

## **Failings of the consultation process for the Bexhill to Hastings Link Road**

Despite this being an extremely controversial scheme, with national and local opposition to it going back decades, East Sussex County Council (ESCC) did not take the opportunity to consult openly on it prior to the submission of their BAFB.

In the BAFB, ESCC is relying on a consultation undertaken in 2004 that was only for specific routes for the road (with the scheme as a pre-determined fixed element), the planning application consultation in 2007, the Nov 2009 public inquiry into the Compulsory Purchase Orders, which did not examine alternatives to the road, and two small invitation-only 'focus group' events held in July 2011.

ESCC also relies on its Communications and Stakeholder Engagement Strategy which is included as supporting information to the BAFB.

### **Invitation-only focus groups**

Although East Sussex County Council originally intended to hold an open and public consultation exercise for the Bexhill to Hastings Link Road with opposition groups invited (see SCC's Interim Information report to DfT, June 2011), it instead held two small invitation-only focus group events, organised by a private PR company, Hopkins Van Mil on 11 July.

Focus groups are not an effective way of consulting on the balance of public views on an issue, and are intended to serve another purpose altogether. The 'public' were only represented by two residents associations and ESCC's pre-identified 'resident's panel'. The vast majority of attendees were selected business representatives.

ESCC did not invite anyone from the Hastings Alliance, which is a long-standing organisation with strong views on transport in Hastings, to participate and present an alternative vision for Hastings. Nor did they invite Campaign for Better Transport East Sussex, which has a good relationship with ESCC but is opposed to the road.

Indeed, no environmental organisations were invited to attend. There appears to be a concerted effort to exclude anyone who might have an opposing view to ESCC.

A residents' association representative was unhappy about the Hopkins Van Mil report which was included as supporting evidence for ESCC's BAFB. She said that some of her most important comments were not given fully enough for their essential points to be made clear.

For example, she stated that carlessness is higher than average in Hastings and is highest among the unemployed in the poorest wards, precisely where the putative jobs are supposedly aimed, and that the very people supposed to gain work from the NE Bexhill business park may lose out to those with cars from further away. However, her comment was simply recorded as "*Look at the car-less figures*".

## **Communications and Stakeholder Engagement Strategy**

ESCC includes a Communications and Stakeholder Engagement Strategy in its BAFB supporting information. In it the council claims that it will produce email updates to keep stakeholders informed.

Local representatives from the Hastings Alliance, Campaign for Better Transport East Sussex and the Wishing Tree Residents Association claim, however, that no email updates have ever been sent to them. This is the first they have ever heard of them. Email updates may have only been sent to supporters of the scheme in another attempt to keep objectors excluded from information.

The Strategy also claims that a bi-annual newsletter will be produced. However no one locally had ever seen a BHLR newsletter. There are no newsletters posted on the BHLR page of the ESCC website

There is an aspiration for 'clarity' in the Strategy, but it is entirely unclear to the general public how ESCC will pay for its £29 million share of the BHLR, or what happens if there's an unexpected increase in costs.

## **2004 consultation**

The 2004 consultation (now 7 years ago) had many flaws and was widely criticised at the time<sup>1</sup>. It was not a consultation about whether the road should go ahead or not, but simply about which route the road should go along.

Alternative options have never been considered or consulted on. Four of the six routes included in this consultation had already been ruled out by the Department for Transport and statutory environmental bodies. It is believed they were included simply to create the illusion of 'choice' and to make the other two routes seem more acceptable.

The consultation period was also less than six weeks, considerably less than the 12 weeks recommended by the Government's Code of Practice on Consultation in place at the time, and the current Code of Practice which states: "*Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.*"<sup>2</sup>

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<sup>1</sup> LTP funding bid for Bexhill to Hastings Link Road, Hastings Alliance response, Colin Murray <http://hastingsalliance.com/2011/09/22/bhlr-the-saga-of-a-seriously-flawed-road-scheme-read-the-original-alliance-objections-of-2004/>

<sup>2</sup> Code of Practice on Consultations, Criterion 2, July 2008, URN 08/1097, Department for Business, Enterprise and Regulatory Reform (BERR)

## **Planning application**

When the planning application was made in 2007 there was never any attempt made by ESCC to consult the public at the stage. There were no exhibitions, no public meetings, no Non-Technical Summary, or indeed any attempt to engage the public. This is despite a huge number of new, complex and technical documents being made available as part of the planning application. As ESCC state at 5.3 of the BAFB there were 3200 objections to the planning application, even though there was no attempt to engage the public at this stage.

A former project manager for the BHLR had indicated to the Hastings Alliance that there would a public consultation on the planning application before it was decided by the planning committee. However there was no attempt at consultation.