

Schedule of Additional Comments: Nature Conservation (Environment Agency)

Nature Conservation Chapter Section	Comment	Initial Response¹	Additional Actions/ Addressed – Included within the Nature Conservation Chapter²
12.5.25 to 12.5.30	<p>Inadequate consideration of, and mitigation and compensation for, ecological impacts.</p> <p>The Environmental Statement (ES) concludes that the overall impact of the scheme on nature conservation and biodiversity interest would be 'slight adverse and therefore not significant'. However, the ES identifies several significant deficiencies in the identification and mitigation of impacts. It recognises that the route will result in the loss and disruption of ecologically valuable and UK Biodiversity Action Plan habitat including floodplain grassland and fen, ditches and streams, hedgerows with wet ditches, ancient woodland associated with ghylls, plus their various associated wildlife species. We do not consider that adequate mitigation has been proposed.</p>	<p>The extent of the mitigation proposed has been discussed through consultation meetings with NE and EN and CA before them. They jointly set the standard with EA and County Ecologist. There may be a misunderstanding in that all the extent of the planning application area will be acquired as a part of the Scheme to meet the standards which they help to set.</p> <p>Reference is made to the Schedule of Wildlife Areas within the Design and Access Statement and amended in the Addendum Design and Access Statement for the extent of habitat loss and replacement as a result of the Scheme and mitigation to address this loss, which is developed through these documents. This Schedule identifies that there will be a biodiversity bet gain due to the compulsory purchase of land which will then be managed for improved biodiversity value for BAP habitats.</p>	Addressed as per initial response.
12.5.31 to 12.5.50	<p>Unknown impacts</p> <p>In several areas the impacts are considered to be</p>	Additional information for these "unknown" impacts has been included in the revised draft at EA's request. Impacts of noise have been revisited,	Addressed Statement within the AES to

¹ Initial response prior to the meeting held 22.07.08 between EA, ESCC and MM. Please see Appendix B.1 for records of this meeting.

² Additional actions and responses to arise following the meeting held 22.07.08 between NE, ESCC and MM.

Bexhill to Hastings Link Road
 Addendum to the ES
 Volume 2a - Appendices

Nature Conservation Chapter Section	Comment	Initial Response ¹	Additional Actions/ Addressed – Included within the Nature Conservation Chapter ²
<p>and 12.5.52 to 12.5.59 and 12.5.952 to 12.5.107</p>	<p>unknown and therefore not addressed. For example, the scheme identifies that there would be a risk that increased noise and vehicle emissions may have some influence upon habitats. Although noise impacts have been acknowledged, the lack of understanding regarding noise impacts means that they have not been taken into account or mitigated for. It is suggested that there are 'potential impacts from the discharge of road drainage, leachates from construction materials and alteration of air quality and the chemical environment near the road'. There will be significant increases in nitric acid deposition within areas adjacent to the road, including two SSSIs, but there is 'some uncertainty as to the effect of this on habitats and species'. Without being fully understood and investigated, the impacts cannot be mitigated adequately.</p>	<p>particularly with regards to the impacts and mitigation for breeding birds.</p> <p>Methods to address potential impacts from the discharge of road drainage and leachates from construction materials are referenced. A CEMP would be developed so as to manage those elements of construction works that have potential to cause adverse effects on the water environment, and these measures will be agreed with the EA and other statutory consultees. A temporary site drainage system would be developed to implement the appropriate mitigation measures detailed in the CEMP.</p> <p>The impacts from vehicle emissions are detailed. The Air Quality assessment and impact on Designated Sites has been re-assessed following new DMRB guidance (May 07), which was published after the ES. A report titled "Assessment of Air Quality Effects on Designated Sites" (Appendix G.1 of the Addendum to the ES), has been produced. This assessment does not alter the significance of impact as "potentially significant" as detailed in the ES. Further assessment of this significance on the designated sites will be added to the Nature Conservation chapter, based on the site designation information, NVC communities present and from the Lower Plants of Marline Woods survey.</p>	<p>state that where possible, mitigation will be brought forward so that any ecological enhancement commences as early as possible has been included.</p>
<p>12.5.52 to 12.5.59</p>	<p>Though it is stated that impacts of leachate and salt spray are unlikely to have significant impacts on the habitats and species of the SSSIs, it is stated that</p>	<p>The statement 'leaching of salt into watercourses may have a significant impact on riverine species' has been removed from the draft. Additional</p>	<p>Addressed. Statement within the AES to</p>

