

Report to: PLANNING COMMITTEE

Date: 15 December 2015

Report from: Assistant Director of Housing and Built Environment

Application Address: **Proposed Queensway Gateway Road (land between Queensway and Sedlescombe Road North), St Leonards-on-sea**

Proposal: **Construction of a new road linking Sedlescombe Road North (A21) with Queensway (B2092)**

Application No: **HS/FA/14/00832**

Recommendation: **Grant Full Planning Permission**

Ward: ASHDOWN

File No:

Applicant: Sea Change Sussex Innovation Centre
Highfield Drive St Leonards on Sea TN38 9UH

Interest: Sea Change Sussex

Existing Use: Undeveloped

Policies

Conservation Area: No

National Planning Policy Framework: Achieving Sustainable Development and Sections 1, 4, 11 and 12

Hastings Local Plan -
The Hastings Planning Strategy: DS2, FA1, FA6, SC1, SC2, SC4, SC7, EN1, EN2, EN3, EN4, EN6, EN7, E2, T1, T2 and T3

Hastings Local Plan -
Development Management Plan: LP1, DM1, DM3, , DM4, DM5, DM6, HN4, HN7, HN8, HN9, LRA7 and LRA8

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - Environmental Impact Assessment

Letters of Objection: 745

Petitions Received: 2

Letters of Support: 7

Application Status: Not delegated - Petition received

1. Update

- 1.1 Members may recall that this application was previously brought before them at Planning Committee on 4 February 2015. At that time, it was resolved that planning permission should be granted for the new road subject to conditions. The planning permission was subsequently issued.
- 1.2 That permission was legally challenged in the High Court, and although the claim was not determined by the High Court, the planning permission was quashed by consent before reaching a hearing, on the advice of our legal Counsel. This was on the basis that the committee report did not adequately draw members' attention to the requirements of policy DM6 of the (at that time emerging – now adopted) Hastings Local Plan: Development Management Plan, nor to the fact that the development would breach statutory limits in relation to air quality. Additionally, the conditions imposed on the planning permission in relation to air quality were not sufficient to secure mitigation to overcome air quality exceedances.
- 1.3 The application proposals remain the same as was considered at your February meeting. This report presents the application to members again, with additional information on traffic modelling, air quality and ecology, and asks members to consider the proposal afresh.
- 1.4 In the period since the last committee, the applicant has provided sufficient information to satisfy what were conditions 18 (environmental management plan), 19 (biodiversity monitoring plan) and 20 (ecological design strategy) with regard to the vegetation clearance phase of development and condition 24 (approved phasing of planning permission HS/FA/14/00832). In accordance with that ground clearance, EPS licences have been issued by Natural England. The development itself has not been started on site.

2. Summary

- 2.1 The application site relates to land between Sedlescombe Road North (A21) and Queensway (B2092). The application site accommodates a car showroom, existing road infrastructure, existing accesses to businesses, part of the planted bank along the northern boundary of Sainsbury's car park and undeveloped land. The undeveloped land consists of open meadow/grassland, woodland and scrubland. The applicant has also identified Junction Road and Maplehurst Road as part of the application in relation to possible road closures.
- 2.2 The wider area has a very mixed character consisting of an industrial estate (West Ridge/Ashdown), several retail uses (Sainsbury's, Pets at Home, Dunelm Mill, McDonalds and the various car showrooms, residential development and undeveloped land.
- 2.3 The site crosses a local wildlife site (LWS), preserved woodland, an Archaeological Notification Area and is close to an area of Ancient Woodland.

The site also includes part of the designated Ridge West/Ashdown Industrial Estate allocated in the Hastings Local Plan 2004 (HLP) and allocations LRA7 and LRA8 which are employment allocations in the Hastings Local Plan: Development Management Plan (adopted 2015).

3 Details of the Proposal and Other Background Information

- 3.1 The applicant proposes to build a new road linking Sedlescombe Road North with Queensway – known as the Queensway gateway Road (QGR). The QGR proposal includes 3 roundabouts – one at either end (on Queensway and on Sedlescombe Road) where it joins the existing road network, and one in the middle which would allow for access to the allocated land for employment development.
- 3.2 The proposal utilises the existing Whitworth Road alignment with a new section of road being proposed from the end of Whitworth Road to Queensway. No right turn, left in and left out only junctions are proposed for the accesses to the existing businesses on Whitworth Road and a new left in and left out only junction is shown onto the northern part of Sainsbury's car park.
- 3.3 The proposal includes shared footways and cycleways between the middle roundabout and Sedlescombe Road North, uncontrolled crossings and upgrades and diversions to existing rights of way.
- 3.4 The proposed QGR has come about to realise the development potential of allocated employment land (in the HLP and DMP policies LRA7 and LRA8). Funding and support for the QGR is available from the Local Enterprise partnership (SELEP). The applicant, SeaChange Sussex, is a not-for-profit economic development company. The need for the employment allocations was established via the local plan process and the adoption of both the Hastings Planning Strategy and the Development Management Plan.
- 3.5 It is intended by the applicant that the QGR plays a strategic role in linking the A21 with the Hastings and Bexhill 'growth corridor' - comprising Queensway and its various employment allocations, the Bexhill to Hastings link road (BHLR) and the North Bexhill area. The development should help Hastings and Rother realise their housing and employment requirements, increase connectivity in the area and reduce congestion along The Ridge.
- 3.6 This proposal has similarities to the 'Baldslow Link' anticipated in the Hastings Planning Strategy (policies FA1, T1 and T2) and the ESCC Local Transport Plan 2011-2026 (LTP). Although this scheme was cancelled following the Governments Comprehensive Spending Review in 2010, the improvement of the junctions at Baldslow and achieving delivery of housing and economic development is still seen as important to reduce the peripherality of Hastings, improve journey time reliability and support inward investment (paragraphs 2.45 and 2.46 Hastings Planning Strategy).
- 3.7 Notwithstanding the similarities with the Baldslow Link, as with all planning applications, this proposal is to be assessed on its own merits.

- 3.8 The proposal is considered to fall within the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 following a screening and scoping request in 2013. An Environmental Impact Assessment (EIA) has been carried out and this has been summarised in an Environmental Statement (ES) submitted with the planning application.
- 3.9 An Environmental Statement Supplementary Report has been prepared which revisits the anticipated traffic generation and the air quality information. This was requested under regulation 22 of the EIA Regulations to ensure there was sufficient information provided within the ES to enable the Council to fully assess the potential impact of the proposed road in terms of air quality and the implications for public health and ecological interests. This additional information has been subject to recent public consultation in accordance with Regulation 22.

4 Previous Site History

- 4.1 The existing developed parts of the application site (the industrial estate and surrounding retail uses) are subject to various planning permissions relating to their development. None are considered relevant to the major infrastructure currently proposed.
- 4.2 The undeveloped land was granted planning permission for major industrial uses on land allocated in the HLP for employment uses under references HS/OA/87/00670, HS/DS/88/00504 and HS/DS/88/00362. Policy LRA8 DMP carries forward these employment allocations.
- 4.3 Planning applications to extend the life of the above permissions were refused in the early 1990's (under references HS/FA/93/00023 and HS/FA/93/00340) due to concerns about how the development might impact on the implementation of the BHLR.
- 4.4 The BHLR is now approved and under construction.
- 4.5 Some of the ground clearance work to facilitate the QGR has been undertaken, but the development itself has not started on site.

5 Details of Consultations

- 5.1 Members please note; the initial consultation response from each statutory consultee is reported, with an update on the ES Supplementary Report noted where appropriate.
- 5.2 The **Local Highway Authority (East Sussex County Council)** initially raised no objection subject to conditions. The recommended conditions include:
- A requirement to enter into a s278 legal agreement to ensure that works to the existing public highway are supervised and controlled by the LHA.

