaller transport schemes working together can bring significant benefits, but in this case, the predisposition towards the BHLR has precluded any testing of this scenario. This is one of the points made in our

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commissioned report.

22. We have campaigned for over two decades for such schemes but we are still left with the overwhelming impression that the scheme promoters are determined at all costs to see a major road scheme come to fruition, rather than to seriously look at a mosaic of smaller, cheaper interventions, with high benefit cost ratios, that would accumulate into a strategy that could deliver benefits across several policy areas.
23. In the Planning Application, the bibliography of Chapter 6 'Travel and Transport' includes a reference to the **White Paper 'The Future of Transport'**. We feel there is a contradiction between the scheme and national policy.
24. The above document devotes several paragraphs to the subject of 'smarter choices'. These can be characterised by themes such as: soft measures, traffic restraint, demand management, individualised marketing, workplace, school and college travel planning, public transport improvements and road user charging. Measures accompanying these themes are well tried and there is a growing body of successful UK best practice that points the way forward to their further development and wider implementation.

Impressive Performance

25. Sustainable transport demonstration town projects researched and promoted by Sustrans in collaboration with the Department for Transport in Worcester, Darlington and Peterborough have delivered large reductions in traffic and very high 'benefit cost ratios'. These three towns have experienced an average drop in car trips of 12%. On this basis, on the Bexhill Road, a reduction of around 4,000 car trips per day would be delivered. Given the infancy of demand management measures in Hastings and Bexhill, an even bigger reduction would be highly likely. A simultaneous rise in public transport, walking and cycling trips has also been observed in the three towns, with average rises of 17%, 22% and 36% respectively.
26. The 'Travel and Transport' section of the Planning Application for BHLR demonstrates a conspicuous lack of awareness of the increasingly relevant and important principles inherent in this section of the White Paper that deals with 'smart choices'. Nowhere is it clear to what extent demand management measures have been built in to any 'do-minimum' scenario. There is also a huge degree of uncertainty as to their nature and extent. It is obvious to us that where applied to transport schemes, a 'do-minimum' scenario in one local transport authority area can be completely different to that in another according to whether the authority adopts a 'business as usual with a few green measures' approach, or an 'ambitious change' approach.
27. (Less Traffic Where People Live, Lynn Sloman, Transport for Quality of Life, 2002.)
28. (Appendix 2 – Minister Gillian Merron's letter)
29. (Appendix 3 – Lynn Sloman 'Less Traffic Where People Live')

Strategy for Bexhill and Hastings?

30. The Highways Agency, in 2007, recommended that a joint transport strategy for the two towns would be desirable. We agree. It was actually suggested during the Access to Hastings Multi-Modal Study nine years ago.

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31. The Hastings and Bexhill Local Area Transport Study (HBLATS) is apparently now underway, but although our organisation has frequently in the past 20 years been engaged as a 'stakeholder group' that is not the case here. We understand that the HBLATS strategy is due to be published for consultation at some time in 2010. In the run-up to the Public Inquiry, it seems wrong that information has not been published.
32. Appendix 4 – Highways Agency Letter to ESCC, 2007)

Sustainable Transport Saves Land

33. Combinations of alternatives of course really come into their own where new settlements are designed around 'eco-town' principles. The north Bexhill developments alongside a BHLR would influence the first choice of mode for short trips: the car would be it, whereas 'eco-town' standards *without* the BHLR would lead to a greater take-up of alternatives and a more efficient use of a scarce commodity - land. Where conditions are created for safe cycling and walking there is also a higher chance of social interaction and sense of community.
34. (Appendix 5: Three Streets in San Francisco)

The 'Car Dependency' Route

35. In our view, the East Sussex County Council/ Hastings Borough/Rother District/Seaspace culture of pursuing local bypasses and the Link Road has precluded full and proper consideration of demand management measures over the last ten years; their status has been low and suppressed. Provision of a free at the point of use Link Road that will fill up with and encourage short car trips is a great folly. It will propel Hastings and Bexhill into an era of greater mobility and car dependency, along with unsustainable patterns of development in unsuitable locations. This conflicts with principles of Planning Policy Guidelines 13, and therefore national policy:

Planning Policy Guidance Note 13: Transport

36. The proposal would conflict with PPG 13, the Objectives of which are:
 - Promote more sustainable transport choices for both people and for moving freight;
 - Promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and
 - Reduce the need to travel, especially by car.
37. On the matter of development in North Bexhill, we have several observations which are also a cause to object to the proposals:

