

**OUTCOMES OF MEETING HELD AT COUNTY HALL, LEWES
ON MONDAY 26TH NOVEMBER 2007**

FOR PLANNING APPLICATION: BEXHILL HASTINGS LINK ROAD APPLICATION

Present

Tony Cook – East Sussex County Council, (Planning)
 Paul Jarvis (PJ) – Arup Consultants, (Planning consultant)
 Dr Alex Tait (AIT) – East Sussex County Council, County Ecologist (Planning consultee)
 Marian Ashdown (MA) – Natural England (Planning consultee)
 Charlie Murray (CM) – Environment Agency (Planning Consultee)
 Grant Moffat (GM) – Environment Agency (Planning consultee)
 Rebecca Pearson (RP) – Natural England (Planning consultee)
 David Huskisson (DH) – Landscape Architect, David Huskisson Associates
 (Planning consultee)
 Simon Colenutt (SC) – Project Design Team, Ecologist, ECOSA
 Giles Hewson (GH) - Project Design Team, ES co-ordinator, Mott MacDonald
 Peter Hayward (PH) – Project Design Team, Project Manager, East Sussex County Council
 Nigel Marshall (NM) – Project Design Team, Landscape Architect, East Sussex County
 Council
 Chris Frith (CF) - Project Design Team, Hydrology Engineer, Associate Director, Faber
 Maunsell
 Debbie Mallard – East Sussex County Council

ITEM		ACTION
1.0	WILDLIFE CHAPTER	
	PJ – Four main issues of concern: 1. Adequacy of survey information; 2. Scope and extent of compensation; 3. Impact on SSSI; 4. On going management and maintenance.	
1.1	ADEQUACY OF SURVEY INFORMATION	
1.1.1	List of species SC will go through the ES document and list out those species included in the latest Biodiversity Action Plan (BAP) list as requested by AIT.	SC
1.1.2	European Protected Species (EPS) DORMICE AIT - Questioned whether information is sufficient and whether guidelines have been met?	
	MA and AIT agreed that :- - The 3 month survey work carried out in 2005 was insufficient (some areas were not fully surveyed - typically a survey should extend between April and October, they want to know the distribution of dormice and where they are foraging, and where there is habitat severance). Although the new guidance was published after the survey was carried out MA believed that the old guidance – version 1 included sufficient guidance. - there is insufficient survey information to determine whether there would be 'favourable conservation status'.	

	<p>- although the survey of EPS will be considered again at the licensing stage it should also be dealt with adequately at the planning stage. The work at the licensing stage will not duplicate what should be done at the planning stage. At the Licensing stage one often has to revisit data as there are often delays to road schemes to get to this stage. At the licensing stage one looks at the mitigation and timing of the works in more detail.</p> <p>- It is possible to include mitigation measures for the dormice but at this stage we do not have all the information that we need to be able to do this. We cannot assume the worst case scenario, we need to know that mitigation is achievable. At the moment we just do not have the information.</p> <p>AIT – As Planning Authority, we need to be satisfied. Three tests must be applied.</p> <ol style="list-style-type: none"> 1. Is there an alternative? 2. Is there an overriding public interest? 3. Local authority must be satisfied that there won't be an adverse impact on populations of the species. 	
	<p>GH – Do we therefore need to do more survey work? If we do we will not have the results until October 2008 next year – this will have a significant impact on the programme for the road.</p>	
	<p>SC – The surveys in 2005 were carried out in August/September/October. SC thinks we could have had time this year to do more if known about these objections sooner.</p>	
	<p>PH – assumes this application will be called in. If we can't do these surveys until later next year then we would have the information for the Public Inquiry.</p>	
	<p>PH –We accept that we have to do further survey work and mitigate properly. How can we progress without significant delay on the programme?</p>	
	<p>AIT –There should be a separate meeting to discuss concerns about a delay to the programme. AIT and Natural England are commenting on the biodiversity issue.</p>	
	<p>TC says there may not be a Public Inquiry and that decisions should be based on the application in front of us.</p>	
	<p>PH We want to get the programme resolved and need a steer from the planners. The planners will get legal advice.</p>	TC
1.1.3	<p>EPS - GREAT CRESTED NEWTS</p> <p>There will be more survey work carried out March to June 2008. AIT says that with this additional survey work, there should be sufficient information to determine the planning application.</p> <p>The mitigation seems OK for Great Crested newts and can be augmented</p>	

