

# **Bexhill to Hastings Link Road**

## **Chapter 5: Policy and Planning**

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## **5 Policy and Planning**

### **5.1 Introduction**

5.1.1 This chapter describes the spatial planning policy framework relevant to the assessment of the environmental impacts of the Scheme at the national, regional and local levels. It presents:

- An assessment of relevant planning policies as described in the Scheme's EIA Scoping Report (March 2006) in Chapter 4: Policy and Planning;
- A summary of the assessment methodology used for the evaluation of the extent to which the Scheme is consistent with policies and plans at the national, regional, county and local level;
- A summary of relevant policy at the national, regional, county and local level;
- An examination of the current status of structure and local plans and replacement Local Development Frameworks through which the Scheme passes;
- A summary of consultations with relevant officers from the Government Office for the South East (GOSE), South East England Development Agency (SEEDA), East Sussex County Council (ESCC), Hastings Borough Council (HBC) and Rother District Council (RDC); and
- A summary of the degree of compliance or conflict with policies and plans at the national, regional, county and local level, presented in a matrix format, for each environmental topic area examined within the other sections of this EIA.

### **5.2 Method of Assessment**

5.2.1 The assessment of the consistency of the Scheme with policies and plans follows the guidance in the Design Manual for Roads and Bridges (DMRB) Volume 11, Section 3, Part 12 (August 1994) entitled Impact of Road Schemes on Policies and Plans and also follows guidance contained within the Department for Transport's Transport Analysis Guidance Website (WebTAG). It focuses on the planning policy framework contained in either statutory or emerging Development Plans and Regional Spatial Strategies as well as government policy and guidance in the form of White Papers, Planning Policy Guidance notes (PPGs), their replacement Planning Policy Statements (PPS) and other national policy documents.

5.2.2 There are important interactions between transport, land use policy and the development strategies of development plans. It is therefore important to assess the impact of the Scheme on land use policies and proposals at all levels of the planning process from national, regional, county to local level.

5.2.3 The DMRB states: "*It is not intended that work on identifying constraints ... should be summarised or duplicated in considering the impact of a proposed Scheme on policies and plans. The purpose is rather to assess how the achievement of policy objectives would be hindered or facilitated if a scheme were to be constructed*" (Volume 11, Section 3, Part 12, Par. 1.3).

5.2.4 The emphasis of this assessment is therefore on the policy performance of the Scheme, not on its environmental performance. The latter is the subject of other chapters within this EIA.

5.2.5 In keeping with the Stages of Assessment chapter of the Impact of Road Schemes on Policies and Plans section of the DMRB, the following stages have been used during the assessment of the impact of the Scheme on policies and plans:

- The appropriate authorities in the area likely to be affected by the Scheme have been contacted and copies of the relevant Development Plans obtained. The status of the Development Plans has also been established through consultation meetings;
- The Regional Spatial Strategy (RSS and also known as Regional Planning Guidance for the South East (RPG9)) and relevant PPGs and PPSs have been consulted plus the review of the RSS;
- A schedule of policies contained in the relevant guidance notes and development plans has been drawn up; and
- An assessment of the impact of the Scheme on the achievement of the objectives of policies has been undertaken.

5.2.6 Examining the last point in greater detail, the effects on policies and plans are assessed by identifying the degree of compliance or conflict. The evaluation process involves the exercise of professional judgement by a range of town planning and environmental specialists comprising the following steps:

- Identification of planning, environmental and transport effects due to implementation of the Scheme;
- Identification of policies and plans at the national, regional, county and local level which relate to these effects;
- Clarification of policy objectives; and
- Assessment of the extent to which the Scheme would help to achieve or conflict with these policies.

5.2.7 For each policy evaluated the assessment takes into account the following considerations in line with guidance contained within the DMRB:

- The overall balance of effect would be considered for the Scheme as a whole (i.e. positive and negative effects arising from different parts of the project would be weighed against each other);
- Key policies and geographically specific plans would be given greater weight than non-specific or lesser policies;
- A hierarchy of policies and plans would be applied, from national to county, local and non-statutory; and,
- The extent to which the policy or plan is current and up-to-date would be a material consideration. In the main only plans and policies contained in either statutory or emerging Development Plans have been consulted with greater weight given to up-to-date policies in adopted plans.

5.2.8 The assessment of the extent to which the Scheme is integrated with land use proposals and policies, and transport proposals and policies also follows guidance contained within WebTAG, including TAG Unit 3.7.2 The Land Use Policy Sub-Objective.

5.2.9 The Department initiated this website to provide detailed guidance on the appraisal of transport projects and wider advice on scoping and carrying out transport studies. The website originally brought together the Department's existing documents, *The Guidance on the Methodology for Multi-Modal Studies* and associated supplements and errata, such as *Applying the Multi-Modal Approach to Appraisal to Highway Schemes* (The Bridging Document) and Major Scheme Appraisal in Local Transport Plans.

5.2.10 WebTAG sets out how such assessments are to be carried out by means of an Appraisal Summary Table whereby all the local, regional and national policy impacts of the Scheme are evaluated using a three point textual scale (Neutral, Beneficial and Adverse).

5.2.11 In this context, local covers local plans (or replacement Local Development Frameworks), including local transport plans (LTP) (including the Second Local Transport Plan (LTP2)); regional covers RPG (or replacement RSSs) and County Structure Plans; and national refers to all other non-local or non-regional policies.

5.2.12 WebTAG states that these assessments should take account of the balance between policies and proposals which are facilitated, those hindered and those unaffected.

5.2.13 The impact of the plan or strategy should also be assessed as beneficial if more policies are facilitated than hindered; adverse if more are hindered than facilitated; and neutral where the balance lies between the two. However, the assessments should not be mechanical, marginal differences should be ignored and key policies, or those which are more geographically specific, should be given greater weight.