- A requirement to enter into a s38 legal agreement to ensure the road is constructed to an adoptable standard as it will form part of the strategic public highway.
- A Construction Traffic Management Plan prior to the commencement of works.
- The stopping up of Junction Road at both ends to prohibit use by motor vehicles.
- Modifications to the northern end of Maplehurst Road to ensure it is no longer a through road – except for Emergency Services.

5.3 The Highway Authority has commented further on the ES Supplementary Report. It maintains its original recommendation in its response in December 2014. It provides clarification on the previous assumptions made by the previously submitted Transport Assessment. The previous TA had demonstrated that the overall impact of the development would be acceptable and that the proposed elements of the new road would operate within capacity. Because the level of traffic could be accommodated, the previously submitted figures were considered to be robust. The ES Supplementary Report, in reconsidering the traffic generation, concluded that the original TA over-estimated the traffic impact of unlocking the development land at LRA7 and LRA8. This was for a number of reasons:

- It utilised a figure of 23000 m2 of floorspace instead of a more realistic figure of 12000 m2 floorspace, which is the figure in the Hastings Development Management Plan. The additional 11000m2 added approx. 1650 daily trips onto the network.
- It relied on observed traffic surveys taken in July 2014 when the BHLR and the NEBGR were under construction, which affected the distribution of traffic. As such the emerging figures and comparison with the ESCC traffic model for Bexhill and Hastings within that report should not be relied on due to there being concentrations of traffic funnelled through certain routes.
- The effect of the above created an exaggerated AADT figure based entirely on traffic peak times (inter-peak figures were not considered) and did not realistically represent the Local Plan allocations LRA7 and LRA8. The emerging figures in that assessment overestimated the AADT by 10-16% on various sections of the study area.

5.4 The more recent modelling in the ES Supplementary Report is based on the Bexhill Hastings model data that was revised in 2011 to include development site allocations and the extension to the road network. That data was then factored to account for growth to derive a 2014 baseline for AADT, also taking into account the appropriate level of development floorspace. The emerging data is considered to be conform to the transport model and is accepted as a more realistic depiction of 2028 expectation of traffic impact, based on the scenario of Maplehurst Road closed and all allocated sites being developed.

5.5 **Senior Rights of Ways Officer (East Sussex County Council)** raised no objection subject to a condition securing diversion orders for the affected footpaths and that the new footpaths are created to adoptable highway

standards with a view to those footpaths being adopted under a s38 legal agreement by the LHA.

- 5.6 The **Director of Transport and Environment at ESCC** raised no objection.
- 5.7 **Rother District Council** support the proposed development on the basis it will improve transport linkages, providing Rother, and particularly Bexhill, with a higher level of access to jobs and services as well as generally improving connectivity in the region.
- 5.8 In a further letter following the consultation of the ES Supplementary Report, Rother District Council continues to strongly support the road proposal on the basis it will improve the A21 corridor, providing a higher level of access and improve connectivity with the rest of the region.
- 5.9 **The County Archaeologist** raised no objection subject to conditions relating to archaeological investigations. A further response with respect to the ES Supplementary Report made no additional comments.
- 5.10 **The Forestry Commission** raised no objection.
- 5.11 **The High Weald Area of Outstanding Natural Beauty Unit** raised no objection.
- 5.12 **The Hastings and Rother Building Control Partnership** raised no objection.
- 5.13 **Sussex Police** raised no objection. In a subsequent letter relating to the ES Supplementary Report, Sussex Police had no further comments.
- 5.14 The **Assistant Director of Environment & Place** commissioned a consultancy to review the original ES that had been submitted in relation to noise, air quality and ground conditions. At that time no objection was raised but comments were made on matters of air quality, highlighting the exceedances of NO₂, PM₁₀ and PM_{2.5} at a number of receptors affecting adversely human health and N and acid deposition at ecology receptors. It also criticised the limited monitoring sites. It suggested conditions relating to the monitoring of air quality after construction.
- 5.15 The same environmental consultancy was also consulted on the ES Supplementary Report. It considered the baseline conditions and the number of monitoring sites. It examined the methodological changes. The Consultancy considers that the traffic data is now more robust and that the number of monitoring sites is now realistic. It accepts the methodological changes and the use of 2016 Emissions Factors. It notes that the assessment identifies that there are no exceedances of the limit value for Air Quality for human health receptors and therefore the scheme is in line with Objective 3 of the Hastings Planning Strategy and policy DM6 of the adopted Development Management Plan. Now that no exceedances of limit values for air quality are predicted, and accordingly air quality should not constrain development of the scheme.

- 5.16 **Natural England** raised no objection to the development in relation to the nearby Marline Valley Wood Site of Special Scientific Interest (SSSI). They provide no comments on landscape amenity, protected species and locally designated wildlife site. They advise that advice on these matters is sought from other specialists.
- 5.17 In a further letter on the additional ES Supplementary Report, Natural England confirms that their previous response applies equally to the amendment although they note they made no objection to the original proposal.
- 5.18 **East Sussex Fire and Rescue** raise no objection.
- 5.19 The **Environment Agency** raised no objection subject to a condition requiring surface water drainage details to be submitted that are in accordance with the submitted Flood Risk Assessment (FRA). They also ask for an informative notifying the applicant of the need to contact the Lead Local Flood Authority (LLFA) should there be any flow control structures or culverting of an ordinary watercourse.
- 5.20 In a subsequent letter with respect to the ES Supplementary Report, the Environment Agency reiterated its previous comments and added no further comment.
- 5.21 **Southern Water** raised no objection. Their correspondence includes various requirements and pieces of information as follows:
- The position of drainage and water supply infrastructure needs to be determined before the layout of the proposed development can be finalised. It is considered that this detail can be dealt with as part of the drainage scheme recommended by condition.
 - The drainage infrastructure should be protected during construction works.
 - No excavation, mounding or tree planting should be carried out within 5 and 6 metres of the public water trunk and distributing mains respectively without consent from Southern Water.
 - No excavation, mounding or tree planting should be carried out within 3.5 and 3 metres of the public surface water and foul sewers respectively without consent from Southern Water.
 - Following changes to legislation on 01 October 2011 other sewers not previously known to exist, which could now be deemed to be public, may cross the site. The applicant should contact Southern Water should such a sewer be found during construction.
 - Advice is given about the use of Sustainable Drainage Systems (SuDS). These can be incorporated into the drainage details recommended by condition.
 - Consent will be required from the Local Highway Authority for discharge into the highway drain.
 - Comments from Building Control, the Lead Local Flood Authority or other technical staff will be required for the adequacy of soakaways or discharge into ordinary watercourses. Such comments can be sought

as part of any details submitted in accordance with the recommended drainage condition.

- 5.22 Confirmed in a further letter in response to the ES Supplementary Report, Southern Water's comments remain unchanged.
- 5.23 The **Environment and Natural Resource Manager** initially raised a number of concerns with the ecology information submitted although he does not object to the mitigation measures proposed specifically in relation to this application. The concerns raised include:
- The submitted information only references policies in the HLP. There is no reference to relevant policies in the adopted HPS or the emerging DMP.
 - There is no explanation of how compensatory measures will be managed into the future and how those will be funded. These are usually secured through s106 but there is no explanation about how it will be secured in this instance.
 - The cumulative impacts of the development should be assessed and a strategic view of the long term viability of the northern part of the LWS developed as this area could be rendered unviable as a biodiversity area.
 - The application should consider biodiversity offsetting where there is a loss in biodiversity habitat.
 - Since his initial comments the Environment & Natural Resources Manager has recommended a number of conditions / planning obligation requirements that could be used in this instance.
- 5.24 A subsequent response to consultation on the ES Supplementary Report recognises that the impact on woodland would generally affect lower plant species, which are largely absent due to the urban nature of the woodland. It outlines ecological mitigation that is on-going or has been completed. The Council's ecology specialist considers the information sufficient in presenting the mitigation and compensation against the adverse impacts of the scheme in accordance with national planning policy and guidance.
- 5.25 **Borough Arboriculturalist** raised no objections. He recommends that consideration be given to the ancient woodland in accordance with Natural England standing advice but notes that the submitted landscape master plan is sufficiently robust in order to mitigate the loss of existing trees.
- 5.26 **Highways Agency** has not raised an objection. It raises concerns about the possible impact upon the A21/A28 junction but is considering improvements to this junction and has been in discussions with the applicant and the LHA about this, although has not yet designed or bid for it. It suggests that the Transport Assessment submitted with the application might be amended to make reference to contributions that may be required as the allocated employment sites that the proposed new road will serve are developed. The Highways Agency fully support the application to build the QGR which completes route from Bexhill, around the northern side of Hastings to the A21.

