



**THE WEST SUSSEX COUNTY COUNCIL
(A284 LYMINSTER BYPASS (NORTH))
COMPULSORY PURCHASE ORDER 2020**

and

**THE WEST SUSSEX COUNTY COUNCIL
(A284 LYMINSTER BYPASS (NORTH) CLASSIFIED ROAD)
(SIDE ROADS) ORDER 2020**

THE HIGHWAYS ACT 1980

THE ACQUISITION OF LAND ACT 1981

**THE COMPULSORY PURCHASE (INQUIRIES PROCEDURE) RULES
2007**

STATEMENT OF CASE

ON BEHALF OF WEST SUSSEX COUNTY COUNCIL

FEBRUARY 2021

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APPENDIX 1: RESPONSE TO OBJECTIONS

APPENDIX 2: LIST OF SUPPORTING DOCUMENTS

1. PURPOSE OF THIS STATEMENT

- 1.1. This document is the Statement of Case of West Sussex County Council ('the Council') as acquiring authority pursuant to Rules 7 and 16 of the Compulsory Purchase (Inquiries Procedure) Rules 2007. Numbers in brackets in superscript in this Statement of Case refer to supporting documents listed at the end of this document. Letters in superscript refer to footnotes.
- 1.2. On 2nd September 2020 the Council made "the Orders":
- The West Sussex County Council (A284 Lyminster Bypass (North)) Compulsory Purchase Order 2020¹ ("CPO").
 - The West Sussex County Council (A284 Lyminster Bypass (North) Classified Road) (Side Roads) Order 2020² ("SRO").
- 1.3. The Orders were made pursuant to the Council's resolution of 10th July 2019 A284 Lyminster Bypass - Land Acquisition (Ref HI05 19/20)³ and the amendment to the resolution made on 2nd September 2020 (Ref ONKD01 20/21)⁴.
- 1.4. The Orders were submitted to the National Transport Casework Team at the Department for Transport for confirmation on 4th September 2020. Objections to the Orders were received. The Secretary of State by way of a letter dated 30th November 2020 has given notice of his intention to hold an inquiry into the objections raised.
- 1.5. This Statement sets out the particulars of the Council's case for the making of the Orders as will be put forward at the inquiry. The Council's CPO Statement of Reasons⁵ and SRO Statement of Reasons⁶ should be read alongside this Statement of Case.
- 1.6. Communication regarding the Orders with the Department for Transport in regard to minor modifications has been ongoing. This Statement of Case should be read alongside the Department for Transport Assessment Letter dated 10th December 2020⁷ and the Council response to the assessment letter dated 5th February 2021.⁸

2. THE ORDERS

- 2.1. The Council is seeking to assemble in its ownership the land and associated rights and interests included in the CPO ("the CPO Land") and to stop up a length of bridleway and private means of accesses, and create new means of access as included in the SRO. Together this will secure the land required for the construction of the A284 Lyminster Bypass North ("the Scheme").
- 2.2. The interests and rights comprising the CPO Land are identified in the Schedule to the CPO and the plans numbered A284LY-CAP-GEN-00-DR-C-0208 Revision P13⁹ and

A284LY-CAP-GEN-00-DR-C-0209 Revision P03¹⁰, which are referenced in the CPO.

- 2.3. The SRO accesses, highways and bridleway are identified in the SRO and the plans comprising the Plan Folio¹¹ and numbered plans A284LY-CAP-HGN-00-DR-C-0240 Revision P09¹² and A284LY-CAP-HGN-00-DR-C-0241 Revision P10¹³.
- 2.4. The CPO has been made pursuant to sections 239, 240, 246 and 250 of the Highways Act 1980 (“the 1980 Act”) and the Acquisition of Land Act 1981. These powers are summarised below:
- Section 239 of the 1980 Act provides a general power for a highway authority to acquire land for the construction of a highway which is to be maintainable at the public expense or to acquire land for the improvement of a highway.
 - Section 240 of the 1980 Act provides a further general power for a highway authority to acquire land in connection with the construction or improvement of a highway.
 - Section 246 of the 1980 Act provides a power for a highway authority to acquire land for the purposes of mitigating any adverse effect the constructed or improved highway has or will have on the surroundings of the highway.
 - Section 250 of the 1980 Act provides for a highway authority’s land acquisition powers to extend to creation and acquisition of new rights.
- 2.5. The SRO has been made under sections 14 and 125, and in accordance with Schedule 1, of the 1980 Act.
- Section 14 of the 1980 act authorises the Council in their capacity as the Highway Authority to stop up, divert, improve, raise, lower or otherwise alter with a highway that crosses or enters the route to be provided.
 - Section 125 of the 1980 act authorises the Council in their capacity as the Highway Authority to deal with the creation and stopping up of any private means of access in connection with the new route to be provided.

3. BACKGROUND TO SCHEME

- 3.1. Littlehampton is in Arun District, which is one of the coastal districts in West Sussex. The town has merged with the settlements of Rustington and East Preston to create an urban area with a combined population of 48,200. This makes Littlehampton the second largest built-up area in Arun District and provides 46% of the jobs available in Arun.
- 3.2. Arun District lies on a strategic coastal transport corridor; the A27 trunk road, A259, and A29 pass through the district. The primary north-south route between Littlehampton and the A27 is via the A284, which passes through the villages of Lyminster and Wick, crossing the West Coastway rail line at a level crossing.
- 3.3. The alignment of the A284 through Lyminster is substandard, with a series of sharp bends, limited width and discontinuous footways. This has resulted in issues of

severance, poor environment and safety for the village. The rail level crossing accommodates a frequent train service, typically up to 10 train movements per hour (combined directions of travel) and leads to extensive queuing and congestion on the A284 at peak periods, which can also result in through traffic seeking to use the unsuitable minor route of Mill Lane and Toddington Lane to cross the rail line.

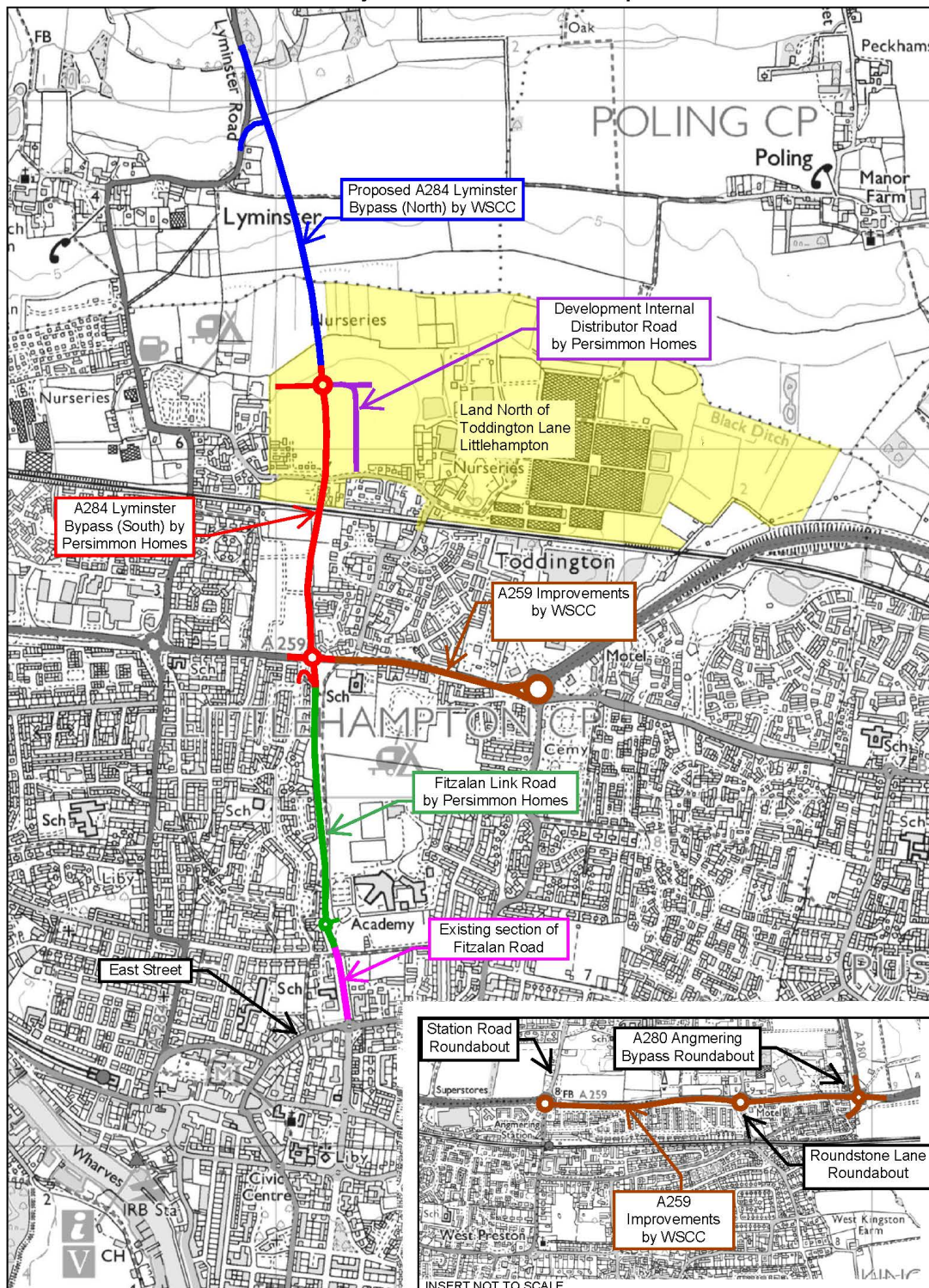
- 3.4. The poor connection between Littlehampton and the A27 trunk road corridor provided by the A284 has long been seen by the Council and Arun District Council, as well as local stakeholders, as a contributing factor to relatively poor economic performance for the town and a barrier to growth in jobs and housing. The growth which did take place in the 1980's and early 1990's including housing north of Worthing Road in Rustington and the Body Shop headquarters in Littlehampton was dependent on the delivery of the A259 Rustington Bypass and Littlehampton Bypass, which both opened to traffic by 1992, but the developments added to the pressure on the A284 corridor. The Council, supported by the Arun District Council, considered that a new modern alignment for the A284 from south of the A27 to the junction of East Street and Fitzalan Road in Littlehampton, bypassing Lyminster village and Wick and bridging the rail line would be required in future to support economic growth for the town.
- 3.5. The A284 Lyminster Bypass was adopted by the Council in 1992 as an approved highway line, as noted in the 11th September 1992 Highways Committee Minutes Item 98.3¹⁴ and associated key plan.¹⁵ The Highways Committee consulted on the strategy of north-south connections between the A27 and the A259. At that time there was 56 percent support in principle for the Lyminster Bypass which was ahead of the Forward Programme with other routes set as priorities. Those routes were the Angmering Bypass, Ford Road and Arundel Bypass. Angmering Bypass has since been completed and Arundel Bypass along with the Ford Road is an ongoing Highways England Scheme. The Lyminster Bypass was envisaged for after 2003.
- 3.6. The proposed route of the A284 Lyminster Bypass was safeguarded in the Arun District Local Plan since 2003 under Policy DEV15 and continues to be safeguarded in the latest Arun District Council Local Plan 2011 – 2031¹⁶ ("Arun Local Plan") under Policy T SP3 (Safeguarding the Main Road Network). This is identified as T SP3 (e) in the Arun Local Map Plan 1.¹⁷
- 3.7. Land North of Toddington Lane, Littlehampton is indicated in yellow in Figure 3.1 below, as referenced in the outline planning application for this site reference LU/47/11/ in 2011. The site has a variety of names, hence for clarity of reference the variations amongst the supporting documents shall be detailed here. Part of this area was originally designated in the Arun District Council Local Plan 2003 as Policy Site Seven for a development of 180 dwellings. The full site is referenced in the Arun Local Development Framework Transport Study of 2009¹⁸ as "North of Littlehampton, located north of Toddington". The Transport Assessment by Mayer Brown¹⁹ which accompanied