#### *The Report Structure*

5.2.14 This methodology does not provide for an assessment of significance of impact, rather it weights policies in terms of their relevance and geographical specificity and ascribes an impact in terms of the three point textual scale referred to above.

5.2.15 This process is limited and does not recognise the interactions and subtleties of policy. Therefore this assessment would comprise three parts. The first part, this summary document, would provide a thematic assessment of the Scheme's policy performance based upon the significance criteria set out in Table 5.1.

**Table 5.1 Significance Criteria for Policy and Planning**

<b>Impact Significance</b>	<b>Evaluation Criteria</b>
Major Adverse	Contrary to the thrust of key policies of significant importance contained within a statutory plan and/ or related guidance
Moderate Adverse	Contrary to the thrust of key policies contained within a statutory plan and/ or related guidance
Slight Adverse	Contrary to the thrust of general policies contained within a statutory plan and/ or related guidance
Neutral	No impact to any policy or planning issues; or has both adverse and beneficial effects.
Slight Beneficial	In line with the thrust of general policies and/ or aspirations of a statutory plan and/ or related guidance
Moderate Beneficial	In line with the thrust of key policies and/ or aspirations of a statutory plan and/ or related guidance
Major Beneficial	In line with the thrust of key policies of significant importance of a statutory plan and/ or related guidance

5.2.16 However, the detailed impact matrix provided as part of this assessment and displayed in Appendix 5-B will be restricted to the three impact categories set by government guidance.

5.2.17 The third section (the technical appendix) sets out the specific policy references.

### **5.3 Policy Documents Considered**

5.3.1 There is a hierarchy of policies and plans, beginning with national guidance, which sets the context for regional spatial strategies, through to the sub regional and local level. In the case of a road scheme such as the Bexhill to Hastings Link Road (BHLR) transport policies and plans are particularly relevant.

5.3.2 The review of national policy focuses on Government White Papers, which set out Government policy on a range of issues and on PPGs and replacement PPSs. PPGs and PPSs set out Government guidance on the

planning framework upon which local planning authorities are required to draw up their development plans and to make decisions on individual planning applications. At the regional level, the assessment has been against the RPG 9 (March 2001) and its alterations, and its replacement RSS. At the county level the planning policy framework set by ESCC was reviewed. A similar process was undertaken at the local level for the HBC and RDC planning policy framework.

5.3.3 The relevant planning policy framework for the Scheme and the surrounding area is contained within the following documents which were reviewed as part of the EIA process:

- *The Future of Transport*. (White Paper, July 2004);
- *A New Deal for Transport: Better for Everyone*. The Government's White Paper on the Future of Transport (July 1998);
- *Transport 2010: The Ten Year Plan* (July 2000);
- *Tomorrow's Roads: Safer for Everyone: The First Three Year Review* (April 2004);
- *Tackling Congestion by Influencing Travel Behaviour (2004)*;
- *Walking and Cycling: An Action Plan* (June 2004);
- *National Cycling Strategy* (September 1996) and modified (October 2004);
- *Cycling and Health* (National Cycling Strategy, March 2003);
- *Sustainable Communities: People, Places and Prosperity* (January, 2005);
- *Our Towns And Cities; The Future Delivering An Urban Renaissance - Urban White Paper* (November 2000);
- *Our Countryside: The Future – A Fair Deal for Rural England* (November 2000);
- *Working with the Grain of Nature: A Biodiversity Strategy for England* (October, 2002);
- *Power of Place* (December, 2000);
- *The Historic Environment – A Force for Our Future* (December, 2001);
- *Securing the Future – Delivering UK Sustainable Development Strategy*. The UK Government Sustainable Development Strategy (March 2005);
- *A Better Quality of Life – A Strategy for Sustainable Construction* (April 2000);
- *The National Air Quality Strategy* (January 2000);
- *Air Quality Strategy for England, Scotland, Wales and Northern Ireland* (January 2003);
- *Addendum to the Air Quality Strategy* (February 2003);
- *Waste Strategy for England and Wales* (May, 2000) and proposed revisions (August 2005);
- *The First Soil Action Plan for England: 2004-2006* (2004);

- PPS 1: Delivering Sustainable Development (2004);
- PPS3 Housing (November 2006);
- PPS 6: Planning for Town Centres (March 2005);
- PPS 7: Sustainable Development in Rural Areas (August 2004);
- PPS 9: Biodiversity and Geological Conservation (August 2005);
- PPS 10: Planning for Sustainable Waste Management (July 2005);
- PPS 11: Regional Spatial Strategy (September 2004);
- PPS 23: Planning and Pollution Control (November 2004)
- PPG 4: Industrial, Commercial Development and Small Firms (November 1992);
- PPG 13: Transport (March 2001);
- PPG 14: Development on Unstable Land (1990);
- PPG 15: Planning and the Historic Environment (September 1994);
- PPG 16: Archaeology and Planning (November 1990);
- PPG 17: Planning for Open Space, Sport and Recreation (August 2002);
- PPG 21: Tourism (November 1992);
- PPG 24: Planning and Noise (September 1994);
- PPS 25: Development and Flood Risk (December 2006);
- MPS 1: Planning and Minerals (November 2006);
- RPG 9: Regional Planning Guidance for the South East (March 2001) including alterations:
  - Chapter 9 – Regional Transport Strategy
  - Chapter 10 (part) – Energy Efficiency and Renewable Energy
  - Chapter 10 (part) - Waste
  - Chapter 11 - Minerals
  - Chapter 17 - Tourism and Related Sport and Recreation;
- Draft Regional Spatial Strategy *A Clear Vision for the South East: the South East Plan* - March 2006 Draft Plan for submission to government;
- *Regional Economic Strategy for the South East of England 2002-2012* (July, 2002);
- *The Draft RES – The Regional Economic Strategy* (November 2005);
- *Integrated Regional Framework (IRF) for the South East* (June 2004);
- *East Sussex and Brighton and Hove Structure Plan 1991-2011* (December, 1999);
- *East Sussex and Brighton and Hove Waste Local Plan* (April 2006);
- *East Sussex and Brighton & Hove Supplementary Planning Document – Construction and Demolition Waste* (January 2006);
- *East Sussex and Brighton and Hove Minerals Local Plan* (November 1999);

- *East Sussex Local Transport Plan* (July 2006);
- *A Biodiversity Action Plan for Sussex* (July 1998);
- *Cuckmere and Sussex Havens Catchment Flood Management Plan* (draft) (March 2006)
- *Hastings Local Plan* (Adopted April 2004);
- *Hastings Air Quality Action Plan* (October 2005); and
- *Rother District Local Plan* (July 2006).