Access to development *without* BHLR never studied by East Sussex County Council

38. Studies have shown that 80% of the housing at north Bexhill could be provided **without** the BHLR, and **with** a spur road previously planned and designated the 'Bexhill Northern Approach Road' (BNAR), or the 'Bexhill Connection'. No study has been carried out to determine the degree to which the BNAR could provide the necessary accessibility to and from the development. It would certainly be cheaper than the BHLR since the greater part of the cost of that scheme relates to stretch of road from north Bexhill to Queensway. Apart from huge costs savings, two other benefits would flow from this alternative: there would be a much higher likelihood that sustainable alternatives to the car would be taken up for

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many more trips, especially if a package of measures was designed, reflecting current best practice; and being less 'car dependent', the development itself could lead to a more efficient use of land.

Climate Change and Air Quality

39. There would of course be a consequent reduction in CO2 emissions. (Currently predicted at 4,800 tonnes each year). There would also be a general and widespread improvement in air quality for thousands of households. This would avoid the absurd situation where with BHLR, 34,000 properties would experience improved air quality (undefined) while 28,000 would see a deterioration. Truly a pyrrhic victory.
40. This scheme does not contribute at all to any strategy to achieve the goal of becoming a 'low carbon economy' and for that alone should be shelved immediately. In the run-up to the Copenhagen conference it sends the wrong signal to all local authorities in the UK, and must weaken the voice of the UK at international level.

Eco Town Standards for New Developments

41. Components of an alternative access strategy might include: a guided bus way, cycle networks and cycle friendly infrastructure, home zones that would create conditions for growth in walking and cycling, and pedestrian priority, and via the new Bexhill College, 'green routes' to the new Glyne Gap station.
42. There is no good reason that we know of why 'eco-towns' standards should not be applied to any development at north Bexhill. Abandoning BHLR would present a real challenge and opportunity to design a sustainable *new* community. BHLR would lock this generation and the next, and the next into unsustainable travel habits, while serving to relegate alternatives.
43. And in terms off 'retro-fitting older residential areas, the 'Sustainable Travel Towns' demonstration projects mentioned above have succeeded in delivering impressive take-up of 'smarter travel' choices within *existing* communities.
44. If a study were to be carried out investigating these real alternatives, we would be happy to collaborate as always. To further support the necessity of testing an alternative 'without BHLR' strategy, we note that in the promoter's own Local Transport Plan 2006-11, 15 out of 25 targets would far more easily be met without the BHLR. (Targets 2,3,4,6,7,8,9,10,12,13,14,22,24,26,27 – Local Transport Plan 2, Annex 7)). In all cases, relevant supporting objectives can also be more easily met.
45. The above would serve the Highways Agency objective of 'managing down traffic, particularly by car'.

Tourism without traffic – a forgotten route to sustainable regeneration

46. For Hastings and Bexhill, the 'tourism economy' is very important. For South East England, it has been estimated to be worth £600m Gross Value Added. It is important too for Hastings and Bexhill.

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47. (The Environmental Economy of the South East of England, SEEDA et al 2002)

48. That figure could well be higher and the potential now greater.

49. In the past, East Sussex County Council has considered development of policies and measures to encourage those visiting the area as day trippers or tourists to choose alternatives to the car. It is not disputed that frequently, high levels of traffic have a degrading effect on the places that people visit and devalue the experience. Sometimes the traffic is a direct cause of disruption to alternative modes and often a threat to those walking or cycling. Although a number of measures were taken in a pilot study area of the eastern South Downs, the principle of 'tourism without traffic' – a valid one today more than ever – has been quietly dropped since 2002. Traffic is still a major problem in the Cuckmere valley and Alfriston, and a quieter and more tranquil future is as far away as ever. In contrast, the Combe Haven valley currently does provide that rare tranquility - and this is almost entirely because it has no roads at all, so no traffic. The opportunities it offers exist precisely because here there really can be 'tourism (and recreation and education) without traffic'. It is a unique and valuable tourism asset very much at risk for no good reason at all.