the outline application in 2011 referred to it as the “North Littlehampton Strategic Development Area”. It is now a committed site in the Arun District Local Plan (2011 – 2031)¹⁶ identified in the Arun Local Map Plan 1¹⁷ as North Littlehampton (Location 6 as detailed in the Key).

- 3.8. The outline application in 2011 reference LU/47/11 for the Land North of Toddington Lane, Littlehampton was for a mixed used development for up to 1,260 homes, 13,000sqm of employment floor space up to 3,500 sqm of local facilities, a 100 bed hotel, 60 bed care home, a new 2 form entry primary school, community centre, youth and leisure facilities, a combined heat and power plant, extension to existing household recycling centre, landscaping replacement and additional allotments, multi-functional green infrastructure including sports pitches & associated changing facilities, informal open space, and children’s play areas.
- 3.9. The current development proposal also known as Hampton Park and currently under construction was granted permission on 3rd October 2018 (reference LU/182/15/PL).
- 3.10. As part of the planning permission for the Land North of Toddington Lane, Littlehampton the A284 Lyminster Bypass was divided into two separate schemes: the A284 Lyminster Bypass (South) and the A284 Lyminster Bypass (North). A further planning application (ref LU/63/11) extended the southern section of the works to Fitzalan Road in the centre of Littlehampton
- 3.11. The A284 Lyminster Bypass (South) (planning reference LU/278/17/RES) is a requirement on the developer of Land North of Toddington Lane, Littlehampton to deliver a road between the A259 and Toddington Nurseries. Works began in January 2020 and their current programme indicates the scheme being open to traffic in winter 2021.
- 3.12. A284 Lyminster Bypass (North) is the scheme to which the Orders and this Statement of Case relates. The A284 Lyminster Bypass (North) will complete the combined A284 Lyminster Bypass as originally planned.
- 3.13. Scheme references can be used to view documentation on the Arun District Council planning website at <https://www.arun.gov.uk/weekly-lists>.

Figure 3.1 Major Schemes in Littlehampton

Major Schemes in Littlehampton



Date: 26/07/2020

Author: DJL

Scale: 1:10,000

Map Notes: All schemes and areas shown diagrammatically for identification purposes only

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100023447 (2020)

4. THE NEED FOR THE SCHEME

4.1. The Strategic Case

- 4.1.1. The Lyminster Bypass will support local objectives within the adopted Arun Local Plan¹⁶ to strengthen the north-south links between Littlehampton and the A27. The route continues to be safeguarded as a committed scheme under Policy T SP3. The Scheme is supported by an aim in section 2.2.2 (p.51) of the West Sussex Transport Plan 2011–2026²⁰ for the delivery of the Lyminster Bypass for Arun. The Scheme will support economic growth, create safer roads, move towards climate change resilience and provide access to housing, employment and services.

4.2. Full benefits of Land North of Toddington Lane, Littlehampton

- 4.2.1. The A284 Lyminster Bypass (North) once connected to the A284 Lyminster Bypass (South) will realise the full benefits from the delivery of 1,260 homes and 700 jobs associated with the development at Land North of Toddington Lane, Littlehampton.

- 4.2.2. The Mayer Brown Transport Assessment¹⁹ accompanying the planning application for Land North of Toddington Lane, Littlehampton (referred to as the North Littlehampton Strategic Development Area) sets out the relationship between the development and A284 Lyminster Bypass (North) from the perspective of the applicant:

“3.6 The authorities have a long-term ambition to create a bypass route to the town from the north in order to remove the congestion caused by the Lyminster Road level crossing The bypass would become the main route into Littlehampton from the north, essentially superseding the stretch of the A284 through Lyminster.”

“3.11 It is not feasible for the development to provide the complete bypass and it has been agreed that the key element is the Southern Section, which bridges the rail line, connecting the site to the town and Fitzalan Link.”

“3.13 In addition, a link will be created from Lyminster Road through to the bypass (Southern Section). This will largely follow the existing route of Mill Lane/Toddington Lane. This link has been discussed and agreed with WSCC and is seen as a temporary route, which will be downgraded or removed once the northern section of the bypass is implemented.”

Appendix A of the TA – “2.21 It is anticipated that the North Littlehampton site will be proposed as a strategic development allocation in the draft Local Plan next year Provision of the Lyminster bypass from the A27 at Crossbush to the edge of the town centre and seafront, bridging the railway line, is key to this; and for this reason the development of the North Littlehampton site (which includes delivery of the section of the Lyminster bypass from the site over the railway line to the A259) is embedded in the District Council’s spatial strategy which will underpin the forthcoming Local Plan.”

Appendix A of the TA – “3.6 The completion of the Lyminster Bypass is considered

important and will be delivered through a new local planning policy that will require new development in the area to make Section 106 financial contributions towards the cost of the design and implementation of the northern section of the bypass.”

- 4.3. This is also further corroborated in the letter of support²¹ dated 27th June 2019 from the developer Persimmon Homes Limited for the Lyminster Bypass (North) planning application (reference WSCC/049/18/LY) which states:

“The new route is an integral part of the North Littlehampton Strategic Development Area which is being provided by Persimmon Homes comprising 1,260 new homes, a new primary school, commercial and retail units plus significant areas of open space. Fundamentally, the new route will form part of a new 'gateway' into Littlehampton without vehicles having to travel through Lyminster village.”

4.4. **Transport**

- 4.4.1. One of the key problems which the A284 Lyminster Bypass (North) seeks to address is one of inadequate access to Littlehampton from the national Strategic Road Network (SRN). The existing A284 is a slow route into the town centre, employment areas and the A259 from the A27 at Crossbush, with a railway level crossing at Lyminster Road, Wick. The current situation leads to delays and congestion, causing unreliable journey times, notably at the level crossing and at the junction with the A259.
- 4.4.2. The Arun Local Plan¹⁶ recognises that development will worsen the existing transport issues. Chapter 15 Transport, paragraph 15.1.1 sets out key transport issues from the West Sussex Transport Plan 2011²⁰, including level crossings causing delays between the A27 and Littlehampton. Paragraph 15.1.2 states: "These issues have far reaching impacts on the District's economy, environment, health and wellbeing ... and are likely to become more significant over the Plan period as a result of development".
- 4.4.3. The Arun Local Plan¹⁶ also recognises that a fundamental issue as noted in paragraph 15.1.2 is that: “The District is lacking in strong north-south links between the main towns of Littlehampton and Bognor Regis and the A27. As part of the Local Plan’s vision to strengthen Arun’s economic base, new and improved transport routes need to be delivered ...”.
- 4.4.4. The Arun Local Plan¹⁶ was supported by transport evidence base study work undertaken by Systra and published in January 2017 as the Arun Transport Study Report²². This study included the A284 Lyminster Bypass as a reference case scheme as the County Council had already committed to its delivery, in line with the planning consent and section 106 agreement for Land North of Toddington Lane, Littlehampton and following the inclusion of funding for the Scheme in the Coast to Capital Growth Deal.
- 4.4.5. The principle of linking the Lyminster Bypass scheme to the strategic development north of Littlehampton had previously been established through a transport study by