- 5.27 In further consultation on the ES Supplementary Report, Highways England (as the Highways Agency has become) reiterates its previous comments.
- 5.28 The **Communities, Economy and Transport manager at ESCC** wrote to highlight the County Council's support for the QGR in strategic transport and economic terms.
- 5.29 The **Assistant Director of Regeneration and Culture** wrote in support of the proposal citing the unlocking of employment space and the delivery of an efficient and effective transport system as key objectives of the planning strategy.
- 5.30 The **Vice Chair of the South East Local Enterprise Partnership** has written in support of the proposal, highlighting the unlocking of employment space, jobs and meeting Local Transport Plan objectives.
- 5.31 East Sussex County Council as the Lead Local Flood Authority raise no objection. The following comments should be addressed in any planning conditions, if minded to approve:
- The surface water management proposals should be supported by detailed hydraulic calculations.
 - A suitable ground investigation is undertaken to establish the depth of groundwater.
 - A CCTV survey of the existing highway drainage network should be undertaken.
 - An informative should be added to the decision to the effect that any works to culvert a watercourse requires Ordinary Watercourse consent.
- 5.32 The **Friends of Speckled Wood** object to the proposals. There is no local need for the road and the application does not fully and adequately establish the nature and significance of nature conservation interests of Hollington Valley. The current proposals, the drawings scoping plan and original documents cannot be relied on. No new road survey has been undertaken. A new set of documents is required. FSWMT provides information pertaining to the previous road survey presented to the Public Examination of the Hastings DMP. The QGR will not reduce traffic on The Ridge. ESCC were unable to supply traffic data to the Examination on DMP.
- 5.33 A further letter notes that the original ES Chapter 10 remains on the Council's website. The Friends of Speckled Wood comment that the ICO and Ombudsman are investigating a complaint with regard to no compliance with providing legal documents which underpin the adopted Hastings Planning Strategy. The lack of availability of the AADT traffic flows and HDV has meant the data from SeaChange cannot be scrutinised or validated. Appendix E.2 is a report from the Original ES which was derived from the BHLR. Other points are:
- N deposition has been calculated from predicted concentrations, not from the woodland area.
 - The nearest monitoring locations for NO₂ are 1.5 miles away.

- There is no data on standing traffic.
- The APIS reporting software does not take into account the growth to 2028.
- There is no PM₁₀ or PM₂₅ monitoring or data in the ES, Which means that no monitoring has taken place and data has no baseline, which makes then untrustworthy.
- Both small and large particles remain suspended or travel and cause harm to human health.
- Particle monitoring data contain no time quotient.
- Defra maps referred to in 10.4.6 do not show the woodland on the site.
- Receptors should have been placed on 1000+ houses.
- The poorer community doesn't use cars with new technology.
- The only reason there are no exceedances shown for particles is that there is no baseline.
- The original traffic figures were not overstated.
- There are no details of greenhouse gas emissions.
- Parliamentary ombudsman is looking into Natural England's standing advice and complaints process.
- The report is not authored.
- This should be considered as a fresh planning application.
- The application should be refused.

5.34 The **Combe Haven Defenders** write to object for the following reasons:

- Air quality indicators are exceeded at ecological receptors.
- No local need for the development is demonstrated.
- The floorspace is incorrect and the no. of jobs overestimated
- NO2 monitors are too far from the site.
- VW emissions show emissions likely to over limit at residential receptors.
- Failure to consider cumulative effect.
- Overestimated traffic movement caused by lost floorspace.
- No explanation given for change in traffic figures.
- Impact on Ancient Woodland.
- Takes no account of carbon emissions.

Public Consultation

5.35 In accordance with both statutory and Council procedures, the planning application was advertised in the local press, notices were erected around the site and letters were sent to properties in the surrounding area. As a result of this consultation, and at the time of writing the February 2015 report, the following responses were received:

- A petition (21 signatories) against the development.
- 371 individual objections of which over 220 are in a standard format.

5.36 The correspondence sent in standard format includes an objection on the following grounds:

- That the development will harm the Hollington Valley Local Wildlife Site (previously known as a Site of Nature Conservation Importance) and there is no local need to outweigh the harm. The proposal will increase traffic congestion and the allocated sites do not need to be developed as other employment sites are yet to be developed.
- The development is contrary to the NPPF as significant harm is being caused which cannot be mitigated or compensated for.

5.37 Other concerns include:

- Traffic congestion will increase.
- The road will service new employment development land but no evidence has been provided that further land needs to be developed.
- The road will harm the designated Local Wildlife Site and the need for the road is not considered to outweigh the harm.
- Increased noise and pollution.
- Loss of informal amenity/recreation space.
- Employment uses will harm character and appearance. · Inadequate pre-application discussions.
- Closure of Junction Road and restrictions to Maplehurst Road and impact on road network.
- Lack of on-street parking.
- No consideration of alternative routing.
- Disturbance and nuisance during construction.
- The road proposal should be considered in conjunction with proposals to develop allocated land so that appropriate ecological mitigation for the wider area can be considered.
- Inadequate consultation with local bodies and residents.
- Inadequate ecology information.
- Contamination of local watercourses.
- Poor highway and pedestrian safety.
- Details of footpath diversions.
- Unsustainable transport solution.

5.38 Since February 2015, when this Committee resolved to grant planning permission, and that permission was quashed, further comments from members of the public were received. A total of 91 letters in a standard format and 1 individual letter have been received. These objected to any exceedances of air quality and noted that planning policy EN6 of HPS allows that only a local need can outweigh adverse ecological impact.

5.39 A further petition of 11 names was submitted to the Council in September 2015.

5.40 After 10 November 2015 the ES Supplementary Report was published for consultation. Again, as referred to above, in accordance with both statutory and Council procedures, the further information was advertised in the local press, notices were erected around the site and letters were sent to properties in the surrounding area.

5.41 A total of 201 letters have been received since 10 November 2015. Of these, the majority objected to the proposal.

5.42 The issues raised in these letters, again many in standard format, are:

- The figures show an exceedance of pollutants on ecological receptors,
- There is no local need for the proposed new road.
- It will create an unnecessary increase in traffic.
- There is no mitigation indicated for the effects of the proposals,
- The money for the road could be better spent; fixing roads, cycle and pedestrian routes, public transport etc.
- Budgets are always exceeded. What happens when the budget for this road is exceeded?
- Other developments not taken up/spare capacity.
- The figures were previously flawed. What else is flawed?
- The budget for the road is flawed.
- There will be a loss of important green space, tress, meadows and natural environment.
- It will increase light pollution.
- Greenhouse gas increase is significant.
- Concern about conflict of interest on the planning committee.
- The cumulative effect of the road and the development has not been taken into account.
- The number of jobs is exaggerated.
- Development caused considerable damage already.
- SUDS consulted late.

5.43 In total there have been 7 letters of support for the proposal, citing the need for the new road to ease congestion. 5 of these letters were received after 10 November.