#### **5.4 Sustainability Appraisal Report**

5.4.1 Allied to this document is the Project Sustainability Appraisal Report (SAR). The objective of the SAR is to summarise the review process of the various proposed route options for the BHLR project, in turn identifying the sustainability benefits and disbenefits of each option. The report also enabled increased awareness of sustainability issues during the design, and will influence the construction processes.

5.4.2 The Sustainability Appraisal process entailed:

- A scoping exercise which identified and reviewed the range of relevant plans, programmes and sustainability objectives relevant to the BHLR project;
- The identification of the prevailing baseline social, economic and environmental conditions for East Sussex;
- A description of the methodology used during the study, including the development of objectives and targets and appraises the seven route options for the BHLR Scheme, in the form of a sustainability matrix and associated commentary text;
- The identification of a number of mitigation measures to potentially assist in improving the sustainability aspects of the preferred option and identify the need for any additional technical studies; and,
- Examining the need for sustainability design aims and targets, as well as future consultation and monitoring arrangements for the project.

#### **5.5 Consultations with Government Agencies and Local Authorities**

5.5.1 The following summarises consultations with government agencies and local authorities on route options undertaken in early 2004. Reference to coloured routes relates to the consultation options. A full description of their alignments can be found in the Chapter 4: History of the Scheme, of this Environmental Statement (ES).

5.5.2 English Nature considered that the blue and red routes are potentially acceptable given avoidance of designated sites. However, it is noted that there remains potential for indirect effects arising from these northerly routes. The need to fully assess and provide appropriate mitigation for impacts on the water environment is highlighted.

5.5.3 The Environment Agency did not offer a preferred option and sought to reserve judgement on the appropriateness of a route at a later and detailed stage. However it was considered that of the options presented the northern (red and blue) routes had the potential for greatly reduced impacts on wetland habitats in comparison with the remaining route options.

5.5.4 English Heritage noted the rich diversity and variety of cultural and environmental features in the area. As a consequence it was considered highly likely that the area will have a high archaeological interest of regional significance. It was emphasised that any scheme would have a potential impact on the settings of listed buildings, but also would offer relief for listed buildings in conservation areas in the wider area.

5.5.5 English Heritage expressed a preference for the northern routes given the presence of other environmental designations and the presence of archaeological and paleo-environmental resources. The key concerns for the northern routes are the visual impact, severance of the tributary valley towards Crowhurst, loss of tranquillity and adverse impacts on local listed buildings.

5.5.6 The Countryside Agency accepted the need for a link road, and considered the red route appropriate as it avoided designated sites and would have a limited impact on the setting of the Area of Outstanding Natural Beauty (AONB).

5.5.7 At HBC's Cabinet meeting of 29<sup>th</sup> March 2004 the Borough Planning Officer reported on the issues surrounding the choice of route for the proposed BHLR, which had been the subject of recent public consultation. The proposed road providing a local link between the towns would bring positive benefits to the area and was to be welcomed.

5.5.8 The northerly Blue Route offered the best balance between protecting the environment, the potential of the proposed Pebsham Countryside Park and reasonable cost. It was essential that the proposed link between Queensway and the A21 replace the difficult Junction Road arrangement that was constructed at the same time. Strong representations should be made to that effect.

5.5.9 The Cabinet resolved that;

- *“The proposed Hastings-Bexhill Link Road be strongly welcomed as enabling positive benefits to the area;*
- *The Blue Route be supported;*
- *The County Council, Highways Agency and the DfT be strongly advised that the A21/Queensway Link must be constructed at the same time as the Hastings-Bexhill Link Road;*
- *The County Council be advised that care must be taken to address the impacts of severance and viability in respect of agricultural land at Upper Wilting Farm in the Councils ownership;*
- *A study into the effect that the link road will have on secondary road networks be carried out;*
- *The County Council be asked to consider constructing the link road as a dual carriageway for economic and safety reasons; and,*

- *The four southern routes be opposed.”*

5.5.10 At the 5th April 2004 meeting of RDC’s cabinet it was resolved that:  
“... the following representations be made to ESCC and the Highways Agency, as appropriate, in response to the recent consultation on Bexhill and Hastings Future Travel Options:

- *Strong support be given to the principle of the Link Road and the Bexhill Connection and to their earliest implementation; The Highways Agency be encouraged to bring forward the link to the A21 in parallel with the Link Road and that it be asked to further develop options that do not impinge on the AONB;*
- *A clear preference be indicated for the Blue Route option for the Link Road; the County Council be strongly urged to consider these road proposals as part of a new local area transport ‘package’ and to prepare such a framework that also makes greater provision for other transport modes; and,*
- *Other issues highlighted in the report be pursued with the County Council, especially the need for adequate junction arrangement in the Sidley area.”*

5.5.11 Sea Space (the regeneration company established by the Bexhill Hastings Task Force, comprising representatives from the Government Office, SEEDA, English Partnerships and the three local authorities) considered the Blue Route as being most appropriate. The link road would bring benefits in terms of improved journey times, increased connectivity between the two towns and the A21 (and by implication the wider region) and would release land for development leading in turn to the potential for the economic regeneration of the area.