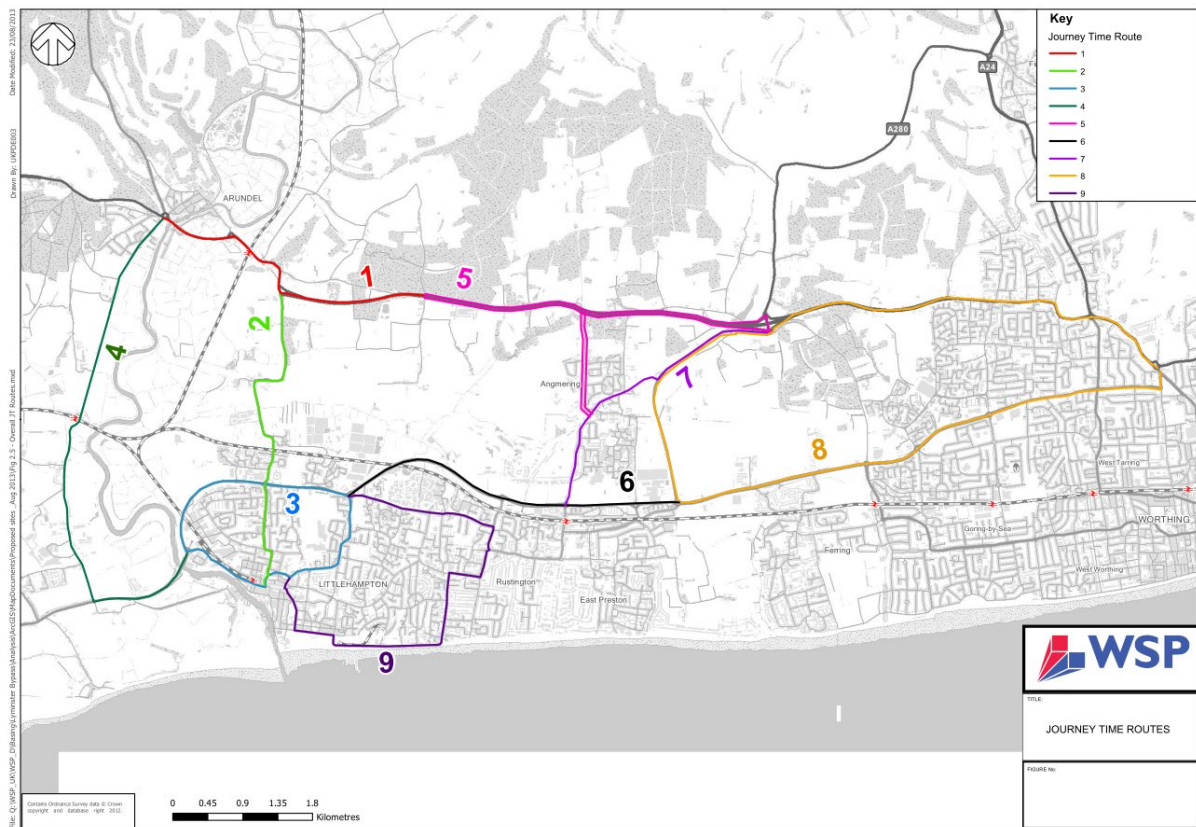
MVA (the Arun District Local Development Framework: Core Strategy Revised Options Final Report)¹⁸ using the West Sussex County Strategic Transport Model undertaken in 2008/09 for the Arun District Local Development Framework Core Strategy which was then being taken forward by the District Council. At the time, the District Council was looking at options to allocate the Land North of Toddington Lane, Littlehampton site for 1300 or 1550 dwellings and 30,000 or 26,000 square metres employment space in their upcoming Core Strategy. Part of the site was already an existing allocation known as Policy Site Seven in the Arun Local Plan 2003.

- 4.4.6. However the proposed Core Strategy was not taken forward to examination, with a new Local Plan process starting in its place. The 2009 Arun Transport Study¹⁸ considered the Lyminster Bypass as mitigation for the Option 1 – Urban Extensions Spatial Strategy, which included the North of Littlehampton development sites, both at north of Toddington Lane and at Courtwick Farm, which have been consented in the intervening period. An addendum report to this study was published in 2010 for the Lyminster Bypass examining the differences in traffic forecasts arising from whether the Lyminster Road level crossing would be closed following the opening of the new A284 route.
- 4.4.7. The planning application on 18th February 2011 and subsequent consent on 23rd January 2013 for Land North of Toddington Lane, Littlehampton overtook the new Local Plan process for Arun District. The first transport study for the new Local Plan was undertaken by WSP and published in 2013.²³ This included Land north of Toddington Lane, Littlehampton as a committed development and also included the A284 Lyminster (North) Bypass as a transport mitigation scheme, as whilst the planning permission had secured the southern bypass as a committed scheme, with a contribution to the northern bypass, the full funding package for the northern bypass had not yet been secured.
- 4.4.8. The Arun Local Plan process was restarted by Arun District Council in 2015 and new transport study work was commissioned, which produced Arun Transport Study 2016 Stage 3 Final Report²² which supports the adopted Local Plan. By this time the Lyminster Bypass (North) had also been included in the Coast to Capital Local Enterprise Partnership's Strategic Economic Plan 2014²⁴ and subsequently been awarded Local Growth Funding, which allowed it to be regarded as a committed scheme underpinning the overall Arun Local Plan rather than as specific mitigation for further development allocations, such as those at Angmering, Littlehampton West Bank or Climping.
- 4.4.9. The variability of journey times on the A284 is compounded by the operation of the level crossing at Wick. Journey time surveys were conducted in a series of locations in 2013 to assist with validation of the traffic model. A summary compiled from data contained in the Lyminster Bypass & A259 Corridor Transport Business Cases Data Collection Report²⁵ at tables 6.1 to 6.3 is shown below as Table 4-1. The routes shown in Figure 4-1 are from the same report at Figure 2.3.

Table 4-1 - Observed Journey Time Summary Results

Route	Length (km)	AM Peak		Inter Peak		PM Peak	
		Mean JT(s)	Coefficient of Variation	Mean JT(s)	Coefficient of Variation	Mean JT(s)	Coefficient of Variation
Route 1 - EB	3.8	275	13%	255	9%	292	15%
Route 1 - WB	3.9	459	16%	293	8%	305	10%
Route 2 - NB	4.3	722	28%	441	17%	466	21%
Route 2 - SB	4.3	506	23%	435	15%	539	20%
Route 3 – Anti- clockwise	5.9	592	11%	565	8%	649	18%
Route 3 – Clockwise	6.1	558	11%	565	15%	625	22%
Route 4 – NB	6.8	571	12%	644	10%	701	21%
Route 4 – SB	6.8	574	12%	556	31%	617	26%
Route 5	11.5	882	9%	822	6%	776	4%
Route 6 – EB	4.4	493	27%	294	8%	362	17%
Route 6 - WB	4.4	369	17%	307	7%	378	6%
Route 7 – NB	3.9	484	29%	345	13%	391	12%
Route 7 – SB	3.9	403	19%	316	8%	430	33%
Route 8 – Anti- clockwise	15.5	1424	13%	1147	5%	1552	6%
Route 8 – Clockwise	15.5	2241	7%	1102	4%	1693	12%
Route 9 – NB	7.0	1081	4%	1082	8%	1035	8%
Route 9 - SB	6.7	641	10%	701	8%	658	6%

Figure 4.1 - Journey Time Routes



4.4.10. Variability is represented by considering the coefficient of variation (the standard deviation of observed journey times divided by the mean journey time). For Route 2 along the A284, in the peak hours, this is generally 20-28%, whereas for most other routes this is generally less than 15%. This indicates significant variation, due primarily to the level crossing.

4.4.11. Journey times on Route 2 through the village are predicted to increase in the future, as shown in Table 4-2. The information in Table 4-2 is taken from tables 7.4 to 7.9 (pages 37 to 39) of the 2017 Lyminster Bypass Forecasting Report.²⁶ The relevant information has been reordered to clarify the impact of Lyminster bypass (North).

Table 4-2 - Modelled Journey Times on the A284

Time	Direction	2016	2019		2034	
		Time (s)	Time (s)	% Change	Time (s)	% Change
AM Peak Hours	Northbound	380	383	1%	406	7%
	Southbound	386	391	1%	407	5%
Inter Peak Average Hour 10 – 4pm	Northbound	372	375	1%	385	3%
	Southbound	375	380	1%	389	4%
PM Peak Hours	Northbound	339	342	1%	349	3%
	Southbound	349	357	2%	400	5%

4.4.12. The forecasts demonstrate that the A284 corridor is expected to experience increases

in the peak hours in the future, particularly northbound in the AM peak and southbound in the PM peak.

- 4.4.13. The A284 Lyminster Bypass (North) will reduce this journey time, making the route into Littlehampton more attractive and improving access for local residents. Table 4-3 compares the travel time on the existing A284 between the A27 and B2187 to a route encompassing the Lyminster Bypass and the Fitzalan Link Road between the A27 and B2187. The information in Table 4-3 is taken from tables 7.4 to 7.9 (pages 37 to 39) of the 2017 Lyminster Bypass Forecasting Report.²⁶ The relevant information has been reordered to clarify the impact of Lyminster bypass (North). It shows the bypass route typically reduces travel time in both directions by between 20-30%.