	at licensing stage.	
	MA – Whilst mitigation is not great it is adequate.	
	With regard to REF: 33 of ESCC Regulation 19 letter dated xx/xx/07, MA will clarify their position.	MA
1.1.4	EPS - REPTILES	
	SC Will amend the ES to provide clarification and more detail about mitigation particularly the receptor sites.	SC
1.1.5	BATS Ref: 31 and 17 ESCC EIA Regulation 19 letter dated xx/xx/07 table.	
	SC – to provide more detail and clarification of the mitigation. This to include: - outline mitigation for all species, justification for why SC believes that the level of survey carried out is good enough despite not being able to carry out surveys in some properties, where licensing will be required. One barn at Adam’s Farm containing a low status long-eared bat roost will be lost. The mitigation for the brown long eared bats includes the provision of bat boxes. SC will provide more detailed justification for this to address MA’s point that the guidance states that there should be ‘like for like’.	SC
	GH – to correct ES text and clarify the issue about light disturbance particularly at the southern end of the scheme where there will be no significant lighting impact. GH will also confirm there is no lighting on the cycle ways.	GH
1.2	IMPACT ON SSSIs AND SCOPE AND EXTENT OF MITIGATION	
1.2.1	NM – The information related to the issues raised in ref: 13 of the ESCC EIA Regulation 19 letter dated xx/xx/07 table about Marline Woods SSSI are in the ES. We need to pull this out and provide clarification.	NM
1.2.2	GH – there is some clarification needed with the ‘ancient woodland’, ‘buffering’ and shade (from bridge over SSSI) issues. We will:- <ol style="list-style-type: none"> 1. clarify the distance of the SSSIs from the road; 2. and clarify the figures issue; 3. clarify the buffer issue; 4. clarify the ancient woodland issue. There are three references in the ES document needing clarification. There is a reference to ‘probable’ ancient woodland. 5. Address issue of the impact of shade from the bridge over the SSSI. 	GH
1.2.3	MA – Natural England are employing someone to look at ancient woodlands in the area. They are carrying out a general re survey and will be re issuing an ancient woodland inventory. Should be published in the spring 2008. They have offered to assist the applicant for the road.	
1.2.4	GH – With reference to ref: 23 of the ESCC EIA Regulation 19 letter dated xx/xx/07 table, the assessment of potential impacts from the discharge of road drainage, and leachates from the construction materials and the effect that this may have on habitats including Marline	

	Woods is covered in Chapter 9 of the ES, the water quality chapter.	
1.2.5	GH and SC will clarify the measures that will be taken to reduce noise disturbance, ref: 30 , particularly in relation to birds (the hawfinch will be specifically referred to).	GH
1.2.6	GH – will provide further clarification requested in relation to the effect of nitrogen deposition on the SSSIs and will list out specific references e.g. cross references to the ‘air quality’ chapter. There are 2 aspects to address:- nitrification and acid deposition. We will specifically look at impacts on the SSSIs. There is very little known and very little to negate acid deposition. Can Natural England give us any clarification?	GH
	RP – The distance between the road and the SSSI is the key issue. If the road is within 200m of an SSSI this is considered to be an issue in relation to nitrogen deposition. In a situation where there is a lack of knowledge then Natural England adopt a precautionary principle. Has the applicant provided enough mitigation or enhancement?	
	GH – There is provision for enhancement but we need to link this directly to the issue of nitrogen deposition.	GH
	RP and CM stated that the mitigation strategy is unclear and they cannot see what the applicant is really proposing. The ES is not clear on what is aspirational mitigation. Questions are raised: 1. it is unknown what will be carried out; 2. is the mitigation achievable?; 3. will it provide relevant mitigation?	
	GH – There are 2 mitigation issues:- 1. Essential - Compulsory Purchase Orders will be in place to secure these. 2. Aspirational – for example the enhancement of the Combe Haven Valley. The aspirational mitigation has not been taken into account in the mitigation scheme in the ES.	
	GH – We will review the mitigation package. We will clarify ecological issues raised and will look at the : - short term implications - and long term implications – 5 year to 25 years. Clarification of the pollution issue will also be provided with a cross reference to the air quality chapter.	GH
1.2.	CM Main issues that the Environment Agency are concerned about:- 1. Actual ecological impacts of road scheme; 2. Severance and isolation of wetland habitats. The size of roads is an issue and the design of the bridges which are not really clear span but culverts.	
	NM – There have been many discussions about the design of the bridges. The designs have been based on the Environment Agency’s	