## **5.6 Planning Policies and Development Plans Impact Evaluation Matrix**

5.6.1 A summary of the degree of compliance or conflict with policies and plans at the national, regional, county and local level, and on a topic basis are presented in the Policy Impact Evaluation Matrix in Appendix 5-B. The purpose of this evaluation is to assess the policy performance of the Scheme, rather than its environmental benefits/disbenefits which are addressed in other chapters of this ES. This distinction is necessary to provide a full assessment of the Scheme’s compliance with general and specific policy objectives for the area.

5.6.2 All relevant policies under each of the topic headings have been carefully examined and an assessment made of the degree to which the Scheme helps or hinders achievement of the policy objectives.

5.6.3 Where it is considered that the Scheme contributes towards the achievement of the policy objective, the impact was assessed as being Beneficial.

5.6.4 Where it is considered that the Scheme is contrary to the policy objective and therefore impedes achievement of the policy objective, the impact was assessed as being Adverse.

5.6.5 Where it is considered that the Scheme either has no effect on achievement of the relevant policy objective or where it has both positive and negative impacts such that on balance the Scheme has neither a beneficial nor adverse impact, the impact was assessed as being Neutral.

5.6.6 A summary justification and rationale behind the policy assessments can be found below. More detailed information which supports the assessment is given in individual topic chapters and the Policy Impact Evaluation Matrix (Table 5.2).

5.6.7 The summary is drawn from the conclusions of the Policy Impact Evaluation Matrix, which was completed according to the methodology outlined in the preceding section. This summary, or narrative, serves to describe the purpose and intent of policies governing development in the Bexhill Hastings area (and the Scheme in particular), in a manner which considers the performance of the Scheme according to the gradation of impacts described in Table 5.1. This fine grained assessment is performed on a thematic basis given the practical difficulties of assessing such a large number of policies on a seven point scale.

#### *Agriculture and Forestry*

5.6.8 The Scheme would involve development in the countryside which is subject to agricultural management. Chapter 7: Agriculture and Forestry deals with the impact of the Scheme on agricultural land quality, designated agricultural areas and agricultural holdings in accordance with DMRB guidance. This assessment examines the performance of the Scheme against policy objectives for agriculture, i.e. the impact on agricultural land and on agricultural holdings. Forestry policy objectives are also considered.

5.6.9 PPS7 (Sustainable development in rural areas) along with the Rural White Paper provide the overarching planning objectives for agriculture. These can be characterised as promoting a sustainable, diverse and adaptable agricultural sector which is competitive and profitable, and developing thriving rural enterprises which provide a range of jobs and underpin thriving economies. PPS7 is explicit in the protection afforded to the best and most versatile agricultural land (agricultural land classification (ALC) 1, 2, 3a). However, national policy allows for exceptions to this where there are no other viable alternatives or where alternatives would be “inconsistent with other sustainability considerations.”

5.6.10 These policy objectives are reiterated at the regional, county and local levels.

5.6.11 The development strategy for the area cannot be realised without the Scheme, and whilst the loss of best and most versatile agricultural land is not desirable, it is sanctioned in what can be described as exceptional circumstances (PPS7 para 28). However, the adverse impacts of the Scheme on agricultural holdings in the area are in tension with objectives supporting rural economies (PPS7 para 16, RPG Q7, and the Regional Economic Strategy). The Scheme may, however, offer longer term opportunities for diversification as new development would give rise to increased demands for access to the countryside. Consequently, the impact of the Scheme registers a neutral impact.

### *Geology, Soils, Contaminated Land and Waste*

5.6.12 This section addresses the performance of the Scheme in terms of policies governing contaminated land. It also touches upon policies governing the efficient and sustainable use of construction materials. However, a Waste Management Strategy will be submitted describing measures to minimise the volume of construction related waste going to landfill.

5.6.13 The key policy guidance on land contamination is PPS23 (Planning and Pollution Control) which establishes the priorities for government policy on contaminated land, i.e. identify and remove unacceptable risks to human health, seek to bring damaged land back into use, and ensure that the cost burden faced by individuals, companies and society as a whole are proportionate, manageable and economically sustainable.

5.6.14 Local Plan policy (Hastings Borough DG34 and Rother District GD1) require site investigation where contamination is suspected and the appropriate remediation of land if necessary.

5.6.15 The extent to which the Scheme would be affected by contaminated land is discussed in detail in Chapter 8: Geology and Soils of this ES. Whilst it is anticipated that contamination may be encountered along the old railway line at Bexhill, the extent and nature of that contamination has yet to be fully assessed. However, the applicant is committed to commissioning appropriate surveys and the appropriate level of remediation where necessary.

5.6.16 There is a close relationship between national policies on waste and the use of construction materials. This aspect of policy is discussed in full in the Waste Management Strategy accompanying this ES. Nonetheless, it would be instructive if the key policy references were included in this assessment.

5.6.17 National policy on waste aims to significantly reduce the amount of waste going to landfill and emphasises the reduction, reuse and recycling of waste prior to disposal. Allied to this is national minerals policy (MPS1) which seeks to ensure the sustainable use of minerals and minimising the need for primary extraction. The main policy tool in achieving this objective is the efficient use of materials and the use of alternative or suitable recycled materials in place of primary materials. This is reflected in regional minerals and waste policy (W2 and M1), the East Sussex and Brighton & Hove Waste Local Plan (policy WLP11) and its Supplementary Planning Document (Construction and Demolition Waste).

5.6.18 In terms of meeting these policy requirements the Scheme performs well. Within the Scheme there is a commitment to undertake appropriate action, should surveys reveal contamination. A Waste Management Strategy has been prepared with the express purpose of minimising construction and demolition waste going to landfill, thus contributing to national, regional and county objectives for the reduction of waste and the efficient use of materials.