Bexhill to Hastings Link Road
 Addendum to the ES
 Volume 2a - Appendices

Nature Conservation Chapter Section	Comment	Initial Response ¹	Additional Actions/ Addressed – Included within the Nature Conservation Chapter ²
	<p>'leaching of salt into watercourses may have a significant impact on riverine species.' The addendum states (12.5.27) that the exact levels of salt leachate would be required in order to assess the impact. As a potential impact has been identified, it should be demonstrated that this impact will be avoided in the first instance, with mitigation if any impacts cannot be avoided. This has not yet been done.</p>	<p>information with regards to the drainage mitigation which has the specific aim of ensuring that the significance of impact from salt spray is considered to be minor adverse without mitigation and neutral with mitigation (Section 9.7.15 of the ES) has been included in the revised Nature Conservation chapter.</p>	<p>state that where possible, mitigation will be brought forward so that any ecological enhancement commences as early as possible has been included.</p> <p>Further information on potential methodologies for modelling salt impacts), and additional guidance for mitigating the long-term accumulation of salts has been included.</p> <p>Current codes of practice for the application of de-icer salts have been referenced in the AES. Recommendations for minimum applications, without compromising safety, have been made.</p>
<p>12.5.25 to 12.5.30</p>	<p>The scheme does not mitigate adequately for disturbance of habitats and acknowledges that there will be an ongoing effect upon wildlife, particularly that the scheme will 'create noise and visual disturbance arising from vehicles and users of the greenway'.</p> <p>The replacement of lost habitats with a 2:1 ratio, as mitigation, 'assumes that the whole of the borrow pit in the Powdermill Valley would be sufficiently</p>	<p>The extent of the mitigation proposed has been discussed through consultation meetings with NE and EN and CA before them. They jointly set the standard with EA and County Ecologist. There may be a misunderstanding in that all the extent of the planning application area will be acquired as a part of the scheme to meet the standards which they help to set. Reference is made to the Schedule of</p>	<p>Addressed as per initial response.</p>

Bexhill to Hastings Link Road
Addendum to the ES
Volume 2a - Appendices

Nature Conservation Chapter Section	Comment	Initial Response ¹	Additional Actions/ Addressed – Included within the Nature Conservation Chapter ²
	<p>shallow to enable wet reedbeds and similar habitats to be created'. Furthermore the ES recognises that there is no reliable information on whether the areas proposed for habitat re-creation would be significantly large to retain significant biodiversity in the long term, and states that 'there is some uncertainty over whether the measures proposed would fully compensate or mitigate the impact on the actual and potential biodiversity of the floodplain'. Thus the actual extent of mitigation and the likely effectiveness of proposed habitat re-creation is unknown. It must be clearly demonstrated that compensatory habitat creation will be on a like-for-like basis, since creation of, for example, open water ponds/lakes cannot be considered as compensation for wet grassland and ditch habitats.</p>	<p>Wildlife Areas within the Design and Access Statement and amended in the Addendum Design and Access Statement for the extent of habitat loss and replacement as a result of the Scheme and mitigation to address this loss, which is developed through these documents. This Schedule identifies that there will be a biodiversity net gain due to the compulsory purchase of land which will then be managed for improved biodiversity value for BAP habitats. Chapter 13, Section 13.5.32 of the Addendum to the ES gives additional information about the resources to be allocated for management measures. The time period to which the commitment would apply is 7 years.</p>	
12.5.108 to 12.5.112	<p>Compensatory habitats for those being lost must not be created on existing ecologically valuable habitats. Furthermore, the feasibility of mitigation options must be demonstrated. According to the ES part of the mitigation strategy may involve working with landowners to improve water levels and habitats in the valley. This is not confirmed and therefore cannot be considered as part of the currently proposed mitigation.</p>	<p>Details of how funding will be secured and the feasibility of the management and monitoring of habitats is included. To secure funding for the management and monitoring of habitats, there are areas within the Scheme which could use some degree of agricultural land resources as a means of meeting the wildlife management requirements. It would be the intention of the Highway Authority to retain ownership of all of this land and charge a rent for its agricultural use. This income would then be "ring fenced" for wildlife and landscape management of those areas which cannot be managed through agricultural uses. It would be the Highway Authority's intention to maximise income from land or property in its ownership, where this is compatible with the objectives of the Scheme or</p>	<p>Addressed as per initial response.</p>

