

Theme: BHLR: Addendum to the ES Additional Comments – Natural England Consultation

Location: Natural England Offices, Lewes

Meeting Date 22.07.08

Present: Marian Ashdown (MA) NE
 Louise Bardsley (LB) NE
 Hugh Coakley (HC) ESCC
 Nigel Marshall (NM) ESCC
 Artemis Christophi-Turner (ACT) ESCC
 Giles Hewson (GH) MM
 Lisa Huckstep (LH) MM
 Julia Barrett (JB) MM

Notes Taken by: JB

Item	Text	Action	Target Date
<p>1.0 Meeting Agenda</p>	<ul style="list-style-type: none"> - Introductions - Purpose of the Meeting: to agree the content of the Addendum to the ES (AES) for the proposed Bexhill to Hastings link Road - Confirmation that the Regulation 19 Issues raised by Natural England have been addressed, with the exception of those raised as Additional Comments - Confirmation that the Additional Comments raised by Natural England have been addressed - Any other business 		
<p>2.0 Introductions and notes</p>	<p>All present were introduced with their roles in relation to the Scheme.</p> <p>Noted that Marian Ashdown is the key point of contact for NE in relation to BHLR.</p> <p>Artemis Christophi-Turner is the Principal Planner, representing Tony Cook of ESCC.</p> <p>Dr. Alex Tait, ESCC County Ecologist could not be present due to long term illness.</p> <p>GH requests clarification of which version of Draft AES Nature Conservation Chapter has been reviewed by NE and has given rise to their additional comments. MA confirmed that it is the second of three versions was reviewed.</p>		
<p>3.0 Purpose of the meeting</p>	<p>The aim of the meeting is to close off, as far as possible, the additional issues raised so that a response to the queries is provided. Where the issue cannot be closed off, a clear method to address the issue should be developed.</p> <p>MA: raised a concern that the AES might be submitted prior to the</p>		

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	<p>completion of ongoing and additional surveys. MA believes that should this happen, NE would uphold their objections unless they can be satisfied that the Scheme promoter's legal obligations through the CRoW Act (as amended through the NERC Act), have been met with respect to biodiversity.</p>		
<p>4.0 Confirmation that the Regulation 19 Issues raised by Natural England have been addressed, with the exception of those raised as Additional Comments</p>	<p>LB confirmed NE's difficulties with reviewing the Draft AES documents caused by a lack of navigating contents pages and document tracking.</p> <p>GH confirmed that this information is contained in the full Addendum which NE received a copy for initial review. A Schedule of Regulation 19 issues and their location in the text is also included in this document. This Schedule should form the basis for navigating the document.</p> <p>MA and LB confirmed that the Schedule of Regulation 19 issues has not been originally received by NE. However, a subsequent Schedule for Additional comments raised by NE has been produced, and was provided in the information pack submitted to NE prior to this meeting and this had been reviewed and welcomed by NE.</p> <p>GH confirmed that the remainder of this meeting focuses on these additional comments, and shall follow the structure of this Schedule. This Schedule will be included as an Appendix to the AES. These minutes will also be included as an Appendix to the AES.</p>		
<p>5.0 Confirmation that the Additional Comments raised by Natural England have been addressed</p>	<p>5.1 Marline Woods SSSI:</p> <p>5.1.1 Shading –</p> <p>At the point where a bridge is proposed over the southern tip of Marline Woods SSSI, NE would like to see shading contours to show the extent of the shading from this bridge. MM will produce an illustrative Figure to show the bridge with extent of shading in relation to plant communities present.</p> <p>NE concerned that alterations to the microclimate caused by the bridge will affect habitat connectivity. Mitigation may include introducing another link elsewhere in the Scheme or by replacement habitat. The under-bridge planting should also be reviewed. In addition the connectivity of the woods in general and mitigation for that connectivity will be reviewed (where this is not addressed elsewhere this will be addressed).</p> <p>MM will therefore explore alternative ways to provide linking habitat and maintain the ecological functionality of the corridor. Cross reference to mitigation elsewhere in the Scheme will be made, such as existing plans for linking habitat across the road. Whilst NE reserve their position until they review the final submission, NE expressed agreement to this approach.</p>	<p>MM</p> <p>MM</p>	
	<p>5.1.2 Run-off –</p> <p>Drainage at Queensway will be investigated during the detailed design stage of the Scheme.</p>		

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	<p>LB mentions that there is additional development approved at the Queensway North location. This development has the potential to effect surface water runoff pollution. Much mitigation has been included in the plans for this development. NE require the same level of mitigation to ensure consistency between proposals.</p> <p>MM will instruct Faber Maunsell to review the Spillage Risk Assessment (SRA) and surface water runoff pollution for Queensway using existing traffic data for this road.</p> <p>LB confirmed her agreement to this approach and will await the results of this further assessment.</p>	<p>MM/FM</p>	
	<p>5.1.3 Air Quality –</p> <p>The standard NE response to Air Quality affects on all designated sites would be for the Precautionary Principle to be applied. Therefore, the AES will look at the lower thresholds for critical loads of NO₂. The AQ report contained as Appendix G of the Draft AES backs up the original findings of the ES to state that there is a potentially significant impact. The updated assessment does not alter this conclusion. The query is how the additional exceedence over and above that which is occurring without the Scheme will impact the designated sites. This will be done by applying the lower Critical Load threshold, and assessing the impact of this change on the communities present at the locations where the AQ assessment identifies an exceedence.</p> <p>GH states that MM will include a section within the Draft AES to outline the mitigation strategy for managing and reducing the impact of NO₂ deposition (principally thorough land management). and/or possibly through additional off-set land if necessary.</p> <p>Note: the word “marginal” within the Draft AES and with respect to areas where NO_x concentrations show potentially significant changes is misleading. This word should read “peripheral” or “on the margins of”. It is not intended to indicate significance. This will be confirmed within the AES.</p>	<p>MM</p> <p>MM</p>	
	<p>5.2 Combe Haven SSSI: 5.2.1 Noise –</p> <p>LH confirmed over wintering bird surveys have been completed, but further information is to be added to the AES from additional baseline data. No further surveys are programmed with respect to wintering birds.</p> <p>Noise impacts should address both the construction and operation stages of the Scheme, as has been done in the AES as amended. This information needs to be supplemented with additional data from Local Records and the existing baseline. The additional and existing data will be re-summarised in terms of what bird species are present, what the impacts are likely to be and what mitigation is proposed. Whilst NE reserve their position until they review the final submission, NE expressed agreement to this approach.</p> <p>MA to confirm which Biodiversity officer should be contacted with respect to Combe Haven SSSI.</p>	<p>MM</p> <p>MA</p>	<p>ASAP</p>