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	design standards for flooding. They include for a 2m width margin each side of the ditch.	
	<p>CM and GM– The bridges have been designed based on flood and not environmental requirements. The Environment Agency is concerned that the bridges could be causing severance. The 2m margin is not adequate.</p> <p>There is a direct relationship between the width of the span and severance. With a clear span, you would have more light and less severance. GM's preference for the road design is a viaduct.</p>	Formatted: Highlight
	<p>NM /GH– We have to keep the road as low as possible. If the road was higher one could argue that you would get wider green margins, but we need a balanced view of flood, environmental, landscape and noise requirements. We believe we have adequately met these requirements within the standards of design we are working to.</p>	Formatted: Highlight
	<p>CM – The applicant needs to prove that a 2m width will not cause a deterioration of the water course ecology. This may have to be done under the 'Water Framework Objective'. CM will check out the requirements of this framework?</p>	CM/GM
1.3	ON GOING MAINTENANCE AND MANAGEMENT	
	<p>AIT – wants greater reassurance and clarification of the management. It would be highly desirable for whoever would be involved in managing the compensatory areas to be involved in the construction team now. He is satisfied that the management of the land can be a condition.</p>	
	<p>PH – says that we cannot say now who will be doing the maintenance. It will be tendered. However commitments can be given for ongoing management. Environmental management plans will be handed over at each stage of work.</p>	
1.4	ANY OTHER WILDLIFE/ECOLOGY ISSUES	
	All agree that refs: 11 -37 have been discussed except ref: 35. Ornithological surveys (<i>Accurate ornithological surveys of the Combe Haven SSSI are required to produce reliable mitigation</i> .)	
	<p>SC – SC will respond to this issue that there is not sufficient information on wintering birds.</p>	SC
2.0	HYDROLOGY CHAPTER	
	<p>GM – is aware most of the work has been done, but would like it pulled together in a stand alone document. He has no objections to the data produced. CF could make reference to the 1:1000 year flood level as part of the residual risk assessment to the area.</p>	CF
3.0	LANDSCAPE AND VISUAL	
3.1	<p>NM/ GH –provide some design principles (inc. lighting), and a couple of line drawings indicating the spatial arrangement, access and desire lines and also will provide some illustrative sketches (photomontages or artists impressions) for the southern Bexhill end of the scheme.</p> <p>We will provide an indication of levels, and include the principles of the</p>	GH/ NM

	<p>design: avoiding street clutter, a unified design e.g. in terms of materials. Details of materials for example noise fencing: re- clarify type and colour of fencing and signage will be provided.</p> <p>We will do a series of cross sections particularly for the former railway cutting and give a broad idea of the woodland management.</p>	
	PJ – Confirmed that these drawings will be viewed as indicative only.	
	DH – wants to know the principles of the scheme. The Planning Authority can condition the detail.	
3.2	DH - With regard ref: 41 of the ESCC Regulation 19 letter dated xx/xx/07 table – NM will include a detailed explanation of why there are two bridges proposed in Powdermill valley and not one integrating two water courses.	NM
3.3	<p>DH – With regard ref: 39 of the ESCC Regulation 19 letter dated xx/xx/078 table, DH would like a ZVI (Zone of Visual Influence) on the base engineering of the road (i.e. no mitigation) to help to demonstrate the effectiveness of the earthworks.</p> <p>DH also highlights other issues that he is not clear about in relation the ZVIs included in the ES: he is not clear what heights were used in plotting vehicles. Good practise is 4.5m. He is seeking confirmation of the height used for the ZVIs.</p>	
	PH – Requests that we defer the decision as to whether we do this work (which could be costly) at this stage until after Friday when we have the meeting to discuss the cultural heritage issues.	PH
3.4	GH – raised issue of ref: 49 of the ESCC EIA Regulation 19 letter dated xx/xx/07 table about demonstrating where the 50 dB (A) contour will be relative to the greenway etc.	
	NM – NM provide clarification of the 50dB contour..	
3.5	GH - Re issue of ref: 48 of the ESCC EIA Regulation 19 letter dated xx/xx/07 table about the request for the provision of fuller fencing details together with a rationalisation of the fencing. NM will provide further clarification.	NM
3.6	PH – With reference to ref: 50 of the ESCC EIA Regulation 19 letter dated xx/xx/07 table about providing full details of how the landscape management of the proposals is to be implemented. GH/NM will provide some clarification on this matter.	
3.7	TC – With regard to ref: 51 of the ESCC EIA Regulation 19 letter dated xx/xx/07 table about clarification of historic landscape values and how much they will be changed. TC confirms this is a cultural heritage issue and will be dealt with at the meeting on Friday.	