5.6.19 As a consequence the Scheme registers a moderate beneficial impact.

### *Water*

5.6.20 This section focuses on the Scheme's impact upon drainage and water quality issues in the study area. Issues of flood risk, drainage and water quality have a clear relationship with biodiversity and nature conservation issues.

5.6.21 This relationship is well recognised in the Water Framework Directive, National Biodiversity Strategy, PPS25, the draft South East Plan (SEP), the Structure Plan and the draft Cuckmere and Sussex Havens Catchment Flood Management Plan. This latter document makes explicit reference to the need to increase the frequency of flooding in the area (the Combe Haven Valley) for habitat inundation.

5.6.22 Policies at a regional, county and local level reiterate the national objectives of avoiding flood risk areas, development not creating flood risk elsewhere and to provide appropriate levels of flood defence and/or drainage when required as part of development proposals. PPS25 introduces the exception test where flood risk issues would otherwise dictate avoidance, given the acceptability of mitigation measures and a case of overriding need. (paragraph D9).

5.6.23 International, national, regional, county and local policies require that development does not adversely affect the quality of water resources.

5.6.24 The Scheme traverses an area of flood risk and will have some limited impacts on the nature of flood risk in the catchments due to drainage issues such as flood water storage capacity and speedier run off from the road. Yet, the proposed mitigation measures would maintain the current level of risk and have the potential of reducing the level of risk at both Crowhurst and Bulverhythe. The Scheme does not adversely affect sensitive groundwater areas and the risk of pollutants entering water courses is capable of being effectively mitigated.

5.6.25 Consequently the Scheme registers a moderate beneficial impact.

### *Air Quality*

5.6.26 Key national policy objectives for air quality focus on the need to improve air quality standards, whilst not imposing unacceptable social and economic costs. Regional and county level policies provide expression to this objective, but it is only at the local level where specific policy actions to improve air quality are described.

5.6.27 The Hastings Air Quality Action Plan focuses on the poor ambient air quality in the Bexhill Road area. It proposes the implementation of the Scheme, alongside a range of measures including improved public transport services and facilities, and the use of workplace travel plans, in order to improve ambient air quality.

5.6.28 The Scheme performs well in terms of policy requirements, given its central role in improving local air quality. There is a wider benefit identified by the Chapter 10: Air Quality which concludes that there is a reduction in elevated NO<sub>2</sub> and PM<sub>10</sub> concentrations in populated areas.

5.6.29 Nonetheless, modelling reveals that there would be a marginal increase in greenhouse gas emissions (GHGs) with the implementation of the Scheme. This impact should be considered in the context of the development pattern it facilitates and the potential (and more unsustainable) development strategy options it avoids. These issues are discussed in greater detail in Chapter 16: Combined and Cumulative Effects.

5.6.30 The Scheme would introduce a gain in terms of air quality to the area and despite marginal increases in GHG emissions, it meets the objectives of policy on air quality. Consequently, the Scheme registers a moderate beneficial impact.

#### *Noise and Vibration*

5.6.31 The Scheme's performance in terms of national, regional, county and local policies on noise and vibration is variable. Government objectives in terms of noise and vibration are set out in PPG24 under which planning authorities are directed to ensure that through the use of their planning powers they should minimise the adverse impacts of noise.

5.6.32 Noise is a material consideration when determining development proposals. However, it is one of many and the need for the proposal and its wider social, economic and environmental benefits will have to be considered. In this context national and regional guidance is clear, in many instances essential infrastructure will generate noise and it is the role of the planning system to ensure that adverse impacts are minimised, and not to place unreasonable restrictions on development.

5.6.33 The Scheme meets this policy objective in as much as measures are proposed to mitigate adverse noise impacts as far is reasonable and practicable. It also provides benefits for communities in the rural and urban areas as traffic is redirected on to appropriate routes. The Scheme would give rise to noise impacts on both ecology and on undeveloped countryside, however these impacts will be considered in the following sections.

5.6.34 The Scheme seeks to comply with policy requirements in considering noise impacts and proposed mitigation, and provides for a general improvement in noise levels for some communities in the study area. Nonetheless, an adverse impact has been identified for the Scheme overall. Whilst national policy does not prohibit noise generating developments per se, it does not permit unacceptable levels of noise disturbance and as a consequence the Scheme registers a slight adverse impact in respect of policy objectives for noise.

5.6.35 Bearing in mind this tension between objectives, the Scheme registers a slight adverse impact.

#### *Nature Conservation and Biodiversity*

5.6.36 The Natural Environment and Rural Communities (NERC) Act, and the Countryside and Rights of Way (CROW) Act provide the framework for policy responses on the protection of biodiversity. The NERC Act places a duty on public authorities to have regard for the need to conserve biodiversity in the execution of their duties. The CROW Act places the same bodies under a duty to take reasonable steps to further the conservation and enhancement

of SSSIs. PPS9, in providing the policy framework for biodiversity and geological conservation, seeks to integrate environmental concerns within decision making and ensure that biodiversity is conserved, enhanced and restored. Implicit in guidance is the concept of no net loss of biodiversity.

5.6.37 However, national guidance (PPS1) recognises that potentially damaging development should be able to proceed subject to the implementation of mitigation and compensation for any lost environmental resource. A higher level of protection is afforded to SSSIs, but exceptions may be considered where the need for the development outweighs the potential impact on the designated site.

5.6.38 Both RPG9 and the draft SEP refer to the need for planning decisions to contribute to regional biodiversity targets, protect ancient woodland, to encourage new woodland planting and to ensure that there is no net loss of regional biodiversity (E1, 2, 5, NRM4, 5). At county and local level, policies generally conform to the framework set by national guidance.

5.6.39 The principle of no net loss is established in Structure Plan policy where protection is afforded to designated sites and Biodiversity Action Plan (BAP) habitats. Any loss arising from major development is acceptable only if adequate compensation and mitigation is made (EN17, 18, 20). Exceptions are established in policy to allow development, for which there is an established need, to progress. The need for the Scheme and its role in meeting the development needs of the area and providing opportunities to meet longer term regional priorities for development are outlined in Chapter 4: History of the Scheme of this ES.