Bexhill to Hastings Link Road
 Addendum to the ES
 Volume 2a - Appendices

Nature Conservation Chapter Section	Comment	Initial Response ¹	Additional Actions/ Addressed – Included within the Nature Conservation Chapter ²
		<p>mitigation measures.</p> <p>The statement “According to the ES part of the mitigation strategy may involve working with landowners to improve water levels and habitats in the valley. This is not confirmed and therefore cannot be considered as part of the currently proposed mitigation” is accurate. This mitigation is considered as aspirational mitigation. The Scheme mitigation strategy is not reliant on such mitigation.</p>	
12.5.25 to 12.5.30	<p>The ES confirms that there would be actual and potential indirect impacts on the SSSIs, including impacts from increased noise levels and from visual disturbance, and that ‘the route would sever the SSSI from floodplain grassland and fen’. This has not been adequately addressed. Furthermore the scheme does not take into account the medium-term loss in habitats until newly created habitats are established. The length of ditch re-creation, for example, does not appear to be on a 2 for 1 replacement ratio as stated and is therefore inadequate, and the overall impacts are likely to result in a deterioration of the ecological quality of watercourse habitats, contrary to the requirements of the Water Framework Directive.</p>	<p>Section 12.5.22 to 12.5.26 of the revised text details the medium-term loss in habitats until newly created habitats are established. Additional information has been added, to address indirect impacts. Section 12.5.12 states that: "Indirect impacts from noise at the construction and operational stage in Scheme development are likely to be on breeding birds. Mitigation would include noise fencing and natural screening. The impact significance is not altered from minor adverse, as stated within Chapter 12 Nature Conservation of the ES". Additional information to address the impacts of noise, particularly on wintering birds and with reference to local records will also be included once additional data has been received.</p>	<p>Addressed</p> <p>Additional and existing data has been re-summarised. Best practice in relation to construction noise control has been included.</p>
12.5.16 to 12.5.24	<p>Habitat severance</p> <p>The ES recognises that the value of some habitats in the area will be significantly degraded by severance from other complementary areas. It</p>	<p>The revised Addendum to the ES gives additional assessment to address the issues of habitat fragmentation. Reference to the revised Environmental Design Figures, contained in Appendix J.3 Figures (Additional Habitat Continuity</p>	<p>Addressed as per initial response.</p>