6 Planning Considerations

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

6.2 The main policies/guidance that apply are listed above. It should be noted that Hastings Local Plan 2004 policies are now superseded. The main issues to consider are the principle of development and the environmental impacts, which cover the matters listed below:

- Transport
- Noise and Vibration
- Air Quality
- Ecology and Nature Conservation
- Landscape and Visual Amenity

- Ground Conditions
 - Water Quality and Drainage
 - Heritage
- 6.3 Transport and Air Quality are the subject of the ES Supplementary Report that has been subject to further consultation and are considered in further detail in this report. Further commentary is also provided on ecology which is covered in this report.

Principle of Development

- 6.4 It is considered that there is policy support in principle for the QGR. There is support for further employment development in the town. There is support for infrastructure improvements; better connectivity in the area and to improve the links between the A21 and BHLR. In presenting his report, the Inspector to the Development Management Plan Examination noted the Council's sensible approach to the provision of land for employment purposes and the support for employment policies from Rother District Council, East Sussex County Council and SeaChange (the applicant) the economic regeneration company. He notes that traffic in the area is likely to increase as a result of BHLR and the planned development, but that the residual cumulative impacts of the BHLR and QGR on the allocated sites would not be severe.
- 6.5 The HPS sets out a need for 70,000m² employment floorspace between 2008 and 2028 in Hastings and St Leonards to help provide for the 6,470 jobs required in the town (policy DS2). This is evidenced by the Employment Strategy and Land Review (ESLR) which was part of the evidence base to support policies and strategic vision for Hastings and St Leonards. The evidence strongly suggests that all of the allocated sites will need to be developed to provide the required amount of floorspace. Policy FA1 allocates circa 23,400m² employment floorspace at Little Ridge and Ashdown.
- 6.6 The recently adopted DMP provides more detail on how this will be delivered in the local area. LRA7 and LRA8 are to deliver 12000 m² employment floorspace between them. The QGR would release LRA7 and LRA8 by providing access to it. Other sites in the area will deliver the remainder of the HPS allocation for Little Ridge and Ashdown. The indicative route of the QGR is shown on fig. 94 of the DMP onto, and providing access to, LRA7 and LRA8.
- 6.7 The principle of linking the Queensway to the A21 has been a strategic objective for some years. The HPS refers to the 'Baldslow Link'. This was a formerly proposed link road, further north than this current proposal, also linking Queensway to the A21. Although cancelled in 2010, as previously mentioned, the principle of such a link forms part of the shared approach to future prosperity by Hastings Borough and Rother District Councils as a means to increase transport infrastructure capacity, improve access to the A21 and foster sustainable travel patterns. Policy FA1(f) specifically supports the A21 Baldslow Link improvements.

- 6.8 Additionally policies T1 and T2 identify transport infrastructure projects of importance: the implementation of the BHLR and the wider improvements to the A21 and A259 corridor.
- 6.9 The applicant explains how the Government seeks to prioritise the delivery of economic infrastructure, including roads, through Local Enterprise Partnerships (LEP's). For this area this is the South East LEP (SELEP). In 2014 SELEP secured £442.1m funding over 2015/2016 and 2016/2017 to support economic growth in the area, which includes the previously committed funding for the QGR within the funding for major transport schemes in the South East Local Transport Body. The QGR is an integral part of the concept of the Growth Corridor, the investment opportunities close to the A21 and the creation of employment and homes in the area.
- 6.10 It is to be noted that the Head of Communities, Economy and Transport at ESCC, the Assistant Director of Regeneration and Culture at Hastings Borough Council and the Vice Chair of SE Local Enterprise Partnership have written in support, highlighting the strategic importance of the QGR.
- 6.11 The benefits of the QGR therefore can be summarised as follows:
- Releasing land for employment floorspace, which is a key planning objective of the HPS and DMP.
 - Improving road connectivity and redistributing traffic from the BHRL to the A21
 - Reducing congestion on The Ridge and Queensway, in the Little Ridge and Ashdown area more generally.
 - Supporting the role of the BHLR in unlocking the Growth Corridor.
- 6.12 The consequences of not building the QGR will be:
- The non-delivery of important employment floorspace.
 - A worsening of traffic congestion at the Ridge, Sedlescombe Road North and Queensway and the local area.
 - The marginalisation of the Little Ridge and Ashdown area in the context of the town, to the detriment of the wider economy of Hastings.
- 6.13 Having regard to the above, it is considered that there is strong policy support in principle for the QGR proposal.

Environmental Impacts

- 6.14 The application is supported by an Environmental Impact Assessment Statement (EIA), and more recently an ES Supplementary Report, in accordance with the relevant legislation. The scope of the EIA was agreed with the Local Planning Authority prior to submission of the application. The ES summarises the overall effect of the development, including cumulative impacts in association with the development of allocated land in the development plan. The findings are summarised as follows:

- No significant transport and access effects during construction in terms of severance, fear and intimidation, and pedestrian and cyclist delay.
- Minor transport and access effects during construction in terms of driver delay and cyclist and pedestrian amenity, although this will be temporary.
- No significant transport and access effects in terms of driver delay, pedestrian and cyclist delay, and pedestrian and cyclist amenity once the road is operational.
- No significant transport and access effect in terms of fear and intimidation once the road is operational and as the mitigation measures proposed, such as appropriate lighting and visibility resolve concerns.
- Moderate noise effects may be experienced during construction.
- No significant noise and vibration effects once the road is operational with appropriate mitigation measures in place, such as noise reducing surface materials and natural screening.
- During construction and demolition the development has a medium risk of creating dust, but this can be mitigated by a dust management plan, including monitoring, inspections, use of barriers, coverings and suppressants.
- Once the road is operational there are no significant air quality effects (NO₂, PM₁₀ and PM_{2.5}) on human health receptors. This is based on revised traffic data and modelling assumptions, and using 2016 Emissions Factors, with Maplehurst Road open or closed.
- Significant impacts on ecology from changes to air quality are identified.
- No significant effects in terms of biodiversity on the SSSI or Ancient Woodland.
- Moderate significant effects on biodiversity in terms of habitat loss and fragmentation during construction.
- Moderate significant effects on biodiversity in terms dormice, bats and breeding birds during construction.
- Minor significant effects on biodiversity in terms of reptiles, and badgers during construction.
- Overall effects on biodiversity during construction can be reduced from residual impacts to negligible impacts. For example this will include applying for relevant licences, translocation of reptiles, ensuring construction site is safe to avoid protected species becoming trapped.
- The effects on ecological receptors once the road is operational will range from negligible to moderate adverse. Following mitigation, such as new habitat creation, oversized culvert and suitable monitoring, the effects will range from negligible to minor adverse in most cases.
- No significant effects on designated landscapes such as the High Weald Area of Outstanding Natural Beauty and SSSI.
- Localised impact on landscape and visual amenity which will be reduced with mitigation during construction. Once operational, impact will be further reduced with additional planting and diverted PROW.
- No significant effects in terms of contamination during construction with mitigation.
- No significant effects in terms of controlled waters and ecology because of stabilisation works with mitigation.

- No significant effects in terms of instability during construction or operation with mitigation.
 - No significant effects in terms of drainage and water quality during construction or operation with mitigation including appropriate filtration in drains.
 - No significant effects in terms of archaeology with mitigation including further surveying and trench investigations.
- 6.15 Following consultation with statutory and non-statutory consultees, I concur with the findings of the EIA. Whilst I am aware there will be effects on ecology (the partial loss of the LWS and the effects of air quality on ecological receptors) on balance, with appropriate mitigation being agreed and secured via conditions the benefits of the proposed development outweigh the harm, as explained below.
- 6.16 Further information has been received from the applicants in respect to transport, air quality and ecology. These will be discussed in greater detail below.