Table 4-3 - Modelled Journey Times on the A284 Compared to Bypass

Time	Direction	A284 2019 Do Minimum	Bypass 2019 Do Something		A284 2034 DM	Bypass 2034 DS	
		Time (s)	Time (s)	% Change	Time (s)	Time (s)	% Change
AM Peak Hours	Northbound	383	269	-30%	406	296	-27%
	Southbound	391	273	-30%	407	314	-23%
Inter Peak Average Hour 10 – 4pm	Northbound	375	266	-29%	385	284	-26%
	Southbound	380	264	-30%	389	278	-29%
PM Peak Hours	Northbound	342	265	-23%	349	284	-19%
	Southbound	357	282	-21%	400	386	-4%

- 4.4.14. The A284 Lyminster Bypass (South) provides a new bridge over the railway. Access to the bridge from the north without the A284 Lyminster Bypass (North) would be inadequate for strategic traffic, as it would be required to use the existing A284 and Mill Lane. Mill Lane is a very narrow, D class road with discontinuous footways. This is also a longer route with a series of 90 degree turns and is inadequate for strategic traffic.

- 4.4.15. The residential development at North Littlehampton provides infrastructure in the town and across the rail line but leaves increased traffic pressure on the gap which is left through the village of Lyminster and north to the A27 at Crossbush.

- 4.4.16. The proposed A284 Lyminster Bypass (North) would bypass and relieve the village of Lyminster and join with the developer funded alignment enabling relief of the remainder of the A284 south into Littlehampton, notably including the railway level crossing and the congested A259 Wick roundabout.

4.5. **Economy**

- 4.5.1. Littlehampton's local economy performs poorly in comparison to other areas of West

Sussex and the wider south east region. The poor access from the A27 Crossbush Interchange into Littlehampton is seen as a significant disincentive for businesses, especially higher value businesses, to locate in the Littlehampton area and makes it harder for existing businesses to attract and retain qualified and skilled staff.

- 4.5.2. Wards in Littlehampton have higher levels of unemployment and deprivation in income and employment than the average for West Sussex, as shown below in Table 4-4. Table 4-4 is a duplicate of table 3.1 on page 15 of the Lyminster Bypass Transport Business Case prepared for the Local Enterprise Partnership Coast to Capital in 2014.²⁷ The poor transport links and lack of attractiveness for business are likely to be contributory factors to this situation. River and Ham wards in Littlehampton feature in the 10% most deprived wards nationally from the indices of multiple deprivation

Table 4-4 Economic Indicators for Littlehampton Wards

Area	% Unemployed (2011 census)	% People Income Deprived (2010)	% Working Age People Employment Deprived (2010)
West Sussex	3.2	9.5	6.9
Beach ward	3.6	10.5	9.3
Brookfield ward	4.1	11.1	6.8
Ham ward	4.7	24.0	13.8
River ward	5.6	21.1	18.1
Wick with Toddington ward	3.6	12.1	8.0

- 4.5.3. The Scheme is needed to provide a long-term access solution for Land North of Toddington Lane, Littlehampton replacing the temporary access arrangement via Mill Lane. Therefore, the benefits of the development form part of the strategic case for the Scheme and also form part of the Coast to Capital Local Enterprise Partnership's Strategic Economic Plan 2014²⁴ which identifies the Lyminster Bypass as one of the connectivity and capacity schemes to unlock new land with the benefits of 3,830 homes, 5295 jobs and 27,000 sqm of employment land.
- 4.5.4. East Arun continues to be a priority location in the Coast to Capital Local Enterprise Partnership's most recent Strategic Economic Plan and the Scheme will contribute to several of the economic priorities set out in Chapter 3: Eight economic priorities at figure 4 (p.22) of the Coast to Capital Strategic Economic Plan 2018-2030²⁸ as follows:
- delivering prosperous urban centres
 - develop business infrastructure and support
 - investing in sustainable growth
 - promoting better transport and mobility

4.6. Environment, Community and Road Safety

- 4.6.1. The A284 passes through the centre of the village of Lyminster, passing through a Conservation Area and adjacent or close to six of the nine Grade 2 Listed Buildings in the village. The section of the A284 through the village contains four 90° bends which have a relatively poor road traffic collision record. The environment of the village is marred by the through traffic and the safety signing to encourage slow vehicle speeds around these bends.
- 4.6.2. In 2018 the Average Annual Daily Traffic (AADT) 24-hour two-way flow on the A284 through Lyminster was 12,523 vehicles (10.8% LGV, 4.3% HGV), with the Average Annual Weekday Traffic (AAWT) 24 hour two-way flow being 13,289 vehicles (11.7% LGV, 5.2% HGV). Weekday peak hour two-way flows were 916vph (14.5% LGV, 7.3% HGV) in the AM peak (08:00-09:00) and 1,078vph (10.7% LGV, 5.7% HGV) in the PM peak (17:00-18:00). Traffic flows are expected to increase significantly once planned development is complete. Traffic data was measured at the County Council's permanent traffic data site A284 Lyminster Road North of Bends.^a
- 4.6.3. For an indication of the intensity of these flows for a road of this type, they can be compared to the typical value defined at Table 5/1 of the COBA Manual (chapter 5) of 700 vehicles per hour per lane as the breakpoint where speed more rapidly drops with added flow for a road through a small town or village, assuming a standard lane width of 3.65m. The minimum lane width in Lyminster village is 3.15m and the average width in the centre of the village around 3.5m so this breakpoint will be lower at this location than the COBA value quoted here.
- 4.6.4. For much of the route, there is a footway on the west side of the road only, which is variable in width from adequate to substandard. This causes some severance to pedestrian movement, notably for vulnerable groups and for properties on the eastern side of the road. The road also fails to provide a cycle friendly environment, despite being within easy cycling distance of Littlehampton town centre.
- 4.6.5. As detailed in the West Sussex Injury Accident Engineers Report²⁹ between 2015 and 2019, there were one fatal, three serious and 12 slight personal injury collisions on the A284 between the A27 and the A259.
- 4.6.6. The Scheme crosses the main river known as Black Ditch and its associated flood plain, and the proposed viaduct ensures that even for the critical flood event plus climate

^a The West Sussex Traffic Counts Database is available through the following link. Registration is required to obtain a login to view data and is manually approved. Approval of new user registrations is normally available on same or next working day. See data for Site Number: 00000446 or select visually on the interactive map.
<https://www.westsussex.gov.uk/roads-and-travel/traffic-management/traffic-counts/>

change, and considering the undefended scenario for the River Arun, there is no increase in flood risk as a result of the Scheme.

4.7. Interdependencies

- 4.7.1. The A284 Lyminster Bypass (South) is being delivered as part of the development at Land North of Toddington Lane, Littlehampton. Current proposals are for the southern bypass to be open in winter 2021. The A284 Lyminster Bypass (North) is dependent on the A284 Lyminster Bypass (South) during its operational phase following construction, but it is not fully dependent for the construction phase. Whilst the current proposal is that construction materials for will be brought to site via the A284 Lyminster Bypass (South), there are contingencies for alternative routes should there be a delay to the developer programme.
- 4.7.2. The existing A284 Lyminster Road joins with the A27 to the north on the southern arm of the junction at Crossbush. The A284 Lyminster Bypass (North) terminates some 600m south of this junction, thus there is no direct construction interdependency. The A284 Lyminster Bypass (North) is considered to be a committed scheme in the Highways England traffic modelling and appraisal work and is included in their Do Minimum scenarios. The A284 Lyminster Bypass (North) does not rely on the completion of the A27 Arundel Bypass.
- 4.7.3. The development at Land North of Toddington Lane, Littlehampton will be served by the A284 Lyminster Bypass (South) which will form a new junction with the A259 to the south via a four-arm roundabout. This new roundabout represents the western extent of the A259 Improvement scheme. The completed A284 Lyminster Bypass (North) will re-route strategic traffic, relieving congestion at Wick roundabout. If the A284 Lyminster Bypass (North) were not completed, this re-routing would not take place. The A259 Improvements would still provide a benefit in this scenario, but Wick roundabout would remain a bottleneck. The A284 Lyminster Bypass (North) does not depend on the A259 Improvements to be completed to achieve a benefit.

4.8. Financial Case

- 4.8.1. The A284 Lyminster Bypass (North) is a fully funded scheme. The budget for the Scheme was identified in the County Council's capital programme and is £21.634m as approved by the full Council on 14th February 2020. The total Scheme cost is met by the following funding:
- £1.123m from developer S106 contributions which have been paid to the Council.
 - £1.652m from developer S106 contributions which have been secured by agreement but the trigger for payment is yet to be reached.
 - £0.986m from developer S106 contributions which have been identified from future Local Plan development sites that are forecast to become available to spend on the Scheme.

- These S106 receipts total £3.761m. The Council will allocate capital funding in advance of S106 receipts in the short term until all S106 monies are received.
- £3.000m is to be funded by the Coast to Capital Local Enterprise Partnership.
- £14.873m is being funded by the Council.