5.6.40 Without mitigation the Scheme would give rise to a variety of adverse impacts on habitats and species within the study area, both in the construction and operational phases. These impacts range from the loss of a locally significant (SNCI) habitat to noise impacts on local species. However, the design of the Scheme and the comprehensive and extensive programme of mitigation and compensation proposed to meet policy requirements ensure that biodiversity in the area is not significantly affected. Measures include: noise attenuation, new woodland and hedgerow planting, habitat creation, expansion of floodplain grassland (a priority BAP habitat) and the active management of sites within the study area to enhance the biodiversity value of the area.

5.6.41 Nonetheless, some limited loss has been identified. Whilst this represents a slight adverse impact, the Scheme cannot fully meet policy requirements, and consequently registers a neutral impact.

#### *Landscape and Visual*

5.6.42 This section considered the impact of the Scheme upon both the physical and cultural elements that collectively define the landscape and townscape character of the study area. As a result of this there is a significant overlap between the Cultural Heritage, and the Social and Community Effects sections.

5.6.43 National policy is geared towards the protection and enhancement of landscape character and quality. PPS7 requires countryside to be protected for the sake of its intrinsic character and as a resource to be enjoyed by all.

Both PPS1 and PPS3 support this approach by directing development towards urban areas and the emphasis placed upon brownfield site development. The development strategy at the regional, county and local level accords with this policy objective.

5.6.44 The Scheme represents a significant incursion into countryside characterised by its relative tranquillity, yet it avoids development in or impacting upon designated (i.e. AONB) landscapes.

5.6.45 A key policy consideration is that both national policy (PPS1 para 19) and the Structure Plan (S1 (b)) allows for environmental loss where this is unavoidable and capable of mitigation or compensation. The need for the development has been established in the Transport and Travel and Social and Community effects sections of this assessment, i.e. the delivery of the development strategy for the area.

5.6.46 The Scheme in facilitating development in the urban fringe complies with policies governing the character and form of the townscape and urban fringe. Development sites around Bexhill would be master planned in a sustainable manner and would assist in implementing Pebsham Countryside Park thus introducing a management regime to the countryside between Hastings and Bexhill.

5.6.47 The Scheme would give rise to beneficial impacts on the character of urban and rural areas as traffic flows are reconfigured, although communities at little Common and the Ridge would suffer some adverse impacts.

5.6.48 Policy performance in terms of landscape and visual policies is variable. The overwhelming thrust of policy is towards the protection and enhancement of the countryside character and quality. The Scheme qualifies as an exception to these objectives, subject to satisfactory mitigation, but adverse impacts remain and it is apparent that compensation for the lost environmental resource cannot be fully provided.

5.6.49 Consequently the Scheme registers a neutral impact.

#### *Cultural Heritage*

5.6.50 Whilst the purpose of this section is to assess the performance of the Scheme against policies governing the historic or cultural heritage of the study area, there is a significant overlap between this and the Landscape and Visual section. The latter encompasses a range of factors which define the landscape and urban character of the area which will include historic and cultural associations. Nevertheless, the focus on this section is on designated areas and features.

5.6.51 Key planning policy, at a national level, consists of PPG15 (Planning and the Historic Environment) and PPG16 (Archaeology and Planning). Central to national policy is the understanding that a balance should be struck between the need to protect the historic and archaeological heritage of the nation and the needs of society and the economy. Designated sites and features such as Conservation Areas, Listed Buildings, Scheduled Ancient Monuments (SAMs), historic parks and gardens are afforded a high level of protection and their preservation and conservation are a material planning

consideration. These national policy requirements are replicated at the regional, county and local levels.

5.6.52 With specific reference to road schemes, PPG15 requires that new road building should only proceed when all other alternatives have been discounted. If a new route is unavoidable historic features should be protected as far as is reasonable and practicable.

5.6.53 The Scheme will cross an area which has the potential for being regionally significant in archaeological terms and the construction phase may reveal archaeological remains. PPG16 states that the first preference is for the preservation of remains in situ, but where this is not possible preservation by record would be the second best option. In response to this requirement, the Scheme would be developed in accordance with best practice.

5.6.54 Whilst the Scheme would have limited and indirect impact settings of a number of listed buildings, remove sections of hedgerow, have potential archaeological implications and affect the setting of a small number of listed buildings, it would offer opportunities for enhancement of the historic environment in accordance with the objectives of PPS1 and RPG9, the draft SEP (policy BE7), the Structure Plan (EN1) and Rother District Local Plan (BT1 and BX1). This would be achieved through the anticipated reduction in traffic using rural routes to avoid congestion on the A259, and the dispersal of traffic in the urban areas.

5.6.55 The Scheme broadly accords with planning policy governing cultural heritage at all levels. Although some limited loss would occur the Scheme proposes mitigation such as the recording of historic and archaeological features as construction takes place, noise attenuation measures to reduce adverse impacts and landscaping to mitigate adverse impacts on the settings of listed buildings. Moreover, investigations would contribute significantly to the understanding of the area.

5.6.56 Given policy requirements, the established need for the Scheme and the conclusions of Chapter 14: Heritage, the Scheme's performance in terms of planning policy is slight beneficial.

#### *Social and Community Effects*

5.6.57 The assessment of the Scheme's performance in the context of Social and Community effects examines the policy framework which influences the development strategy for the area set at regional, sub-regional and local level. This encompasses housing, employment, tourism, leisure, and other factors which determine the current and future functioning of the settlements of Bexhill and Hastings, and the rural areas.

5.6.58 The defining factor guiding the development strategy for the area is the national objective to secure a sustainable pattern of development. This is expressed as a policy of constraint and minimising development of greenfield sites in favour of brownfield development opportunities. Explicit in national policy (PPS3 and PPS1) is the preference for urban areas as locations of strategic development, given their accessibility to jobs and services, availability of existing infrastructure, and the accessibility to public transport.