Transport Impacts

- 6.17 The application was accompanied by a standalone Transport Assessment and a Transport and Access chapter within the ES. Pre-application discussions took place with the LHA and Highways England (formerly the Highways Agency). Neither the LHA or Highways England raised any objection to the proposals.
- 6.18 Following the quashing of the original planning permission, further information has been received from the applicant on traffic generation, and estimates have been revised down as referred to above. The detail on this issue is considered in the following section, due to its implications on air quality.
- 6.19 The application proposals remain the same as those considered by this committee in February 2015.
- 6.20 Although the road is primarily intended to be an access to the allocated and emerging allocated sites, the LHA consider the proposed QGR of strategic importance to the road network. East Sussex County Council's Local Transport Plan 2011 - 2026 (LTP), identifies Hastings and Bexhill as a priority growth area and offers support to any proposal which connects the Bexhill to Hastings Link Road with the A21, strengthening the economic growth corridor and enhancing strategic connections with London, Kent, Eastbourne, Brighton and Gatwick.
- 6.21 The QGR itself will generate minimal traffic in its own right, and has been designed to take into account the redistribution of traffic from the Link Road and The Ridge heading towards the A21, and has been designed to accommodate the traffic generated by the employment development it is intended to serve. The design includes measures to ensure steady traffic flow

including turning restrictions at the accesses onto the road. The LHA are satisfied with this design approach.

- 6.22 The proposal includes partial shared footways and cycleways to encourage sustainable modes of travel. Suitably placed uncontrolled crossings and upgrades to existing Public Rights of Way have been proposed and the LHA consider that these measures will provide a realistic alternative to the private car for shorter trips. The Public Rights of Way Officer at ESCC is also satisfied that the upgrades to the footpaths are acceptable and recommends that appropriate diversion orders are secured.
- 6.23 From a technical perspective all of the junctions proposed are designed to a satisfactory standard and the LHA consider that appropriate lighting can be installed. Lighting is also an issue in relation to protected species (especially bats) and full details of this will be required by condition.
- 6.24 The QGR will result in the redistribution of traffic along the network. It is also acknowledged that the main purpose of the QGR is to open up land for further development. The impact of both of these matters on the wider network has been taken into account by the applicant in their Transport Assessment and considered by the LHA.
- 6.25 The submitted Transport Assessment concludes that the junctions on the local highway network will be at or above operational capacity in both 2016 and 2028 but it is important to note that this issue will exist with or without the QGR.
- 6.26 Although the application proposals do not improve the junctions, a strong case has been put forward in terms of the linkages and connectivity that the QGR will provide and what this means in terms of economic growth and regeneration. The Transport Assessment and the LHA also explain that the road cannot be considered in isolation and a package of other improvement measures are proposed or being investigated, which will offer improvements to the highway network in the longer term.
- 6.27 These improvements include:
- Closure of Junction Road (proposed as part of this application).
 - Modifications to Maplehurst Road (proposed as part of this application).
 - Improvements to the A21/A28 junction (Highways Agency are in discussions with Sea Change Sussex and the LHA about this).
 - Complementary measures associated with the BHLR (including various improvements along The Ridge).
 - Appropriate signage.
- 6.28 Although these changes to the road network have not yet occurred it is reasonable to consider that they will be realised in the longer term – given the comments of the LHA and the Highways Agency – and therefore the application should be considered in this context. Nevertheless, the impact of the QGR has been modelled without these improvements, and QGR will not have a severe impact on the network without them.

- 6.29 The LHA are satisfied that the QGR with the additional measures above will be benefit to the road network.
- 6.30 Many of the initial objections to the application raised concerns in relation to the closure of Junction Road and the modifications to traffic flow to Maplehurst Road. The LHA explain both of these proposals fully in their consultation response and agree that they are necessary and will improve traffic flow in the area. They explain that although travel distance may be longer for some the travel time will not be significantly affected as the proposals will result in improvements to traffic flows. The improvements to traffic flow will improve highway safety, especially at the Junction Road junction with The Ridge, which has a high crash rate.
- 6.31 They continue to explain that matters such as the movement of emergency service vehicles will not be hampered – in fact the emergency services (Sussex Police, the South East Coast Ambulance Service and East Sussex Fire & Rescue) support the closure of Junction Road and will still be able to use Maplehurst Road as per the LHA suggestion.
- 6.32 In summary the QGR is considered to be suitable as an access to the allocated and emerging allocations for employment development. The road is well related to the existing network so will allow access to public transport, it will include cycleways to offer an alternative to car trips, and it will maintain Public Rights of Way to ensure the area is not cut-off for pedestrians forcing people to make vehicular trips. As mentioned above the QGR will generate only minimal traffic in its own right, so issues relating to the impact of development of the future allocations on the highway network will be dealt with as and when applications for those developments come forward.
- 6.33 The QGR will also offer increased connectivity which will benefit the economic development and regeneration of Hastings and Bexhill as well as providing longer term benefits to the highway network along with other proposed highway improvements. Considering the above the proposed development is considered to comply with relevant highway related policy and particularly policies T1, T2 and T3 of the HPS.

Air Quality

- 6.34 In considering air quality account should be taken of the National Planning Policy Framework, policy DM6 of the adopted DMP and the relevant guidance in National Planning Practice Guidance (PPG), in accordance with the approach in section 38(6) of the Planning and Compulsory Purchase Act 2004. Relevant sections of the NPPF include:
- Paragraph 2, which states that “Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions

must reflect and where appropriate promote relevant EU obligations and statutory requirements.”

- Paragraph 109 which states that “The planning system should contribute to and enhance the natural environment by...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land stability.”
- Paragraph 124 which states that “Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.”

6.35 Paragraph: 001 Reference ID: 32-001-20140306 of PPG provides a summary of why air quality is a consideration for planning. The 2008 Ambient Air Quality Directive sets legally binding limits in outdoor air of major pollutants such as NO₂ and particulate matter PM₁₀ and PM_{2.5}. It states:

“...Defra carries out an annual national assessment of air quality using modelling and monitoring to determine compliance with EU Limit Values. It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit....The local air quality management (LAQM) regime requires every district and unitary authority to regularly review and assess air quality in their area. These reviews identify whether national objectives have been, or will be, achieved at relevant locations, by an applicable date. Further guidance on LAQM can be found here....If national objectives are not met, or at risk of not being met, the local authority concerned must declare an air quality management area and prepare an air quality action plan. This identifies measures that will be introduced in pursuit of the objectives and can have implications for planning....Air quality can also affect biodiversity and may therefore impact on our international obligations under the Habitats Directive....Odour and dust can also be a planning concern, for example, because of the effect on local amenity.

6.36 At Paragraph: 005 Reference ID: 32-005-20140306 the PPG states that in decision making:

“When deciding whether air quality is relevant to a planning application, considerations could include whether the development would:

- Significantly affect traffic in the immediate vicinity of the proposed development site or further afield. This could be by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or significantly altering the traffic composition on local roads. Other matters to consider include whether the proposal involves the development of a bus station, coach or lorry park; adds to turnover in a large car park; or result in construction sites that would

generate large Heavy Goods Vehicle flows over a period of a year or more.

- Introduce new point sources of air pollution. This could include furnaces which require prior notification to local authorities; or extraction systems (including chimneys) which require approval under pollution control legislation or biomass boilers or biomass-fuelled CHP plant; centralised boilers or CHP plant burning other fuels within or close to an air quality management area or introduce relevant combustion within a Smoke Control Area;
- Expose people to existing sources of air pollutants. This could be by building new homes, workplaces or other development in places with poor air quality.
- Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.
- Affect biodiversity. In particular, is it likely to result in deposition or concentration of pollutants that significantly affect a European-designated wildlife site, and is not directly connected with or necessary to the management of the site, or does it otherwise affect biodiversity, particularly designated wildlife sites.

6.37 Policy DM6 of the adopted DMP reflects international and national policy and guidance and states:

“In order to protect human health and water quality planning permission will only be granted for development providing:

B: the level of airborne pollutants caused by the proposed development does not exceed statutory guidelines, unless appropriate mitigation measures are agreed;

Applicants will be required to supply convincing supporting evidence (from a relevant and suitably qualified professional) that any actual or potential pollution can be overcome through appropriate remedial, preventative or precautionary measures.”