4.8.2. The A284 Lyminster Bypass (North) forms part of the Council's capital programme (which is the suite of capital projects the Council is funding over the given time period). Allocation of funds per year for the capital programme is found in the Capital Strategy. The figures are based on the agreed budget less completed spend in previous years. These details are included within the financial document Revenue Budget 2020/21, Capital Strategy 2020-25, and Treasury Management Strategy 2020/21.³⁰ These were approved by full Council on 14 February 2020. Further details are as follows:

- The recommendation to approve the Capital Strategy can be found in the Revenue Budget 2020/21, Capital Strategy 2020/25 and Treasury Management Strategy Statement 2020/21. Recommended item (3) (a) (p. 50).³⁰
- The A284 Lyminster Bypass (North) is listed in Annex 2a - Capital Strategy (capital programme) 2020-25³¹ (p.9) under the highways "portfolio in-flight" projects.
- This decision report and appendices demonstrate the budget for 2020/21 – 2024/25 was approved.
- The A284 budget figure shown is for £18.700m from 2020/21 onwards, with the £0.273m funding for 2019/20 also shown. The report does not refer to the approved budgets in prior years.
- A position statement (submitted with this Statement of Case) from the Council details the complete financial position including the previous spend of £2.661m on the A284 Lyminster Bypass (North) with a fully funded budgetary figure of £21.634m.³²

4.8.3. A schedule of contributing developments is included below:

Table 4-5 Schedule of contributing developments

Development scheme name	Application no.	Financial Contribution
Courtwick Lane Land South of Railway Littlehampton	LU/355/10	£1,000,000

Development scheme name	Application no.	Financial Contribution
Land North of Toddington Lane Littlehampton	LU/47/11	£1,490,000
Windroos Nursery Worthing Road Littlehampton	LU/229/10	£140,000
The Wick Site (Former Body Shop HQ) Hawthorn Road Littlehampton	LU/271/11	£1,000,000
Hollyacre Toddington Lane Littlehampton	LU/116/13	£130,700
Total		£3,760,700

5. DESCRIPTION OF SCHEME

- 5.1. The location of the proposed A284 Lyminster Bypass (North) commences from a point approximately 600m south of the A27 Crossbush junction. The Scheme comprises an improvement of the existing A284 through realignment and construction of a new highway. However, resurfacing is proposed for approximately 200m north of the commencement point as part of the noise mitigation proposals. At its southern end, the proposed bypass would connect to the southern section of the bypass which is currently being constructed as part of the mixed use North Littlehampton development to the south.
- 5.2. The Scheme would comprise a new 7.3m wide carriageway with 1.0m hard strips either side. A 3m wide shared cycleway / footway would run from the northern end of the Scheme along the west side of the carriageway to reach a signalised Pegasus crossing. The Pegasus crossing would provide a safe crossing point for cyclists, pedestrians and equestrians in addition to ensuring the continuity of the existing bridleway number 2163 between Lyminster and Poling. From the crossing, the shared cycleway / footway would continue southwards down the east side of the proposed road to link to similar facilities further south and continuing on into Littlehampton. A 2.5m grassed verge would be provided on the opposite side of the carriageway apart from along the length of the viaduct. A T-junction would link the existing A284 (to be downgraded) to the new road. The bypassed section of the existing A284 south of Brookfield Stream is intended to be downgraded to a B class road. The road will remain open as a through road in order to provide continued access to the bypassed parts of Lyminster Village.
- 5.3. The proposed A284 Lyminster Bypass (North) would have a speed limit of 50mph

reducing to 40mph towards the northern end in order to match the existing 40mph speed limit in this location. At the southern end, the speed limit would reduce to 30mph on the approach to the roundabout which is due to be constructed as part of the A284 Lyminster Bypass (South) works. This change in speed limit would be just beyond the limit of the proposed scheme.

- 5.4. From the southern end, the proposed A284 Lyminster Bypass (North) would be built at approximately the existing ground level until it reached the southern limit of the Black Ditch flood plain. From this point, the bypass would be constructed on a 225m long viaduct which would span the entirety of the Black Ditch flood plain. At the northern extent of the flood plain, the road would continue on an embankment. The proposed road would be above the existing ground level until reaching the location of the Pegasus crossing where levels approximately match the existing. From the crossing heading north, the road would be in a slight cutting before reverting once more to an embankment as it passed the new junction with the existing A284 and crosses Brookfield Stream.
- 5.5. The proposed viaduct is a continuous structure which carries the new Bypass over Black Ditch, a watercourse subject to periodic flooding. This is a concrete beam and slab construction supported upon piers with piled foundations. Brookfield Stream to the north would be crossed with a replacement enlarged and extended culvert.
- 5.6. Surface water run-off from the proposed bypass would drain into the two watercourses with attenuation provided to restrict the rate of discharge of the surface water to Greenfield run-off rates. South of Black Ditch, cellular storage would be used as attenuation and prior to discharge into Black Ditch, this surface water run-off would pass through a wetland area located to the east of the viaduct. This feature would improve water quality both by removing suspended particulates and through microbial neutralisation of contaminants, with the added benefit of encouraging biodiversity. The section of road north of Black Ditch up to the Pegasus crossing would drain into a swale (a wide shallow ditch) running along the eastern side of the proposed road achieving both attenuation and water quality objectives. From the Pegasus crossing to Brookfield Stream, surface water would discharge to a swale and into a dry balancing pond located to the east of the road prior to draining into the watercourse. Surface water from the section of road north of Brookfield Stream would discharge directly into the watercourse as is the current situation.

6. SCHEME IMPACTS

- 6.1. The Scheme planning application (reference WSCC/049/18/LY) was granted planning permission on the 9th May 2019.^{[33](#),[34](#)} The application included assessments and reports on the impacts of the Scheme in regard to ecological, landscaping, archaeological, noise and vibration, and air quality. The relevant reports and responses to the planning application will be relied on by the Council as supporting evidence as part of the case for the CPO and SRO. The relevant documents submitted with this Statement of Case,

and are also all available to view at <https://westsussex.planning-register.co.uk/>.

6.2. Assessments

- 6.2.1. An Environmental Impact Assessment (EIA) screening opinion³⁵ was sought from the local planning authority to establish whether a full EIA would be required for the Scheme. It was established that the Scheme fell into Part 10(f) of Schedule 2 to the EIA Regulations 2017. As it was not located within a 'sensitive area' as defined by the Regulations the review concerned the potential for 'significant environmental effects.' It was recognised that the Scheme would divert traffic away from residential properties and a conservation area without significantly affecting any designated areas. Therefore with regard to the selection criteria in Schedule 3 to the EIA Regulations, and the matters set out above, it was considered that the proposed development would not have the potential for significant effects on the environment within the meaning of the EIA Regulations.
- 6.2.2. An Air Quality Assessment Report³⁶ was produced for the planning application. As noted in the Conclusion of the Air Quality Assessment Report (Section 8 Page 18), without the A284 Lyminster Bypass (North) there are predicted to be exceedances of National Air Quality Objectives. The proposed development would not lead to any exceedances and overall (with any recommended mitigation) it would have no significant impact. As such the Scheme provides an overall benefit.
- 6.2.3. A Noise and Vibration Assessment³⁷ was prepared for the planning application. This includes mitigation detailed in 5.2.1 in the form of the following:
- "2.5m high and 317m long noise barrier adjacent to the northbound carriageway of the proposed Bypass to minimise the noise impact at properties The Old Vicarage, Fairfields and Wolstanton.
 - Low noise surface: Thin surface system along the entire Bypass"
- 6.2.4. The Noise and Vibration Assessment³⁷ shows that most receptors will experience an impact of negligible magnitude. During the short-term, moderate and major adverse impacts are predicted to the south of the Scheme. In the long term, the same area would receive a minor or moderate adverse impact.
- 6.2.5. The assessment shows that the noise sensitive receptors near the A284 Lyminster Bypass (South) at the intersection with the A259 are likely to receive an increase in noise levels. This area does not form part of the A284 Lyminster Bypass (North) Scheme. Both the developer and the Council are already committed to mitigating noise arising in relation to the A284 Lyminster Bypass (South) and the A259 and therefore some of these areas will experience a noise impact lower than presented.
- 6.2.6. Beneficial impacts will be experienced at noise sensitive receptors along the existing A284 over both short and long-term.

6.3. Planning Application Responses

- 6.3.1. An Ecological Impact Assessment³⁸ was submitted with the planning application. The WSCC ecology consultation response³⁹ raised no objection. It was noted that “although there are no statutory or non-statutory designated wildlife sites within the Application Site, the area is known to be of ecological value supporting a number of legally protected species, including water vole, great crested newt, reptiles (slow-worm and grass snake), badger and bats.”
- 6.3.2. The recommendations supported the mitigation and enhancement outlined at the planning stage, including the conditions around “the creation of wildflower grassland, wet grassland, provision of additional wetland habitat for water voles, badger crossings, bat boxes, tree, shrub and hedgerow planting” and “proposed new pond and ditch, to be created to the east of the bypass ... compensating for loss and degradation of water vole habitat where the new road crosses Black Ditch.”
- 6.3.3. Ecological mitigation is subject to surveys and the position of wildlife. The most recent Badger Survey⁴⁰ and Bat Survey⁴¹ from 2020 indicate the required mitigation works. This is subject to change depending on the situation that presents itself and the start of the construction period.
- 6.3.4. The Scheme includes work in and around Brookfield Stream and Black Ditch. The works have been designed to meet Environment Agency requirements. The works and the Flood Risk Assessment at the time of planning were satisfactory pending the Construction Environmental Management Plan. As detailed in the Environment Agency Response⁴² the “substantial works in and around the Brookfield Stream and Black Ditch” must be “appropriately designed, timed and implemented to mitigate risks to wildlife and the environment.”
- 6.3.5. The works have been designed to meet the Environment Agency requirements. The design and build contractor is working alongside the appointed project ecologist to review the proposed construction methodology and programme to ensure suitable risk assessments and method statements are prepared and actions implemented to respond to the environmental receptors on this particular project. The timing of such actions shall be tracked on the construction programme and introduced prior to the particular construction activity occurs on site. Mitigation measures shall be regularly monitored and checked throughout the programme of works in line with agreed quality assurance requirements.
- 6.3.6. Black Ditch and its associated floodplain will be spanned with a viaduct approximately 225m in length. Brookfield Stream will pass through a replacement enlarged and extended culvert. Surface water run-off from the road will drain into these two watercourses with attenuation provided to restrict the rate of discharge of the surface water to greenfield run-off rates.
- 6.3.7. South of Black Ditch, cellular storage will be used as attenuation and prior to discharge

into Black Ditch, this surface water run-off will pass through a wetland area located to the east of the viaduct. This feature will provide water polishing with the added benefit of encouraging biodiversity.