5.6.59 Development plans should also observe the government's objectives for housing policy, namely, to ensure that everyone has the opportunity to live in a decent home which they can afford, in a community where they want to live (PPS3). In terms of commercial development, national policy (PPG4) requires development plans to consider the locational need of businesses whilst observing environmental considerations, minimising the need to travel and avoid unacceptable congestion.

5.6.60 These policy principles are cascaded down to the development strategy for the area, as expressed in RPG9, the draft SEP, the sub-regional strategy for the Sussex Coast, the Structure Plan, and the Local Plans of both Rother and Hastings. The priorities of which are to achieve the sustainable economic and social regeneration of the area, ensure a better jobs homes balance, focus development on the urban areas and maximise accessibility to jobs and services.

5.6.61 The needs of the Bexhill Hastings area are well documented and have prompted the intervention of a partnership of government agencies, regional authorities and the local authorities to bring about the regeneration of the area. This need is emphasised by the Index of Deprivation (2004 ODPM) which states that Hastings is ranked 39th most deprived out of 354 local authorities nationally. Of the 53 Super Output Areas (SOA) in Hastings, 12 are ranked in the 10% most deprived nationally and 20 in the 20% most deprived. In addition just one SOA in Rother falls within the worst 20% of SOAs nationally (Sidley). Two other SOAs, one in Central and one in Sackville fall just outside the 20% most deprived category. Allied to this are the poor transport conditions which reinforce a sense of peripherality, adversely affect investor confidence and prevent the release of business land. A detailed assessment of the Scheme's contribution to meeting the social and economic needs of the area is contained within the Regeneration Statement accompanying this application.

5.6.62 Housing need in the area is acute, with demand for affordable housing outstripping supply.

5.6.63 Transport constraints have played a significant role in the depth and breadth of economic and social problems facing the area. Policy SCT1 of the draft SEP is explicit in its call for major improvements to transport infrastructure in order to deliver the regional objectives. To this end the (revised) SEP's Implementation Plan states at Annex 3.2 that the Scheme is necessary to relieve congestion, enable the delivery of the area's major housing and employment allocations both in current local plans and proposed as part of the draft SEP's sub-regional strategy for the area.

5.6.64 As the Regeneration Statement accompanying this ES explains, the Scheme would assist in creating the conditions for an improvement in the local economy. This would in turn secure a better balance between jobs and homes, reduce out commuting from the area, provide transport choices as people choose to work locally, and address issues of deprivation.

5.6.65 An improved local economy has implications for housing delivery. A regenerating economy would improve the viability of brownfield sites in both towns, thus giving opportunities to reduce the need for greenfield allocations.

5.6.66 Without the Scheme the adopted and emerging development strategy for the area formulated at a regional, county and local level cannot be fully implemented. The transport benefits, the release of strategic allocations and the potential to bring forward more sites around Bexhill will not be realised; with significant implications for the two towns and the surrounding area. The most immediate of which would be the failure of the Rother District Local Plan.

5.6.67 This scenario of a failed plan leads to a disjointed and incremental approach to development which service and infrastructure providers have to respond to on an ad hoc basis, which is ultimately unsustainable.

5.6.68 National guidance in respect of leisure and tourism (PPG17 and PPS21) emphasise the role of sport and recreation in determining the quality of life and recognise the important contribution tourism makes to the local, regional and national economy. Regional, county and local policy seeks to protect and enhance open space provision and support the local tourism sector. Notable amongst these is the advice found in RPG9 on improving the “*tourism offer*” of the region’s coastal resorts.

5.6.69 There are two elements to the Scheme’s contribution to planning policies on leisure and tourism, the provision of the Greenway and the role of the Scheme in facilitating the proposed Pebsham Countryside Park. The Greenway offers a significant resource for pedestrians, cyclists and equestrians. The proposed Pebsham Countryside Park would offer a major recreational resource for residents of the area and beyond, but is dependent upon the Scheme and the new development facilitated by it to secure funding from development contributions and opportunities for access to facilities.

5.6.70 The Scheme is central to the development strategy of the Local Plans of Hastings and Rother, the Structure Plan, the Regional Spatial Strategy and its draft replacement. Without the Scheme the development strategy for Rother fails and the regeneration objectives of Hastings would be curtailed. An alternative development strategy not focussed on Bexhill and Hastings will invite greater environmental damage; place stresses on infrastructure and service provision; would do nothing to achieve a better balance between jobs and homes; and, runs the risk of redirecting development pressures to neighbouring rural areas.

5.6.71 Consequently the Scheme registers a major beneficial impact.

#### *Travel and Transport*

5.6.72 National policy on travel and transport, found in both White Papers and the government’s Ten Year Plan, can be best defined as recognising the need to provide further investment for transport infrastructure necessary to address constraints and meet the demands of anticipated growth whilst at the same time meeting environmental objectives. The priorities falling from this policy approach are to ensure that travel by road (by all sectors) is more reliable, that public transport (both road and rail) is equally reliable, that the conditions exist for people and businesses to make informed travel choices, and that access to employment and other services by a variety of modes of transport is improved and enhanced.

5.6.73 In essence Government policy aims to provide a safe and integrated transport system, which seeks to reduce the reliance on the private car and the need to travel.

5.6.74 The Scheme's contribution to these policy objectives lies in the provision of additional capacity, which allows the management of existing roadspace, offers opportunities to enhance existing bus services and the creation of new routes, alleviates poor environmental conditions, and facilitates growth and development in an area of economic and social need. As discussed in the Social and Community Effects section, the Scheme directs development pressures to the urban areas and away from its rural hinterland. In doing so it would provide opportunities to widen travel choices for residents in the urban areas.