Bexhill to Hastings Link Road
 Addendum to the ES
 Volume 2a - Appendices

Nature Conservation Chapter Section	Comment	Initial Response ¹	Additional Actions/ Addressed – Included within the Nature Conservation Chapter ²
	<p>states that the proposed road will ‘create a barrier between habitats, possibly isolating smaller areas of habitat to the extent that they would be unable to support viable populations of some species of biodiversity significance’ and ‘sever habitat links, particularly the network of hedges, copses and ditches, and specific links for badgers, bats and common dormice’.</p> <p>However, the mitigation strategy focuses on mitigation and compensation of impacts on individual species and habitat types. It fails to address the significance of severance of ecologically valuable and priority UK BAP habitats, causing disruption of ecological networks, and habitat isolation and fragmentation.</p> <p>The scheme will result in severance of both existing and newly created wetlands, and watercourses, from the Combe Haven SSSI and other wetland habitats. This will prevent migration and transfer of species and reduce the suitability of severed areas for wildlife. On this large scale the scheme will alter the ecological function of the whole valley.</p> <p>With the currently proposed road design the impacts of severance can not be unmitigatable.</p>	<p>Plans, 13.23 to 13.23K), has also been made through the text, and additional text to support these Figures has been added. Reference has also been made to the ongoing survey works that will inform protected species licensing and the Ecological Masterplan. This work is being carried out by EPR consultants and is separate to the Planning Application. Surveys are currently being undertaken which will fully ascertain the extent and nature of this mitigation; additional specific species mitigation measures will be incorporated in to a mitigation strategy for the Scheme. A detailed ecological Master Plan is in production. Outline mitigation for protected species would include the measures described in Table 12.1.</p>	
12.5.19 to 12.5.24	<p>The watercourse crossings, which have the potential to lessen the impacts of severance by providing wildlife corridors, are inadequate for a road scheme of this size. The clear span crossings are inadequate in size and the impacts of culverts including loss of bankside habitat and disruption of</p>	<p>The Addendum addresses the issue of severance caused and severance relieved by the watercourse crossings: There are five river crossings proposed within the Combe Haven valley, one over the Combe Haven itself, two over the Powdermill Stream, one over the Watermill Stream and a final</p>	<p>Addressed.</p> <p>Statement within the AES to state that where possible, mitigation will be brought forward so that any ecological</p>

Bexhill to Hastings Link Road
 Addendum to the ES
 Volume 2a - Appendices

Nature Conservation Chapter Section	Comment	Initial Response ¹	Additional Actions/ Addressed – Included within the Nature Conservation Chapter ²
	<p>watercourse continuity, have not been addressed. Furthermore the road will restrict the creation of necessary wetland habitats and strengthening of ecological networks in the future.</p>	<p>crossing over the Decoy Stream. The bridges would have set-backs from the watercourse bank tops to the base of the structure of 2m. Therefore there would be a ledge of 2m between the watercourse and the bridge that could be utilised by dispersing animals. Beneath these bridges it is not anticipated that there would be any significant vegetation cover and therefore fragmentation of grazing marsh habitat would occur, with the exception of species carried by the watercourses. However, it would be possible for species of greater mobility to travel beneath these bridges and it is not anticipated that a barrier would be created to the movement of mammals such as badger, otter, water vole and water shrew.</p>	<p>enhancement commences as early as possible has been included.</p> <p>A set of principles on how to plant and manage a softbank option for the clear span structures has been developed, with an aim of maintaining the biodiversity value along the riparian edge.</p>
<p>12.5.16 to 12.5.24</p>	<p>Species isolation</p> <p>This has not been adequately considered by the ES, even though it states that the road ‘may be a barrier to the free movement of wildlife between the land north of the road and the land to the south’. Of particular concern to the Agency, although the ES acknowledges that otters have previously been recorded in the vicinity of the scheme, and that it is possible water voles are still present in the valley, impacts of the scheme on these species have not been fully considered. No specific mitigation measures have been proposed, and specifically the restrictive effects of the proposed road on potential future re-colonisation of the valley by these species, has not been addressed</p>	<p>Species of greater mobility, such as birds and otter and plants with wind dispersed seeds should not be subject to significant levels of fragmentation. Less mobile species such as molluscs may experience fragmentation of populations. However, areas of land isolated to the south and north of the Scheme are considered to be sufficiently large in area to maintain viable populations of these less mobile species.</p>	<p>Addressed, as per initial response. Some additional text has been included.</p>
<p>12.5.25 to</p>	<p>Failure to address requirements of PPS9 & other planning policy.</p>	<p>The requirements of PPS1 and PPS9 have been developed and reported through the Design and</p>	<p>Addressed as per initial</p>