- 6.3.8. The section of road north of Black Ditch up to the Pegasus crossing will drain into a swale running along the eastern side of the road achieving both attenuation and water quality objectives. From the Pegasus crossing to Brookfield Stream, surface water will discharge to a swale and into a dry balancing pond located to the east of the road prior to draining into the watercourse. Surface water from the section of road north of Brookfield Stream will discharge directly into the watercourse as is the current situation.
- 6.3.9. The WSCC Tree Officer Response⁴³ provided no objections to the landscaping plan as set out at planning stage in the arboricultural method statement (Appendix A to the detailed Arboricultural Report⁴⁴) and the aims set out in the Landscape and Visual Appraisal.⁴⁵ The response included confirmation that:
- “The required tree, tree groups and hedgerow removals will have a short-term negative impact but this will be mitigated in the long-term by significant structural planting.
 - An elevated section of road cannot be wholly screened nor fully integrated within the flat landscape of the coastal plain but the proposed planting will help to reduce its visual impact.”
- 6.4. Additionally the Scheme design process has given consideration to the following potential impacts:
- Drainage and flood risk – the drainage design for the Scheme has been checked and accepted by the Council’s flood risk management team and has been found to meet relevant criteria.⁴⁶
 - The flood risk modelling with updated climate change figures for the Scheme has been checked and accepted by the Environment Agency.⁴²
- 6.5. The Scheme is not considered to have any other impacts that require mitigation or action.

7. REASON FOR THE PROPOSED ACQUISITION AND SIDE ROADS ORDER

- 7.1. The Compulsory Purchase Order¹ enables the Council to acquire the land and the rights in land necessary for the construction and maintenance of the proposed A284 Lyminster Bypass (North). The wider extent of land acquisition enables mitigation of the impact of the proposed Scheme. This includes land required for landscaping, drainage and ecological mitigation. Access to land will also be required to facilitate construction works, site compounds and access to works.

7.2. The Side Roads Order² is necessary to:

- remove two private accesses (to be replaced by one new means of access (numbered 7 in the Schedule to the SRO) combined with access rights on an adjoining freehold title);
- remove one private vehicular access along public bridleway 2163 (to be replaced by the creation of two new means of accesses numbered 4 and 5 within the Schedule to the SRO that will allow private use to travel along the northern section of the proposed Pegasus crossing);
- stop up of 79 metres of public bridleway 2163 in order to create the proposed A284 Lyminster Bypass (North);
- create four additional new means of access (numbered 1, 2, 3 and 6 in the Schedule to the SRO), in particular: along private track at the end of Woodcote Lane for a distance of 213 metres; a field gate 43 metres south of BW 2163 and 22 metres to the west accessible from a western accommodation of the classified road; a field gate 42 metres south of BW 2163 and 27 metres to the east accessible from a eastern accommodation of the classified road; and a field gate 48 metres north of BW 2163 and 31 metres to the east accessible from a eastern accommodation of the classified road.

8. THE EXTENT OF THE SCHEME TO BE DISREGARDED FOR THE PURPOSES OF ASSESSING COMPENSATION IN THE ‘NO-SCHEME WORLD’

- 8.1 The ‘no scheme’ scenario is the A284 Lyminster Bypass (South) with no connection to the A27. The A284 Lyminster Bypass (South) is under construction by the developer Persimmon Homes, who are responsible for works and matters related to their scheme.

9. SIDE ROAD ALTERATIONS

- 9.1. The proposed alterations to existing highways and private means of access described in the schedule to the Side Roads Order will, upon confirmation, authorise the Council to stop up a length of bridleway and private means of accesses, create new means of access and improve existing highways. The proposed alterations to existing highways and private means of access are detailed in the schedule to the Side Roads Order, and shown on the side roads order plans.^{[11](#),[12](#),[13](#)}

10. DESCRIPTION OF THE COMPULSORY PURCHASE ORDER LAND

- 10.1. The CPO Lands are shown on the CPO Map and are located to the east of Lyminster village. South of the CPO Lands lies the North Littlehampton development and to the north is the existing A284 and its junction with the A27 at Crossbush with Arundel beyond. The South Downs National Park lies approximately 1km from the northern end of the proposed Scheme to the north of the A27.

- 10.2. Full details of the CPO Lands appear in the Schedule to the Compulsory Purchase Order but in summary, they are comprised of predominantly arable and grazing land with a footprint of approximately 9.44ha which includes all land required temporarily for site compounds, access and working space in addition to the land required permanently for the A284 Lyminster Bypass (North) Scheme. The topography across the CPO Lands is generally level with gentle slopes falling to the low points of the two watercourses that traverse the land. Only in the south is there an abrupt change in level marking the limit of the existing floodplain.
- 10.3. Details of the known interests and rights to be acquired are listed in the Schedule to the Compulsory Purchase Order. This Schedule has been prepared based upon the information gathered through a robust land referencing exercise comprising inspection of Land Registry title documents, site inspections and the responses to the requisition notices issued by the Council.

11. NEGOTIATION WITH LAND OWNERS

- 11.1. The development of the Scheme has involved an ongoing process of consultation and negotiation with the relevant landowners and it is intended that negotiations with these landowners for the acquisition of their land will continue at the same time as the CPO is in progress with the intention that compulsory acquisition is a last resort. However, due to the number of landowners, a CPO is required to provide certainty over the Scheme programme. The Side Roads Order is required to support the CPO.
- 11.2. As noted in paragraph 3.5 of this Statement, in 1992 there was 56 percent support in principle for the Lyminster Bypass. As a safeguarded route it was also subject to consultation in the Arun District Council Local Plan 2003 and the Arun District Local plan 2011-2031. In the latter the bypass was referred to in some 50 consultations. The Littlehampton Neighbourhood Plan 2014⁴⁷ by Littlehampton Town Council supported the Scheme following consultation with stakeholders, community groups and residents.
- 11.3. Following on from a feasibility study in 2013 which included an element of consultation with technical stakeholders and Council members the Council consulted directly on the Scheme in autumn of 2014. This occurred in two phases through a campaign that included four public exhibitions, leaflets and questionnaires. Phase 1 was on the principle of the Scheme, with an indicative alignment consulted on with key stakeholders and statutory consultees. Phase 2 consulted on the alignment options with the statutory consultees, stakeholders and affected parties.
- 11.4. The results of the consultation were reported in November 2014⁴⁸. They found that 61% of respondents were in favour of the proposed Scheme, and 30% not in favour. The strongly held view was the A284 Lyminster Bypass (North) Scheme is necessary, delivering “a number of benefits, such as reducing traffic flows and alleviating congestion through Lyminster, enhancing the appeal of walking and cycling in the

village, improving air quality and road safety”. From the options to the route (which were based around the preferred connection point between the bypass and the existing A284), the preference was for the most northerly option (51% in favour compared to 11% in favour of the alternative option).

- 11.5. The concerns relevant to the Scheme, which were all addressed at planning application stage were around environmental impacts (visual, noise, flooding), traffic flow issues and accessibility.
- 11.6. Affected landowners were contacted during this period of preliminary design and consultation. Prior to this period Mr N Andrew and Mrs R Andrew had already approached the Council regarding the bypass. The communication log for this period is available.⁴⁹ In summary prior to the planning application submission Mr N Andrew raised objections to the alignment of route, supplying an alternative to the Council’s. This was reviewed over an eight month period, but was not found to be a suitable alternative due to the departures from standard, and the need to balance the impacts of the road for all land owners.
- 11.7. Following the consultations an outline planning application was submitted for the northern Lyminster bypass (WSCC/049/15/LY). The application was withdrawn in 2015 by the Council. This is because it was decided that the application should not be considered in outline since the proposed development is a means of access which is a reserved matter in itself.
- 11.8. In preparation for a full planning application the Council’s Project Manager organised further surveys to inform the design and engaged in discussion with affected landowners. All landowners were sent requisitions for information and land interest research was undertaken.
- 11.9. By October 2017 the Environment Agency had changed their climate change modelling scenario. Due to A284 Lyminster Bypass (North) crossing Black Ditch and its associated floodplain as well as crossing Brookfield stream the Scheme had to be redesigned at the southern end. Landowners were notified of this by letter.
- 11.10. In May 2018, once the climate change and flood modelling were updated to satisfy Environment Agency requirements and the new design incorporated a viaduct spanning the flood plain, the landowners were notified of the updated design.
- 11.11. In November 2018 the planning application for A284 Lyminster Bypass (North) was submitted. In May 2019 with planning permission in place landowners were advised that a Compulsory Purchase Order would be pursued in order to secure timescales.
- 11.12. The Project Manager arranged to have meetings with landowners to discuss the CPO and advise the landowners of the process and their rights as well as discussing any issues. Discussions occurred between July 2019 and October 2019.