50. As far as Combe Haven valley is concerned, the targets mentioned above, and their supporting objectives, would be more easily attained without BHLR - with the additional bonus that a key tourism asset would be saved. Conserving and enhancing, rather than destroying the high quality environmental assets of Bexhill and Hastings would be consistent with a strategy of building on strengths of the two towns and their hinterlands. This would truly be 'sustainable regeneration'.

51. The creation of a South Downs National Park is likely to increase the prominence of this part of the South East as a potential tourism destination, especially for visitors from the near continent. It would be helpful if environmental assets were improved, and alternatives were well developed.

Combe Haven – ‘a valley that is greater than the sum of its parts’

52. In terms of 'environmental appraisal' the approach taken in dealing in 'specifics' – in some cases species by species - rather than appreciating the huge 'environmental capital' of the Combe Haven as a whole misses the point that in terms of landscape, ecology and heritage – and the context of tranquility within which we may experience the myriads of aspects of all of these – the whole of the valley is greater than the sum of its parts. The BHLR approach certainly subordinates the 'environment' and permits destruction for doubtful and unproven economic benefits. It also permits an attitude where there is an assumption that all environmental impacts can be overcome satisfactorily.

53. The Appraisal Summary Table (AST) for of the BHLR confirms that biodiversity will suffer. Both English Nature (now Natural England) in their report No 626, 'Going Going Gone' and the Environmental Audit Committee report 'Halting Biodiversity Loss (2007-8) emphasizes the importance of avoiding fragmentation of habitats, and losing instead of enhancing biodiversity. The Appraisal Summary Table (AST) produced in August 2009 also describes the BHLR as being 'within 500m of the SSSIs'. This is misleading. In fact, the SSSIs are within a distance of 20m or less from the BHLR.

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The 5 Point Plan

54. We always had a big problem with the BHLR, but not with the other transport elements of the 5 Point Plan. We supported the other 4 points – Education, Broadband, Enterprise and Urban Renaissance. We recall the basis for Hastings Borough Council's bid for funding from English Partnerships for 'Millennium Communities', titled 'String of Pearls' and based on the concept of urban developments around new or existing stations. So we supported those elements of the transport strategy too. In 2008, we convened a site meeting with Network Rail and the county council to discuss the feasibility of a new station at Glyne Gap, the site of a retail leisure complex. There have long been aspirations for a station here but on the ground, nothing has appeared. A favourable report for the county council in 2004 is gathering dust.
55. (Appendix 6 – Access to Hastings Rail Issues – New Passenger Station at Glyne Gap Mott Mc Donald for ESCC, May 2004)

Relativities of the 5 Point Plan Elements

56. The 'birth' of BHLR and its subsequent elevation to 'premier' transport scheme for Bexhill and Hastings has resulted in it becoming the scheme around which the future prosperity of the two towns is based. Unsurprisingly, the 'money value' of the scheme has been calculated and recalculated many times as a prerequisite for funds being released. This has diverted attention away from the other elements of the 5 Point Plan and their 'regeneration worth' relative to the BHLR. It would provide some rare clarity for us in our search for an evaluation of the worth of BHLR to know more of those relativities. We hope you agree that this question is a critical one to address and appropriate for this Inquiry. It would help us to understand, for instance, the value to regeneration of the BHLR alongside the University Centre, or alongside each of the other 5 Point Plan components.
57. From the evidence we have seen, we do not believe that the BHLR is the answer to 'economic regeneration'.
58. Core Documents 'BHLR – Regeneration Issues' 2004, and 'BHLR Regeneration Issues Revisited' 2008, both by Alan Wenban Smith.

Process - Environmental Statement (ES) too complex and impenetrable for public understanding

59. For the promoters of BHLR, the ES is prepared to test the potential of the scheme to deliver the objectives claimed for it, and to determine the costs/benefits of doing so.
60. The 'Non- Technical Summary' of the 'Environmental Statement' (ES) presents an attempt to analyse the ES in terms that members of the public could understand. By April 2007, the significant changes proposed as a result of further environmental appraisal by all three Statutory Environmental Bodies (SEBs), and those proposed by others, for example Non Government Organisations, had resulted in publication of a very large number of documents (well over 100), many of which were complex and certainly incomprehensible to many lay people. Since then, the document pile has swollen to 600 or more. There surely has been a case for providing an updated 'Non-Technical Summary' to enable the public to understand proposed changes to the original scheme proposals. Currently there is none,

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and we believe this is obstructive to many individuals and NGOs trying to follow developments. A full understanding from the public's perspective can only be rectified by a Public Inquiry.