5.6.75 In terms of meeting the policy requirements of national policy, the Scheme registers a major beneficial impact.

5.6.76 Current and emerging regional guidance (South East Regional Planning Guidance Note 9 (including subsequent alterations) (RPG9) and the draft SEP) emphasises the need to encourage economic success, enhancing the environment, social inclusion and ensuring that development patterns are sustainable. In the context of travel and transport this is interpreted as focussing development on urban areas, particularly those which act as centres of economic activity, are regionally/sub-regionally significant in terms of the provision of services, and provide (or have the potential to provide) key transport interchanges.

5.6.77 The SEP's Sussex Coast sub regional strategy provides a bespoke set of policies aimed at addressing the particular social and economic issues faced by the area. Transport, mobility and access to services are central issues in a strategy which seeks to deliver a step change in the economic performance of the sub region. The Strategy (and RPG9) identifies the Scheme as a vital piece of infrastructure essential to the long term needs of the area. The Scheme should also be considered as providing the foundation for an integrated package of transport measures that can be delivered over time as the area develops. Without it, policies of integration and modal shift would be hindered.

5.6.78 In terms of meeting the policy requirements of regional policy, the Scheme registers a major beneficial impact.

5.6.79 The policy imperatives of mobility, social inclusion, economic development and growth, and environmental protection and enhancement are cascaded down to the strategic and local levels. Thus providing greater definition to the pattern of development for East Sussex and the necessary infrastructure to serve it. The Structure Plan and the LTP for the area emphasise the need for improvements to transport infrastructure to meet development needs and improve accessibility to key services for all sections of society. These themes are central to Structure Plan area policies (S24 and S25).

5.6.80 A significant element in the Scheme's positive performance lies in the opportunities which it creates (the proposed North East Bexhill Development), and the potential scenarios it avoids (e.g. a car dependent development strategy of rural dispersal).

5.6.81 The LTP2 developed within the context of the regional transport priorities discussed above, is complementary to the development strategy set by the Structure Plan and the sub-regional strategy. It also identifies the Scheme as a major project necessary to meet the development needs of the area and satisfy social, economic, environmental and transport policy objectives for the area.

5.6.82 The Air Quality Plan for the Bexhill Road Air Quality Management Area (AQMA) identifies the construction of the Scheme as an action which is accorded with “*a high air quality impact with non air quality impacts of increased accessibility and regeneration*”. An objective of the Hastings Borough Local Plan is to improve transport connections between Hastings and Bexhill. It also seeks to secure environmental improvements along routes such as the A259 on the seafront in order to reconnect the urban area to its seafront. Actions such as improving the public realm in transport corridors in the town, and demand management measures to reduce car dependency are contingent upon the implementation of the Scheme.

5.6.83 The Rother District Local Plan makes provision for the Scheme in policy terms given that the overwhelming majority of it is located within its borders and that its development strategy is reliant upon its successful completion. Policy TR1 provides for an area of search for the Scheme, and policies BX2 and BX3 tie the North East Bexhill Development in to the delivery of the Scheme. Issues of accessibility are dealt with by policy DS1(iv)(v) which requires that development should have high levels of accessibility to services and jobs. Again, this issue should be dealt with under the community effects section where the links between the development aspirations of the local planning authorities and their relationship with the Scheme are better assessed.

5.6.84 In terms of meeting the policy requirements of county and local policy, the Scheme registers a major beneficial impact.

5.6.85 In sum, the performance of the Scheme in terms of travel and transport policies is considered to be major beneficial.

## **5.7 Conclusions**

5.7.1 This comprehensive assessment of the Scheme’s performance on prevailing national, regional, county, and local planning policies and guidance has been undertaken in accordance with national guidance.

5.7.2 The Scheme meets national, regional and county level transport objectives and policies. It is a necessary component of regional transport policy; it is identified in adopted and draft regional spatial strategies, and is intimately linked with the development strategy for the area both in terms of the local plans and the longer term regional spatial strategy. In releasing land for development, the Scheme facilitates a pattern of development that accords with the objectives of national policy. In doing so it provides the basis by which the regeneration and growth of the two towns can take place in a sustainable manner. Thus the Scheme meets policy objectives (at all levels) for social and community effects.

5.7.3 The Scheme would, however, involve environmental loss. This is particularly evident in the change of character of the receiving landscape.

Whilst measures are proposed to minimise adverse landscape impacts, the Scheme results in the loss of some (undesigned) countryside.

5.7.4 Nonetheless, environmental protection objectives have defined the alignment of the Scheme, its detailed design, the package of mitigation measures and proposed compensation. Indeed, the proposals would involve enhancements to the surrounding area: the potential for agricultural land to be managed for biodiversity; proposals to replace and increase the extent of valued habitats and new planting; the provision of the Greenway; improvements in air quality; and the relationship between the Scheme and the realisation of the Pebsham Countryside Park, all represent improvements which would not arise without the Scheme.

5.7.5 Consequently, the Scheme performs well in terms of policy requirements which allow potentially environmentally damaging development (for which there is established need) to proceed subject to acceptable mitigation and/or compensation for environmental loss.

5.7.6 When considered in the round, the Scheme has as far as is reasonable and practicable sought to minimise its impact on the environment. Whilst limited adverse impacts remain, these are outweighed by the benefits to be gained in terms of; the implementation of development strategy which is considered to be the most sustainable option for East Sussex; improvements to the local environment such as air quality and the redirection of traffic from pressured rural environments; and the contribution to the Scheme would make to regenerating the Bexhill Hastings area and the revitalisation of deprived neighbourhoods.

5.7.7 Consideration should also be given to the potential environmental damage which may arise from not approving the Scheme. Alternative, less sustainable strategies would be adopted or evolve, doing nothing to address the need to improve job opportunities, increase affordable housing provision and enhance accessibility within areas of concentrated need.

5.7.8 Accordingly the Scheme registers a moderate beneficial impact.