



Sussex
Wildlife Trust

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By email only

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A27 Arundel Bypass Supplementary Consultation November 2022

The Sussex Wildlife Trust (SWT) is a conservation charity for everyone who cares about nature in Sussex. We focus on protecting the rich natural life that is found across our towns, countryside and coast. We want our Sussex to be a home for nature's recovery. A place where people and wildlife can thrive together, where people can enjoy nature and the health and wellbeing benefits it provides.

SWT has engaged throughout the consultation process for the Arundel A27 bypass. We have read the information available on the supplementary consultation webpage including the Statutory Consultation Brochure.

SWT's position remains unchanged for the scheme and we continue to **strongly object** to the proposal and do not believe that National Highways (NH) should move to the Development Consent Order (DCO) application stage.

Supplementary Consultation

The supplementary consultation has four areas of focus, one of those is mitigating the scheme's effects on bats, near Tye Lane. The information that appears to be available in relation to this change is two pages in the consultation brochure that present no information to enable us to comment on the scale, scope or suitability of these mitigations measures. This lack of detail means question 3 and 4 in the consultation feedback form are ineffectual. How are participants in this consultation supposed to answer these question when we have no information telling us why you have presented these proposals? The consultation has provided no information on the species effected, the planting proposed, the design proposed or detail on its efficacy. Therefore Sussex Wildlife Trust is unable to provide comment on the suitability of the additional proposed bat mitigation at Tye Lane.

The consultation brochure states on page 10 that:

We would seek to achieve a biodiversity net gain of 10%

From the Jan – March 2022 consultation SWT believed that an additional 14% Biodiversity Net Gain would be delivered in addition to 10%, taking the schemes total to Biodiversity Net Gain aspiration to 24%. We ask National Highways (NH) to clarify their approach and identify the % gain to be delivered within the DCO Order Limits and if additional Biodiversity Net Gain is to be delivered outside of this. We expect National Significant Infrastructure Projects (NSIP) to make positive contributions to biodiversity and therefore propose that NH are more certain with their wording and that the *seek to achieve* is replaced with 'we will achieve a minimum biodiversity net gain of 10%'.

It may be useful for the A27 NSIP scheme to consider a Register of Commitment's to biodiversity as is being demonstrated through the NSIP process for Rampion II.

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In our March 2022 consultation response we made it clear that NH must not proceed to DCO without a further more detailed consultation. The additional consultation should provide the most recent survey data and an understanding of how the design of the scheme has been informed by this work. It should also clearly explain the mitigation and/or compensation required and the suitability and feasibility of the approach. It must include detailed design information and design commitments for structures, which should be set out in drawings and in a Design Code style document. These drawings and documents should be consulted on with stakeholders before and then amended versions be included in the draft DCO to provide assurances that the highest quality of design is achieved. We note that NH would require no further independent third-party approvals of its detailed design of structures following a grant of the DCO.

Sussex Wildlife Trust are disappointed that this supplementary consultation again fails to address our points and does not provide the information needed to assess the impacts of the scheme on biodiversity.

We remind NH that the DCO guidance leaflet provided on the consultation website - Development Consent for Our major Road Schemes - makes clear that:

'The best time to influence and improve a project is before the DCO application. There is limited time and scope for change after an application is made. This is because of the maximum time legally allowed for an examination.'

Approach to the consultation process on the Arundel A27 Bypass

Sussex Wildlife Trust believe this new supplementary consultation and the statutory consultation that happened in in Jan – March 2022 are not fit for purpose or compliant with national guidance. We take this opportunity to highlight that the PEIR presented in the Consultation in Jan – March 2022 stated that critical evidence is still being collected to inform the baseline upon which likely significant effects of the scheme will be assessed. However, the conclusions on significant effect, required mitigation, the extent of the Draft Order Limits and residual impacts appear to be set out with a false level of certainty that is inappropriate and misleading.

Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements is clear that whilst there is no prescribed formation as to what PEI should comprise, it should include information that *'is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development (and of any associated development)'*. It further states that *'A good PEI document is one that enables consultees (both specialist and non-specialist) to understand the likely environmental effects of the Proposed Development and helps to inform their consultation responses on the Proposed Development during the pre-application stage'*. We do not believe that this consultation does this.