6.38 Other policies are relevant, in respect of the requirement to protect ecology for example, but policy DM6 is the key development plan policy consideration in respect of air quality and human health.

6.39 The originally submitted ES indicated that there would be adverse impacts on both human and ecology receptors from an increase in air pollutant concentrations as a result of the QGR.

6.40 In the period since the February 2015 consideration of the planning application and the planning permission being quashed, as referred to above, an updated ES Supplementary Report has been produced by the applicant which revisits some of the original estimates of traffic generation.

6.41 The ES Supplementary report highlights two significant changes in the way that previous traffic generation estimates had been undertaken. These have a knock on effect on the air quality issue.

- 6.42 The previous Transport Assessment was based on a worse case scenario of 23,400m² additional employment floorspace for the two employment sites LRA7 and LRA8. This is now found to be unrealistic. The DMP actually allocates 6000m² of employment floorspace on each of those 2 sites (12000m² in total). The ES Supplementary Report has corrected this.
- 6.43 The second important change is in the method used to convert AM and PM peak hour traffic flows to Annual Average Daily Traffic (AADT – total flow of traffic over the whole year divided by the number of days in the year). The previous method has been found to exaggerate AADT's for year 2016 by 7%.
- 6.44 The Local Highway Authority has examined the current assessment and found it to be robust and in line with current practice. It considers that this is a more realistic basis on which to estimate traffic generation on the new road. This is because the traffic generation calculations are now based on the actual floorspace being delivered in the development plan, it no longer relies on traffic surveys that were unrepresentative of the normal highways operations and the AADT figure is no longer based solely on peak times. The Highway Authority had accepted the previous figures, although based on a high floorspace figure, because they demonstrated that the road would operate within capacity. Now that the figures have been revised downward, the Highway Authority has confirmed that it is a more realistic assessment and the road can accommodate the estimated levels of vehicular activity. It states "The emerging data is now considered to conform to the transport model and is accepted as a more realistic depiction of 2028 expectation of traffic impact on the Hastings network, based on the scenario of Maplehurst Road being closed and all allocated sites developed."
- 6.45 The Borough Council's environmental consultant also confirms that the traffic data is far more comprehensive than previously utilised.
- 6.46 A further change is that the baseline monitoring of NO₂ uses three diffusion tubes instead of the one used previously.
- 6.47 The Council's environmental consultants have examined the data provided by the applicant and have tested it against current best practice and policy. The outcomes of the ES Supplementary report have been compared to National Air Quality Objectives (NAQO) and the Air Quality (England) Regulations (2000). It notes that as well as the previously mentioned changes in traffic generation estimates, the assessment also uses updated Emissions Factors of major pollutants for the for the modelling. This uses the most up to date DEFRA values emissions for 2016. It is expected that as time moves on, vehicles will emit lower levels of pollutants, due to changes in technology. DEFRA figures are updated regularly and are the nationwide standard for assessing air quality impacts of new development. The Council's consultants advise that DEFRA does not consider recent revelations regarding VW emission data to impact on current air quality.
- 6.48 The Council's advisors consider the use of the 2016 figures to be robust, and reflects best practice. Any delay in the QGR becoming operational or the

employment floorspace being delivered should result in NO₂ concentrations being lower than predicted.

- 6.49 Using the updated traffic generation figures and 2016 Emissions Factors with Maplehurst Road closed (the application proposal) there are no exceedances of air quality thresholds on human receptors near the site. The highest levels will be at R3 (53 Maplehurst Road) where the predicted levels will be marginally below the limit value for NO₂. The predictions with Maplehurst Road open are similar, but marginally lower than with the road closed. Closing Maplehurst Road is intended to stop rat-running to reach the A21 from the B2093, but it will funnel more traffic onto The Ridge/Junction Road.
- 6.50 As a result of the changes to the anticipated traffic generation, the ES Supplementary report finds that there will be no exceedances of air quality thresholds on human health receptors near the site.
- 6.51 Greenhouse gas emissions associated with the new road have been calculated by the applicant. The estimation is that CO₂ will increase by 1671 tonnes/annum, which is insignificant in the national and local context. The HPS recognises that the amount of planned development town-wide results in a need to reduce greenhouses gases and to offset the additional development in the town. New development should incorporate mitigation and adaptation strategies (SC3) and should improve energy efficiency and provide on-site renewables (SC4). As the QGR is intended to unlock development land, the provision of efficient buildings and on-site renewables would be most appropriate at the development stage of sites LRA7 and LRA8.
- 6.52 EIA regulation 24(1)(d)(iii) requires that the Local Planning Authority includes a description of measures to avoid, reduce and if possible remedy significant adverse effects. Although there are now no predicted exceedances of air quality thresholds, it is good practice to consider whether any mitigation measures would avoid, reduce or remedy any significant reduction in air quality. Accordingly the applicant was requested to provide information on possible mitigation measures. The measures considered range from a major redesign of the road, electric vehicle charging points, low emissions zones, financial contributions and tree planting. Reconfiguring the road is not an option as the development proposals are in fixed locations, as is Queensway. Other mitigation strategies are not considered to have any meaningful impact on NO₂ levels. Travel plans for the development on allocated sites would be the most effective mitigation, and this would be considered at the planning stage for these sites. The Council's environmental consultants agree with the applicant's view on these measures. It is accepted therefore that mitigation strategies are not appropriate. Travel plans will be required for the development of sites LRA7 and LRA8, as set out in the DMP.
- 6.53 To conclude this section, the revised traffic generation figures and the use of 2016 Emissions Factors demonstrate that the air quality thresholds are not exceeded for human health receptors. There would be no significant adverse effects without mitigation and there is therefore no requirement for mitigation

measures. There is therefore no breach of air quality standards, HPS objectives or policy DM6 of the adopted DMP.

Ecology

- 6.54 The impact of air quality on ecology receptors has also been reconsidered by the applicants in the ES Supplementary Report. The changes in traffic generation and use of 2016 Emissions Factors have no change on the significant impact that the QGR will have on local ecology during operation. It is recognised that when a new road passes through areas of identified ecological interests, there will be impacts on those interests.
- 6.55 Policies in the HPS and DMP protect biodiversity and wildlife. Policy EN3 of the HPS requires development to contribute to the national objectives of no net loss of biodiversity, or avoid harm, or adequately mitigate harm or, as a last result, compensate for unavoidable harm. Priority is given to ensuring proposals for development comply with national and local planning policies relating to biodiversity and standing advice published by Natural England. Policy EN6 of the HPS permits development in local wildlife sites only if there is a local need that outweighs the harm to nature conservation interests. Policy HN8 of the DMP requires that there should be no net loss of biodiversity and the weight afforded to the protection of sites will be proportional to their position in the hierarchy of designated sites. Development affecting a site would only be granted if the need for the development outweighed nature conservation interests.
- 6.56 There are no statutory thresholds for air quality on ecological receptors, as there are for human receptors. Critical levels are set, and where these are exceeded, Planning Practice Guidance advises that consideration should be given to amending the scheme, mitigation or, if this is not practical, consideration should be given to refusing the scheme.
- 6.57 The NPPF states that it is the role of the planning system to “contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, geological conservation interests and soils;
 - recognising the wider benefits of ecosystem services;
 - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and

- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

6.58 Paragraph 118 of the Framework states:

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites;²⁶ and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”

6.59 The QGR will pass close to, but avoids, an area of Ancient Woodland. The site passes within 1km of two SSSI’s. It will pass through the Hollington Valley SNCI (a locally designated Site of Nature Conservation Interest). Overall habitat loss will affect 5.42ha in total. 19.2% (or 2.33 ha) of the SNCI will be affected. It will divide the SNCI into two parcels. 1.47 ha of broad-leaved semi-natural woodland (habitat of local importance) will be lost along with 1.15 ha woodland and scrub (dormice habitat) and 0.5 ha of grassland (reptile habitat).