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	<p>5.2.2 Visual impact -</p> <p>NM raised the point that further information on visual and noise impacts and the proposed mitigation is contained in the original ES, the Design and Access Statement (DAS) and Addendum Design and Access Statement (ADAS).</p> <p>GH also confirms that many of the issues being discussed today are detailed elsewhere in the ES. Satisfactory cross reference to these locations will be made in the AES, such as to Noise contour mapping contained in the ES.</p> <p>MA requested site of the CEMP prior to submission of the AES with respect to mitigation and working practices for noise impacts on birds within Combe Haven SSSI. GH confirmed that the CEMP will be developed by contractor as and when the successful contractor is appointed. An outline CEMP is also included in the ES for review. LH confirmed that best practice in relation to construction noise control will be included within the AES. Whilst NE reserve their position until they review the final submission, NE expressed agreement to this approach.</p>	<p>MM</p>	
	<p>5.2.3 Run-off –</p> <p>Chapter 9 of the ES addresses salt run-off from de-icing salts. It states that due to high dilution capacities and low concentrations, the impact from salt run-off is not thought to be significant. However, there is likely to be a residual impact which cannot be avoided due to safety requirements for applications of salt on roads. Standard winter applications are adopted by the Local Highways Authority, and additional detail on the local application will be added to the AES. HC to contact relevant ESCC Area Manager for this information.</p> <p>LB suggested that a quantified amount of salt entering water environments at peak times should be included in the AES. However, LB is not aware of any methodology to do this at the moment. It was agreed that recommendations for how to assess and mitigate this should be sought from the Environment Agency (EA).</p>	<p>HC</p> <p>MM/ EA</p>	<p>ASAP</p>
	<p>5.2.4 Mitigation proposals –</p> <p>GH states that all mitigation has been predicated on discussions with NE and EA where a 2:1 strategy was agreed. Please refer to meeting summary notes contained in Appendix I.3 to the AES.</p> <p>LB requested a brief verbal summary of the mitigation proposed for the Scheme.</p> <p>NM summarised the Environmental Design contained in the DAS and the ADAS which details habitat loss, habitat severance and replacement habitats. The Schedule of Wildlife Areas contained in the ADAS details the extent of habitat loss and habitat replacement, and clearly demonstrates that the Scheme will meet (and exceed in certain incidences) its 2:1 requirements.</p> <p>LB noted that NE were now requesting recommended replacement habitat for direct loss of Ancient Woodland at a ratio of 10:1. LB notes that there will be no direct loss of ancient woodland habitat in this case (except the small area of Marline</p>		

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	<p>Valley SSSI for which the bridge passes over).</p> <p>NM confirmed that all 2:1 mitigation was included within the proposed CPO for the Scheme to ensure deliverability.</p> <p>LB requested confirmation that aquatic habitat creation is deliverable and sustainable. LB suggested a basic water budget is produced for the site.</p> <p>NM confirmed that groundwater levels within Powdermill Valley are suitable for the development of wetland habitats at these sites.</p> <p>GH states that Faber Maunsell have developed the water quality and drainage assessment, and additional information can be added to the AES to support the creation of the replacement wetland habitats. LH to provide additional information in the AES with regards to wetland creation habitats. Whilst NE reserve their position until they review the final submission, NE expressed agreement to this approach.</p>	<p>MM/FM</p> <p>MM</p>	
	<p>5.3 Statements made by the applicant in sections 12.4.9, 12.4.10 and 12.4.12 in the ES expressing uncertainty over the feasibility of the proposed mitigation –</p> <p>GH confirmed that the ES highlighted an initial concern regarding mitigation proposals. These concerns have subsequently been resolved in the revised Environmental Design proposals.</p> <p>Additional information which is provided in the DAS and ADAS for funding of long-term management (through ring-fenced and additional monies) will be adequately summarised and cross referenced in the AES so that there is no uncertainty over the long-term feasibility of the proposed mitigation.</p>	<p>MM</p>	
	<p>5.4 Protected Species:</p> <p>5.4.1 Dormouse -</p> <p>NE are satisfied with the Dormouse mitigation and the additional plans that have been provided through the AD&S. MA states her interest to see the results from such mitigation and requests follow up reports within the 7 year aftercare and monitoring period.</p> <p>GH states that this could be written into the contract documents for the Scheme and that NE would be kept informed on an annual basis.</p> <p>5.4.2 GCN –</p> <p>NE are satisfied with the level of information and mitigation provided.</p> <p>5.4.3 Reptiles –</p> <p>Surveys to identify suitable receptor sites are ongoing. NE require this information. NE requested details of proposed receptor sites and their suitability. LH to provide outline information within the AES and, if unavailable prior to the publication of the AES this information will be provided within a survey and mitigation update</p>	<p>MM</p>	