- 11.13. The Council has appointed WSP to act as valuation agents on their behalf. WSP is in liaison with landowners or their agents to agree the purchase of land outside of the CPO process.
- 11.14. Detail on individual landowner negotiations is provided as follows.
- 11.15. Mr and Mrs J Harriott (plots 1a and 1b):
- 11.15.1. Following a meeting on 20th September 2019 with David Harriott to explain the proposals and advance negotiations⁵⁰ it was agreed in October 2019 that the western extent of land required for the erection of bat and bird boxes in CPO Plot 1 would not extend beyond the tree line in order to avoid affecting the existing fencing along this part of the landowners' boundary. It was also confirmed that the Council did not intend to remove the hedgerow North of Brookfield Stream.⁵¹ Consideration was also given to the new bellmouth entrance construction that the landowner intended for their property. Due to this being outside the redline boundary the council was not able to assist.
- 11.16. Mrs R Andrew, HCC 2011 Ltd and Ricotte Investments Ltd (plots 2a, 2b, 2c, 2d, 3a and 3b):
- 11.16.1. Please note Mr N Andrew (husband of Mrs R Andrew) is now deceased and Mr R Andrew (son of Mr N and Mrs R Andrew) is now director of HCC 2011 Ltd.
- 11.16.2. The Project Manager from the Council contacted Mrs R Andrew regarding further surveys in February 2017.
- 11.16.3. In respect of plots 2 and 3 and the landowners HCC 2011 Ltd (previously Hargreaves Construction Co. Ltd), Mrs R Andrew and Ricotte Investments Ltd, the Council was requested by Mr R Andrew on the 24th March 2017 to communicate with him for all the land interests.⁵² This was reiterated in the requisition for information response⁵³ and was explicitly detailed in an email on 3rd October 2019.⁵⁴ Subsequently this has also been communicated through the land agent simultaneously representing these three parties. The properties are a variety of leasehold and freehold interests as seen in the Brookfield Joint title information attached to this Statement of Case.⁵⁵
- 11.16.4. Representatives from the Council met with Mr R Andrew on 25th May 2017 to discuss the design of the bypass. The issue of accesses was also discussed in regard to farm vehicle and HGV access. These issues are detailed in Mr R Andrew's letter dated 8th June 2017⁵⁶ and informed the eventual design. Mr R Andrew and Mrs R Andrew were notified by a letter dated 18th October 2017 of the delay to the Scheme due to the new climate change modelling requirements of the Environment Agency.^{57,58}
- 11.16.5. On the 25th May 2018 Mr R Andrew and Mrs R Andrew were notified of the solution to

the modelling changes.^{59,60} From this date until the planning application was submitted several drawings were sent to Mr R Andrew in various formats. On submission of the planning application Mr R Andrew was sent all files as “.dwg” files.⁶¹ For record the planning files also included landscaping plans. Following planning being approved there was a meeting on the 11th September 2019 with Mr Andrew to discuss the Compulsory Purchase Order process, the minutes of which are attached.⁶² It was reiterated at this meeting that Mr R Andrew was dealing with negotiations for CPO Plots 2 and 3. As per Mr R Andrew’s request the area of land to be taken permanently and temporarily was marked out by the contractor. The existence of the access near Brookfield Stream onto Lyminster Road was confirmed some time afterward (as the overgrowth in the area meant it was not visible). After this, discussions were continued through land agents.⁶³

11.17. Mr S Langmead (plots 4a and 4b) and Mr and Mrs K Langmead, Mr R Kyrke (plots 5a, 5b and 5c):

11.17.1. The Project Manager from WSCC initially met Mr K Langmead on 4th April 2017 to arrange surveys to assist with the design of A284 Lyminster Bypass (North).⁶⁴ Mr K Langmead farms all the arable land on CPO Plots 5 and 6. The design of agricultural access was discussed at a meeting in May 2017.⁶⁵ This led to the discussions around the Pegasus Crossing and possible improvements for agricultural field access.⁶⁶ Mr and Mrs K Langmead were notified by a letter dated 18th October 2017 of the delay to the Scheme due to the new climate change modelling requirements of the Environment Agency.⁶⁷ Mr S Langmead, the owner of CPO Plot 4, was also notified by a letter dated 18th October 2017.⁶⁸

11.17.2. Following the update modelling and change in the Scheme design to include a viaduct, additional accesses were provided to allow J.A. Longhurst Limited and Mr K Langmead separate access to their fields (as the bridleway access was being removed) and it was also confirmed that the design would facilitate cattle moving under the viaduct.⁶⁹ On the 8th November 2018 Mr K Langmead was notified that planning application was due to be submitted in order to show him the plans prior to submission.⁷⁰ Mr K Langmead was notified on the 5th December 2018 of the planning application⁷¹ including a link to all documentation as was Mr S Langmead.⁷² Following planning being approved there was a meeting on the 20th September 2019 with Mr S Langmead and Mr K Langmead to discuss the Compulsory Purchase Order process, before discussions were continued through land agents.⁶³

11.18. J.A. Longhurst Limited c/o company directors Mr J Longhurst and Mr T Longurst (plots 6a, 6b, 6c and 6d):

11.18.1. Mr T Longhurst was contacted in February 2017 in order to survey his property as part of the design phase of the A284 Lyminster Bypass (North).⁷³ Mr T Longhurst was notified by a letter dated 18th October 2017 of the delay to the Scheme due to the new climate change modelling requirements of the Environment Agency.⁷⁴ On the 8th

November 2018 Mr T Longhurst was notified that planning application was due to be submitted in order to show him the plans prior to submission.⁷⁵ Mr T Longhurst was notified on the 5th December 2018 of the planning application including a link to all documentation.⁷⁶ Following planning being approved there was a meeting on the 9th October 2019 with Mr T Longhurst and Mr J Longhurst⁷⁷ to discuss the Compulsory Purchase Order process, before discussions were continued through land agents.⁶³

11.19. Mr and Mrs B Goodchild, Ms I Lindus (plots 8a, 8b, 8c, 8d and 8e):

11.19.1. Mr and Mrs Goodchild were contacted in January 2017 in order to survey their property as part of the design phase of the A284 Lyminster Bypass (North).⁷⁸ Mr and Mrs Goodchild were notified by a letter dated 18th October 2017 of the delay to the Scheme due to the new climate change modelling requirements of the Environment Agency⁷⁹. Following the update modelling and change in the Scheme design to include a viaduct. On the 5th June 2018 Mr and Mrs Goodchild were informed of the new design and raised concerns regarding noise levels, the height of the bypass and maintenance access for the wetlands and the viaduct.⁸⁰ These issues were taken into account in the final design. It was also confirmed that subject to appropriate compensation that access through the Goodchild's' property would be a maintenance option. Consideration was also being given to connecting the Goodchild's' property to the main sewer system.⁸¹ On the 8th November 2018 Mr and Mrs Goodchild were notified that planning application was due to be submitted in order to show them the full plans prior to submission.⁸² Mr and Mrs Goodchild was notified on the 30th November 2018 of the planning application including a link to all documentation.⁸³ Following planning being approved there was a meeting on the 4th September 2019 with Mr and Mrs Goodchild⁸⁴ to discuss the Compulsory Purchase Order process, before discussions were continued through land agents.⁶³

11.20. Persimmon Homes Ltd (plots 9a and 9b):

11.20.1. Persimmon Homes Ltd have been aware of A284 Lyminster Bypass (North) from the inception of their project and through the design of A284 Lyminster Bypass (South). Communication and collaboration was achieved in the design stage through a joint delivery group including the A259 and the Council's Persimmon Homes' liaison. On the 8th November 2018 they were notified that the submission of Planning Application was pending.⁸⁵ They supported the Scheme and discussions were continued through land agents.⁶³

11.21. T&L Crawley No.2 LLP (plots 10a and 10b):

11.21.1. T&L Crawley No.2 LLP purchased three parcels of land within the Scheme. This included land parcels over which T&L Crawley No.2 LLP and Persimmon Homes have an agreement. An email on from the Project Manager on the 25th June 2019 notified T&L Crawley's representatives of the Scheme's planned use of one of the newly purchased areas for a compound.⁸⁶ A letter of support was received from T&L Crawley

No.2 LLP for the Scheme dated 8th July 2019.⁸⁷ Chris Boulter as representative for T&L Crawley No.2 LLP was met with on the 8th October 2019 to discuss the details of the Scheme that had already been granted planning permission.

- 11.21.2. As reflected in one of the objections, Plot 10b is currently under offer from a housing developer. The aim is to use this area where the Scheme's southern compound is situated (currently designated for commercial development) to build affordable housing. Negotiations are currently ongoing, and designs being reviewed to see if it is possible to relocate the compound. This will be covered in more detail in appendix 1 objection response 5.

12. PLANNING CONTEXT

- 12.1. The Scheme is embedded in local spatial and transport policy. It has the strong support of policy at local and national level and would further the aims of such policy. Key parts of this policy context are set out below.

12.2. National Planning Policy Framework (NPPF)

- 12.2.1. The NPPF 2019 provides a framework within which locally prepared plans can be produced. It sets out a number of principles of which the following are particularly relevant to the Scheme:

- Section 5 - Delivering a sufficient supply of homes
- Section 6 - Promoting a strong, competitive economy
- Section 7 - Ensuring vitality of town centres
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting Sustainable Transport
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

- 12.2.2. The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health. The Scheme is linked to the provision of 1260 houses and 700 new jobs, and will contribute to the local economy improving access to the Littlehampton town centre and hence will help to ensure its vitality. It also creates improvements to the existing road network, reducing congestion and improving safety together with enhancing non-motorised user facilities.