- 6.60 There are significant public objections to the impact on biodiversity as a result of the QGR. A number of commentators make reference to the methodology used to calculate the impact on ecological receptors. The applicant states that the baseline to inform all ecological impacts was completed in accordance with Natural England's Standing Advice by professional ecologists. Despite an objector referring to this being under complaint, there is no reason for not taking it into account.
- 6.61 The Council's own ecology specialist initially raised a number of queries; how compensatory measures would be managed and funded, the cumulative impact and long term viability of the LWS, there is no biodiversity offsetting proposed and the proposals should be referenced in accordance with BS42020 (code of practice for biodiversity management). A number of planning conditions were suggested. A subsequent response to consultation on the ES Supplementary Report finds the information sufficient in presenting the mitigation and compensation against the adverse impacts of the scheme in accordance with national planning policy and guidance.
- 6.62 Natural England raises no objections but refer to standing advice. Their response to further consultation on the ES Supplementary Report maintains its original position.
- 6.63 The construction period may have an impact on badgers due to an increased risk of road injury and bats due to road lighting. Species specific site clearance measures have been, and will be implemented during construction period to reduce these anticipated effects. Natural England has issued the licences for the removal of bats and dormice from the site and all tree felling work was undertaken in accordance with the EPS licence method statement. Trees were inspected for bats and breeding birds and the 2 trees with those populations were not felled. They will be felled at a later date in accordance with the agreed mitigation approach, described in the EPS licence Method Statement.
- 6.64 The potential operational effects are considered to be disturbance to the retained area of Hollington Valley SNCI and Ancient Woodland (noise and after-dark lighting), disruption and severance of bat fly-ways by road lighting and night time traffic and risk of wildlife road traffic collisions (particularly badgers).
- 6.65 There will also be an effect from N deposition. Although N deposition does not have a direct effect on tree growth, it has an impact on low growing lichens and bryophytes. Woodlands with important lower plant communities can be the most sensitive to N deposition.
- 6.66 The ES Supplementary Report makes it clear that at ecology receptors, using the same method as for human receptors, the levels of NO_x, N and acid deposition will exceed critical levels. For NO_x and N deposition, this would occur at all receptors. For acid this would occur close to the QGR itself, reducing further from the road.

- 6.67 As a direct result of the new road there would be exceedances of NO_x on each receptor, whereas without the new road exceedances of NO_x are predicted to occur only furthest from the new road at The Ridge. For acid deposition, the new road would exceed critical levels only near the kerb of the new road but there are no predicted exceedances of acid without the new road. For N, the critical levels are predicated to be exceeded by 2016 on all receptors, but as a result of the new road the exceedances would go up by approx. 2/3 closest to the new road, and over distance reduce back to 2016 levels or just below, furthest away at The Ridge.
- 6.68 The applicants note that the Ancient Woodland of the LWS is 15m south of the QGR and is located in an urban area. The wood is not reported to support a lower plant community. The Council's ecologist agrees with this contention. It notes that the LWS already is subject to N deposition that exceeds the critical load. The applicants state that given the baseline conditions and the diminution in the level of exceedance as distance increases from the development, the predicted N deposition would result in a minor adverse impact on the ecological integrity of the remaining LWS woodland.
- 6.69 The ES assessment of the overall ecological impact is that it will have a high magnitude (permanent adverse) on a receptor of local importance (SNCI) and as such has moderate significance. Habitat loss is likely to result in adverse impacts on reptiles, dormice, breeding birds, bats (tree roosting, foraging and commuting). Mitigation and compensation measures, including a CEMP, all of which can be controlled via planning conditions, will go some way to alleviate the effect. It is acknowledged that there will be some adverse effect.
- 6.70 The applicants have set out a number of mitigation strategies to address the impact on ecology. The QGR will provide a 15m buffer to the Ancient Woodland. The SNCI stream and its associated woodland corridor will be retained and enhanced. 1.18 ha of new broadleaved woodland, 0.87 ha of wildflower grassland and a new surface water attenuation pond will be provided.
- 6.71 In addition, there will be the following measures built into the scheme and controlled by planning condition where appropriate:
- Nocturnal wildlife friendly lighting.
 - Oversized culvert for crossing for badgers and dormice, in line with best practice.
 - Construction Management Plan (ecology) to ensure best practice during site clearance and construction for protected species. This ensures that the appropriate site clearance timings are undertaken and the appropriate site licences are granted (part of this is already undertaken).
 - Reptile barriers, capture and relocation, dormouse, bat and bird boxes.
 - Habitat creation to compensate for loss.
- 6.72 A number of other strategies are in place to address the impact on protected species, which include the preliminary work for site clearance already undertaken. These are licences for bats and dormice and best practice for

reptiles. Baseline survey work was undertaken in accordance with Natural England's standing advice.

- 6.73 Policies EN1 and HN8 as well as the National Planning Policy Framework state that development should result in no net loss of biodiversity. If a development does have an adverse impact on ecological interests, it will be permitted only if it can be demonstrated that there is a need for the development that outweighs the nature conservation interests, and that the adverse impacts can be satisfactorily mitigated. As a last resort, loss should be compensated.
- 6.74 With the mitigation measures in place, the development will result in a minor–moderate adverse impact on the SNCI, minor adverse impacts on broadleaved woodland and other habitats, dormice, breeding birds, bats (commuting and foraging), and negligible effects on the ancient woodland, reptiles, bats (roosting) and badgers. During the construction stage minor adverse impacts are predicted on the SNCI, bats and other species.
- 6.75 To conclude on this section, the development of the QGR is predicted to have an adverse impact on the local wildlife, during construction and operations. These impacts are unavoidable if a new road is to be constructed. The range of mitigation measures proposed has been considered in the light of planning policy and having regard to the objectives of the Air Quality Regulations 2000 and the Air Quality Standards Regulations 2010 and they will go some way to alleviate the impact on the SNCI. However, it is acknowledged that the exceedances of critical levels of pollutants in some locations as a direct result of the new road and the lack of compensation for the relatively low levels of long term harm remains a conflict with policies EN1 and HN8.

7 Evidence of Community Involvement

- 7.1 The applicant involved the community in the following ways:
- A drop-in event for Maplehurst Road residents
 - A meeting for Councillors
 - A planning forum was held in September 2014
 - Information was published on the applicant's website
 - The local paper was briefed on the proposals.
- 7.2 The application first placed before the planning committee in February 2015. A number of concerns were raised by members of the public at that meeting. In the intervening period, the decision of that committee has been quashed and further information has been received.
- 7.3 Each of the consultees in the previous round of consultation has been contacted by letter informing them of the revised information. A total of 870 letters were sent to individual commentators. A total of 201 responses have been received.

8 Conclusion

- 8.1 The proposed development is considered acceptable in principle given the strong policy support for the proposal in the HPS and other documents. This support has recently been confirmed by the County Council Communities, Economy and Transport Manager, the Council's Head of Regeneration and Culture, the South East Local Enterprise Partnership and Rother District Council.
- 8.2 The proposed QGR is expected to have a strategic role on the highway network, but also a local role in providing employment generating uses (the amount of employment floorspace required was identified through the background evidence to the Hasting Planning Strategy and Development Management Plan) and in relieving congestion in the locality.
- 8.3 The QGR will have the capacity to accommodate the development it intends to serve and will provide a strategic improvement to the local highway network as part of the wider collective of road improvements and the completion of the BHLR.
- 8.4 The ES, and the ES Supplementary Report, have identified the environmental effects of the development. Where adverse effects have been identified on ecology, mitigation is proposed and will be controlled by condition. Although these will not remedy all the effects, the resultant degree of harm is low when balanced against the need for the development.
- 8.5 It is for this committee to balance the need for the development, which is described as local as well as strategic, against the harm to ecology.
- 8.6 The recommendation is that the need for the development is such that it outweighs the acknowledged harm to ecology. The mitigation and compensation measures go some way to alleviate that harm and are appropriate in the circumstances to meet the requirements of planning policy.
- 8.7 As such, the proposals are considered to fully accord with policies DS2, FA1, SC1, EN4, EN6, E2, T1, T2, T3 of the HPS and policies DM6 of the DMP. Where there is a conflict with policies EN2, EN3 and HN8 (on ecological matters) the relatively low level of harm and the high level of local and strategic support means that it is considered that the proposal accords with the development plan as a whole.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Recommendation:

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: C600-015 S3, C600-016 S2, C600-025 S1, C100-025 S2, C100-026 S3, and C100-040 S6
3. Before each phase of development, in accordance with the phasing approved as part of condition 24 below, is commenced a Construction Environmental Management Plan (not including biodiversity) in accordance with the approach outlined in the chapters of the submitted Environmental Statement shall be submitted to, and approved in writing by, the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) construction traffic management; iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) measures to control noise disturbance;
 - viii) measures to investigate and remediate any land contamination;
 - ix) measures to maintain land stability during construction;
 - x) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - xi) working hours.
4. The road must be built to an adoptable standard.
5. The road hereby approved shall not be brought into use until the stopping up of Junction Road to prohibit its use by motor vehicles has been completed.
6. The road hereby approved shall not be brought into use until modifications to the northern end of Maplehurst Road to control traffic behaviour have been completed.
7. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
8. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9 above to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.

9. The road hereby approved shall not be brought into use until the diversion of the affected footpaths has been achieved under s257 of the Town and Country Planning Act 1990.
10. The newly created paths - as a result of the diversion of the existing Public Rights of Way - shall be constructed to an adoptable standard.
11. Before it is implemented a scheme of soft landscaping shall be submitted to and approved by the Local Planning Authority. It shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
12. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the operation of the road, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
13. No development shall commence until details of how the development impacts upon existing drainage and sewerage infrastructure crossing the site has been submitted to and approved in writing by the Local Planning Authority. Details shall include measures for protection and diversion of the infrastructure were appropriate. The development shall be carried out in accordance with the approved details.
14. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, including detailed hydraulic calculations, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the connectivity of different drainage features, surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.
15. The surface water drainage scheme above shall include:
 - xii) details of how the scheme shall be maintained and managed after completion;

- details of specific measures to minimise the risk of deterioration in water quality of receiving watercourses and waterbodies downstream (for both the construction and operational phases of development);
- details that are in accordance with the submitted Flood Risk Assessment (ref 11636 Rev D1 dated September 2014); and
- details showing that the restricted discharge rates shall be in accordance with chapter 6 "Development Proposals", pages 18 to 31 of the FRA.

16. Before each phase of development (including demolition, ground works, vegetation clearance) in accordance with the phasing approved as part of condition 24 below is commenced a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following;

- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones".
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details and phasing agreed, unless otherwise agreed in writing by the local planning authority.

17. Before each phase of development (including demolition, ground works, vegetation clearance) in accordance with the phasing approved as part of condition 24 below is commenced a biodiversity monitoring strategy shall be submitted to, and approved in writing by, the local planning authority. The content of the Strategy shall include the following;

- Aims and objectives of monitoring to match the stated purpose.
- Identification of adequate baseline conditions prior to the start of development.
- Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- Methods for data gathering and analysis.
- Location of monitoring.
- Timing and duration of monitoring.
- Responsible persons and lines of communication.

- Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

18. Before each phase of development (including demolition, ground works, vegetation clearance) in accordance with the phasing approved as part of condition 24 below is commenced an ecological design strategy (EDS) addressing, mitigation, compensation, enhancement, restoration, shall be to and approved in writing by the local planning authority. The Ecological Design Strategy shall include the following;
 - Review of site potential and constraints.
 - Detailed design(s) and/or working method(s) to achieve stated objectives.
 - Extent and location/area of proposed works on appropriate scale maps and plans. · Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - Persons responsible for implementing the works.
 - Details of initial aftercare and long-term maintenance and management.
 - Details for monitoring and remedial measures.
 - Details for disposal of any wastes arising from works. The Ecological Design Strategy shall be implemented in accordance with the approved details and phasing and all features shall be retained in that manner thereafter.
19. Before each phase of development, in accordance with the phasing approved as part of condition 24 below, is commenced full details of the hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.
20. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the

development or in accordance with the programme agreed with the Local Planning Authority.

21. No development of each phase of development, in accordance with the phasing approved as part of condition 24 below, shall commence until an adequate ground stability investigation has been undertaken and suitable stability measures have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
22. Before each phase of development is commenced details of the precise extent of that phase shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved phasing.
23. Prior to the construction of the proposed development a suitable ground investigation is undertaken to establish the depth of groundwater in the vicinity of the proposed attenuation basin, to be submitted and approved in writing by the Local Planning Authority and implemented in accordance with that consent.
24. Prior to the commencement of development on site a CCTV survey of the existing highway drainage network should be undertaken between the point of connection and the outfall to an open waterbody to establish the capacity of the network to accommodate the expected flows. The results of the survey should be submitted and approved by the Local Planning Authority in conjunction with the Highway Authority prior to the commencement of construction on site.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of:
 - maintaining highway safety in accordance with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy and policy DM3 of the Hastings Local Plan: Development Management Plan;
 - maintaining a tidy appearance during construction in accordance with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy and policy DM1 of the Hastings Local Plan: Development Management Plan;
 - protecting neighbouring residential amenities in accordance with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy and policy DM3 of the Hastings Local Plan: Development Management Plan;
 - minimising the amount of construction and demolition waste being disposed of in landfill sites in accordance with the East Sussex County Council Supplementary Planning Document on Construction and Demolition Waste; and

- protecting the natural environment in accordance with policy EN1 of the Hastings Local Plan: The Hastings Planning Strategy.
4. In the interests of highway safety as the road will be part of the strategic public highway in accordance with policy T3 of the Hastings Local Plan: The Hastings Planning Strategy.
 5. In the interests of highway safety and to ensure the free flow of traffic in the local highway network in accordance with policy T3 of the Hastings Local Plan: The Hastings Planning Strategy.
 6. In the interests of highway safety and to ensure the free flow of traffic in the local highway network in accordance with policy T3 of the Hastings Local Plan: The Hastings Planning Strategy.
 7. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
 8. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
 9. To ensure that Public Rights of Way are maintained.
 10. In the interests of pedestrian safety.
 11. In the interests of the visual amenity.
 12. In the interests of the visual amenity.
 13. To prevent increased risk of flooding and to ensure there is no damage to sewerage infrastructure.
 14. To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity in accordance with the principles of the NPPF.
 15. To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity in accordance with the principles of the NPPF.
 16. To protect features of recognised nature conservation importance.
 17. To protect features of recognised nature conservation importance.
 18. To protect features of recognised nature conservation importance.
 19. In the interests of the visual amenity and to ensure mitigation measures suggested in the submitted Environmental Statement are realised.

20. In the interests of the visual amenity and to ensure mitigation measures suggested in the submitted Environmental Statement are realised.
21. To ensure adequate mitigation for land instability in accordance with policy DM5 of the Hastings Local Plan: Development Management Plan.
22. In the interests of allowing the development to continue in a flexible but controlled manner.
23. To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity in accordance with the principles of the NPPF.
24. To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity in accordance with the principles of the NPPF.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the Lead Local Flood Authority which is East Sussex County Council.
4. Works to the existing highway will require a s278 legal agreement with East Sussex County Council.
5. The requirements of condition 4 and 12 above should be discussed with East Sussex County Council prior to the start of construction and completion of a s38 legal agreement.
6. The applicant is advised to contact Southern Water with regard to condition 15 above.
7. Any works affecting the watercourses as a result of culverting will require Ordinary Watercourse Consent from the Lead Local Flood Authority.

Officer to Contact Mrs Tezel Bahcheli, Telephone 01424 783254 Background Papers
Application No: HS/FA/14/00832 including all letters and documents