Ecology and Nature Conservation

This consultation for the scheme is again **fundamentally flawed**, as it does not allow statutory consultees or other stakeholders to assess the impacts of the proposals on biodiversity due to the lack of any baseline survey data or detailed information about the construction and operation phases. We are aware that survey information up until 2019 is available from previous consultations. However, this information was not presented in the PEIR earlier in 2022 and there continues to be no obvious link to this work from the 2022 consultation webpage. Therefore, we do not consider it accessible to people trying to engage with this consultation. Survey information since 2019 does not appear to be available anywhere and therefore it is impossible to see if the scheme has been designed to avoid impacts, or whether the mitigation and compensation suggested is suitable or sufficient. This ecological information is difficult to scrutinise and SWT cannot make informed judgements about the accuracy of the various conclusions and summaries around significant effects.

Despite the lack of detailed information, ahead of the detailed DCO SWT is still clear that there are major issues with the proposal in relation to:

- Severe severance of ecological networks at a landscape scale, harming biodiversity, particularly the internationally important bat populations and other habitats and species of principle importance.

- No assessment of the impact of the landscape scale severance has been provided, particularly in terms of landscape resilience. The mosaic of high quality habitats found across the scheme area is the reason why it is so abundant in wildlife and yet features are assessed in isolation with little consideration of the integrated nature of the ecosystem. This is a fundamental issue.
- The lack of baseline habitat or species data makes it difficult to consider where proposed mitigation is itself impacting on habitats and species of principle importance
- Unclear and inconsistent information about the biodiversity impacts of the scheme from construction through to operation, especially in terms of severity and longevity
- Incomplete information relating to the implementation of the Mitigation Hierarchy and confusion over what is mitigation and what is compensation. This makes assessing the cumulative impacts of the scheme not feasible.
- Lack of evidence to provide confidence in the viability and effectiveness of proposed mitigation
- Failure to provide a clear vision of how all the proposed mitigation and compensation will function together to ensure the proposed scheme does not compromise the conservation status of species and habitats
- No evidence provided to suggest the green bridges and underpasses would be effective. From the limited information, it appears the green bridges do not meet the requirements of Natural England guidance and may not be suitably located
- No information is provided on monitoring or long-term management to ensure mitigation and compensation is effective and what remediation would be feasible in the event of failure.
- The separate process that is being undertaken to assess feasibility of Biodiversity Net Gain is problematic. We do not see that any conclusions on BNG can be relied upon given that current impacts on biodiversity are still not established. This is particularly relevant when there is still a risk that irreplaceable habitats such as veteran trees may be lost, as this would mean the proposal is incapable of achieving BNG.

Climate Change and Greenhouse Gases

Climate change is the biggest threat to biodiversity and decisions must take positive action to reduce the impacts of climate change. The Feb 2022 IPCC report¹ has underlined the urgency in which we must all act to address climate change. The report recognizes the interdependence of climate, ecosystems and biodiversity and human societies. It is clear that the business as usual approach of National Highways does not address this urgency. The government has made clear and bold commitments to addressing climate change through the Climate Change Act 2008 that requires us to reach net zero by 2050. When this is coupled with the recommendations from the Transport for the South East Strategy² that car dependency needs to be reduced by 20%, it is clear that a multi-million pound road scheme, that makes active travel options more difficult, is not compatible. We are in a time when climate breakdown couple with a nature emergency requires solutions to reducing our carbon emissions and therefore a vision, which shifts behaviour and seeks to decarbonise travel, should be the focus and priority for NH.

Next Steps

Sussex Wildlife Trust **objects** to this proposal and believe that NH should not proceed to DCO but halt all plans for the proposed bypass. As it stands this presented proposal is not evidence based and should be stopped.

If NH continues with the application process, a further more detailed consultation should be carried out before the DCO application is submitted. Otherwise they are proceeding with a scheme that has failed to enable meaningful engagement by Statutory Consultees and the Public.

Yours sincerely,

Henri Brocklebank
 Director of Conservation – Policy and Evidence
 Sussex Wildlife Trust

¹ https://report.ipcc.ch/ar6/wg2/IPCC_AR6_WGII_FullReport.pdf

² <https://transportforthesoutheast.org.uk/app/uploads/2020/09/TfSE-transport-strategy.pdf>