Bexhill to Hastings Link Road
 Addendum to the ES
 Volume 2a - Appendices

Nature Conservation Chapter Section	Comment	Initial Response ¹	Additional Actions/ Addressed – Included within the Nature Conservation Chapter ²
12.5.30	<p>This is a large scale development and ecological enhancements must be an intrinsic part of the plans. This is in keeping with PPS1 'Delivering sustainable development', PPS9 'Biodiversity and Geological Conservation' and the South East Plan. Policy NRM4 of the South East Plan seeks to avoid a net loss of biodiversity and to actively pursue opportunities to achieve a net gain of biodiversity across the region. PPS1 states that planning authorities should seek to enhance the environment as part of development proposals. PPS9 describes how planning decisions should maintain, enhance, restore, and add to biodiversity interests, and recognises that development proposals provide opportunities for including beneficial biodiversity features as part of good design.</p> <p>Furthermore, PPS9 recognises the need to protect, strengthen and integrate networks of natural habitats within development. Fragmentation and isolation of habitats should be avoided.</p> <p>The proposal does not provide adequate mitigation and compensation for ecological impacts and it fails to address the planning requirement for provision of ecological enhancements above and beyond that mitigation and compensation.</p>	<p>Access Statement and the Design and Access Statement Addendum. The requirements are thus made through the Scheme design and the extent of the mitigation proposed, such as the 2:1 habitat replacement that has been developed through consultation with EA and NE and extent of habitat management proposed. Additional details on the management and provision of BAP habitats has also been added. This will detail the approach to increasing BAP habitats, land management and sensitive planting.</p>	<p>response.</p>

Bexhill to Hastings Link Road
 Addendum to the ES
 Volume 2a - Appendices

Nature Conservation Chapter Section	Comment	Initial Response ¹	Additional Actions/ Addressed – Included within the Nature Conservation Chapter ²
	<p>Overall the current submission does not address our objections to the scheme. These objections may be overcome given some careful consideration to the road scheme design and the specific mitigation and enhancement measures that are proposed.</p> <p>This should include:-</p> <ul style="list-style-type: none"> • Consideration and improvement to the design of the clear span bridges to provide a greater width on either side of the watercourse. This in itself might help to minimise the requirements of mitigation and enhancement for the watercourses; • Studies to assess and prove the mitigation options are feasible and workable; & • Consideration of further mitigation and enhancement options (these may already be under discussion). 	<p>The issue of habitat severance was the subject of a number of discussions with the SEBs during the scheme development stage, both through the SEBs liaison group and specific meetings for the purpose. Agreement was reached between the design team, EA, NE (previously EN) and the County Ecologist about the appropriate design for the river crossings. It was agreed that free span structures should be used in preference to culverts, in order to strike a reasonable balance between minimising landscape effects and impact upon wildlife. Agreement was also reached over both vertical and horizontal clearance for wildlife and water movements through the structures. It was agreed that a 2m wide strip of land would be allowed on both sides of the water courses, beneath the bridges between the top edge of the watercourse bank and the bridge structure. One of the drivers for this measure was the need to retain options for water voles to re-colonise the valley from the north and it was accepted that free span structures built to this standard would present no obstruction to the passage of such creatures. Throughout these deliberations the size of the road Scheme has remained constant.</p> <p>Works to inform the protected species licensing and Ecological Masterplan are ongoing. Results from these will further inform mitigation and further demonstrate the feasibility of mitigation options.</p>	<p>Addressed as per initial response and additional actions. In addition, outstanding issues relating to water as discussed in the meeting of 22.07.08 to be addressed in a stand alone document to be submitted alongside the AES.</p>

Bexhill to Hastings Link Road
 Addendum to the ES
 Volume 2a - Appendices

Nature Conservation Chapter Section	Comment	Initial Response¹	Additional Actions/ Addressed – Included within the Nature Conservation Chapter²
	<p>Flood Risk</p> <p>Within section 9.2.2 of the Addendum to the Environmental Statement it is noted that reference is made to a revised Flood Risk Assessment. Unfortunately the Agency has yet to be consulted on this revised document and as such we are unable to comment on the flood risk or drainage at this time.</p>	<p>FRA issued to EA: 02.07.08</p>	<p>Objection on the grounds of Flood Risk has been removed.</p>