61. At one point in our regular dialogue with East Sussex County Council, we understood from the then project manager (Peter Hayward, no. 3 in a series of four) that there would be some interpretive exhibitions to meet concerns expressed above and to inform a further consultation. Given a high and growing level of interest in 'environmental matters' we believe it would have been very helpful. It did not happen. This cannot be right.
62. We append an e-mail that records some of the dialogue between us and ESCC's project manager.
63. (Appendix 7 – E-mail dialogue; Peter Hayward (ESCC) and Derrick Coffee (CBT East Sussex)

You can have it all: social equity; environmental sustainability; regeneration

64. To repeat the phrase from the Department for Transport document quoted above:

65. 'Good strategies are often built up out of many small, coherent "fixes".

Cumulative Environmental Damage

66. For us, the cumulative damage to the environment in terms of habitats and ecology, landscape, and archaeology is unacceptable. Whatever mitigation measures are implemented, the Combe Haven valley will be a poorer and degraded environment, and its integrity permanently disrupted. Mitigation, by definition, simply means making things 'less worse'.

Government policy and action – environmentally sensitive areas/the CROW Act

67. Government policy is that "for all environmentally sensitive areas or sites there will be a strong presumption against new or expanded transport infrastructure which would significantly affect such sites or important species, habitats or landscapes". This policy was first set out in the 1998 transport white paper and has been repeatedly reaffirmed, most recently in the 2004 transport white paper (paras 10.28 and 10.29). Importantly, the policy does not only apply to designated areas, as the decisions on the road schemes recommended by the South Coast multi-modal study show.
68. As a result of this policy, the Government rejected the Bexhill and Hastings western bypass, explicitly citing the damage that would be done to Combe Haven. The proposed BHLR is not identical to the rejected bypass scheme. However, the link road would undoubtedly significantly harm the very special landscapes, heritage and wildlife of the Combe Haven area, including the tributary valleys, seen wrongly by the scheme promoters as separate.

Combe Haven - Don't Just Conserve! Enhance!

69. The CROW Act imposes a duty on all authorities (includes local authorities) to take reasonable steps in exercising their functions to further the conservation and enhancement

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of SSSIs whether functions are exercised within or outside of a SSSI. Two important points arise from this:

1. There has been no appraisal of the anticipated state of the SSSI, the main valley and the tributary valleys in a 'do minimum' scenario.
2. Assumptions have been made in advance which anticipate the 'success' of proposed mitigation measures. There can be no guarantee that these will have the desired effect. In line with advice in the Design Manual for Roads and Bridges, there has to be an exercise of caution and 'the underlying assumptions of value judgements should be described'. This would also be essential if pollution from 'road drainage' or 'road accidents' was to be properly considered in various scenarios instead of euphemistically being described as in the Environmental Statement as 'low risk'. Maybe you could call this a 'What if?' section. This would also lessen the likelihood of a version of 'optimism bias' creeping in to an area where the degree of subjectivity in judgements is itself a risk.

70. The above suggests that compliance with the CROW Act is not possible unless an appraisal in a 'do minimum' scenario is carried out, and a more open description that demonstrates awareness of subjectivity is produced. There is after all a certainty that conservation within the valley as a whole in terms of ecology, landscape and heritage would be more successful without the BHLR and its demonstrably noisy and polluting 25 - 30,000 vehicles a day, plus inevitable litter. For the applicants, the valley has not been looked at as a whole, but characterised by an approach that disaggregates environmental impacts and assesses them on a piecemeal basis. This misses the point that the valley has integrity not least because unusually it contains no roads at all. Unusually, it has an integrity of silence and tranquillity. That is rare.

71. It is particularly frustrating and annoying to us that the demonstrable damage to the very special valley was seen as an acceptable cost of a scheme for which there was no proper evidence base.

Local Development Framework flags up strong negative environmental impact of BHLR

72. The Hastings Local Development Framework (LDF) describes the BHLR as having a 'significant negative effect' on both biodiversity, and greenhouse gas (CO2) emissions. (Shaping Hastings – Sustainability Appraisal of the Core Strategy, May 2008). The BHLR scheme therefore also contradicts the objectives of the LDF.

Derrick Coffee, County Officer, Campaign for Better Transport – East Sussex.

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