- 12.2.3. The Flood Risk Assessment which supports the proposed bypass demonstrates that with the inclusion of all design measures the risk of flooding from all sources as a result of the Scheme is negligible.

- 12.2.4. The NPPF seeks to ensure that impacts on biodiversity are minimal and where possible net gains in biodiversity are achieved. The Ecological Impact Assessment for the proposed Scheme concludes that with the identified ecological mitigations, there will

be no significant adverse effects on habitats or protected species within the survey.

12.3. West Sussex Transport Plan 2011 – 2026

- 12.3.1. The West Sussex Transport Plan 2011 - 2026²⁰ (Transport Plan) is available online at the following link: <https://www.westsussex.gov.uk/about-the-council/policies-and-reports/roads-and-travel-policy-and-reports/west-sussex-transport-plan/>
- 12.3.2. The West Sussex Transport Plan 2011 – 2026²⁰ guides the development of highways and transport infrastructure in the county. The Foreword (Page ii of the Plan) states that the Plan aims to improve the quality of life for West Sussex residents by: promoting economic growth; tackling climate change; providing access to services, employment and housing; improving safety, security and health. The Scheme would contribute to all four of these objectives.
- 12.3.3. The 'Part 1 Long Term Strategy' (Section 1.3.1 of the Transport Plan) sets out key issues for the Coastal Area of West Sussex. Those which are relevant to the Scheme are as follows:
- poor economic performance relative to the rest of West Sussex
 - an infrastructure deficit which causes poor connectivity within Coastal West Sussex, and to the wider region, which inhibits economic growth
 - pockets of deprivation particularly in the towns
 - travel patterns which are dominated by the private car and low usage of sustainable modes of transport
 - specific locations with poor local air quality and emissions which contribute to climate change
 - a need to maintain a high quality urban and rural environment
- 12.3.4. The 'Part 1 Long Term Strategy' (Section 1.4.1 of the Transport Plan) identifies issues on the A284 as follows:
- 'The A284 is an important link road which provides access to Littlehampton and to a lesser extent Bognor Regis. The Wick level crossing causes delays for traffic in both directions, which can affect the operation of the junction with the A259.'
- 12.3.5. The Implementation Plan for Arun District (Section 2.2.1 of the Transport Plan) sets out the following principles that new schemes are required to support and contribute towards:
- increasing use of sustainable modes of transport
 - improving network efficiency in order to improve journey times and air quality
 - improving safety for all road users
 - discouraging HGVs from using unsuitable roads
 - improving accessibility between communities within the District
- 12.3.6. The Implementation Plan for Arun (Section 2.2.2 of the Transport Plan) sets out a

number of the key issues for Arun District. The issues which are particularly relevant to the Scheme are as follows:

- Access by road deters visitors and businesses from Littlehampton and Bognor Regis, inhibiting aims for regeneration of the District.
- Traffic travelling between the A27 and A259 via the A284 and A29 to access Littlehampton, Bognor Regis and the coastal area is often delayed due to the level crossings at Wick.
- The level crossings at Wick create congestion and poor air quality.
- In order to avoid congestion and maintain journey times HGVs are diverting onto unsuitable residential and rural roads, causing concerns over safety.
- The current provision of pedestrian and cycling facilities throughout the District, and in particular within Bognor Regis and Littlehampton, are unable to support and maintain sustainable travel, as much of the network is disjointed and suffers from inadequate signing, safe crossing points and poor surfacing.

12.3.7. The Implementation Plan for Arun (Section 2.2.2 of the Transport Plan) goes on to set out the aims for Arun district. The aims towards which the Scheme will contribute are as follows:

- Maintaining roads to a good standard.
- Ensuring that all new development contributes to the regeneration aspirations and the transport issues in Littlehampton.
- Safeguarding against traffic generated by new development resulting in the capacity of the highway network being exceeded, by including measures to encourage sustainable travel behaviour.
- Discouraging HGVs from less suitable local routes while maintaining access to areas which businesses need access to.
- Encouraging sustainable travel by improving the existing cycle and pedestrian network through improved signing, connecting routes where appropriate and repairing and maintaining surfaces.
- Supporting opportunities which will improve and protect the rights of way network throughout the District.
- Developing and implementing schemes which contribute to the completion of the Littlehampton cycle networks
- Improving pedestrian accessibility throughout the District by enhancing existing pedestrian crossings.

12.4. Arun District Council Local Plan

12.4.1. The Arun District Council Local Plan 2011 - 2031¹⁶ is available online at the following link: www.arun.gov.uk/adopted-local-plan/.

12.4.2. The Arun Local Plan was adopted in July 2018.

12.4.3. The strategic objectives for transport can be found in Section 15.1 of the Arun Local Plan. The objectives that are relevant to the Scheme are as follows:

- To reduce the need to travel and promote sustainable transport
- To plan for climate change and work in harmony with the environment to conserve natural resources and increase biodiversity
- To strengthen Arun's economic base and provide local job opportunities by increasing, diversifying and improving the quality of employment within the district through the provision of appropriate employment sites, better infrastructure, including road and rail access, quality affordable accommodation and the development of business support and partnerships.
- Improvements to cycle and pedestrian routes and to journey times will reduce congestion and contribute to achieving these objectives. The design is based on Climate Change modelling data and mitigations and where possible enhancements for local biodiversity are planned.

12.4.4. The Arun Local plan refers to the A284 Lyminster Bypass at Paragraph 15.3.4 and the bypass is safeguarded in Policy T SP3 (Safeguarding the Main Road Network) subsection e. This policy seeks to ensure that improvements necessary to enhance the strategic and supporting road network within the district can be carried out, by protecting them from development.

12.4.5. The Arun Local plan refers to the A284 Lyminster Road at paragraph 21.2.5 as a first priority location where the noise index is at least 76dB and the road is also referred to in Policy QE DM1. Noise will be ameliorated by the A284 Lyminster Bypass and the decrease in traffic.

12.4.6. The route was also safeguarded in the previous Arun Local Plan 2003 under Policy DEV15 and adopted by the County Council as an approved highway line on 11th September 1992 (Ref H+T Committee Minute No. 98 (3)).¹⁴

12.4.7. The Scheme has been included and safeguarded mainly due to its relationship with the consented development at Littlehampton, notably Land North of Toddington Lane, Littlehampton, rather than being identified as transport mitigation for new sites promoted through the Local Plan, such as those at Littlehampton Economic Growth Area, Angmering North, Angmering South and East and Climping. The Scheme does however have direct relevance to additional employment allocations at two of the previously consented sites which contribute financially to the Scheme. Policy EMP SP3 allocates 2.0 hectares employment at North Littlehampton, which adds to the consented site Land North of Toddington Lane, Littlehampton. It also allocates 1.5 hectares employment at Courtwick, which adds to the consented site Courtwick Lane Land South of Railway Littlehampton.

- 12.4.8. The transport studies for the Arun Local Plan assumed that the Lyminster Bypass would be present at the end of the Arun Local Plan period. This means that the transport mitigation schemes identified for the Arun Local Plan are assessed on the basis that the Lyminster Bypass (North) is in place.
- 12.4.9. Whilst not all of the allocation sites will directly generate traffic using the Scheme in the way that the North Littlehampton employment allocation does, a number of these sites are located on parallel routes to the A284 such as the A280, Ford Road/Church Lane and the A29. The increased local traffic generated on these routes can result in reassigning some existing traffic between the competing north-south routes in the with-Local Plan forecasts. The strategic housing and employment sites from the Arun Local Plan policies H SP1 and EMP SP3 respectively are tabulated below in Table 12-1 for housing taken from table 12.3 (pp 119-120) and Table 12-2 for employment taken from table 8.1 (pp 74-75).

Table 12-1 Arun Local Plan Strategic Housing Allocation Sites

Reference	Location	Number of Units
SD1	Pagham South	400
SD2	Pagham North	800
SD3	West of Bersted	2500
SD4	Littlehampton – West Bank	1000
SD5	Barnham/Eastergate/Westergate	2300
SD6	Fontwell	400
SD7	Yapton	500
SD8	Ford	1500
SD9	Angmering North	800
SD10	Climping	300
SD11	Angmering South and East	250

Table 12-2 Arun Local Plan Strategic Employment Allocation Sites

Site Number	Location	Gross Site Area (Ha)
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1	Enterprise Bognor Regis – Salt Box	11.7
2	Enterprise Bognor Regis- Rowan Park	3.2
3	Enterprise Bognor Regis- Oldland’s Farm	23.8
4	Enterprise Bognor Regis- Former LEC Airfield and Adjoining Land	29.3
5	Greater Littlehampton- Courtwick	1.5
6	Greater Littlehampton – North Littlehampton	2.0
7	Angmering- West of A280, North of Water Lane	3.0

12.5 Arun District Council Infrastructure Capacity Study and Delivery Plan

- 12.5.1 The Arun District Council Infrastructure Capacity Study and Delivery Plan is available online at the following link: <https://www.arun.gov.uk/infrastructure-and-funding-planning-policy>
- 12.5.2 It is published in two parts; Phase 1 – Infrastructure Implications for Spatial Strategy⁸⁸ Options dated August 2016 and Phase 2 – Infrastructure Delivery Schedule and Phasing Plan dated February 2017.
- 12.5.3 The Phase 1 report refers to the Lyminster Bypass at paragraph 5.8, stating “There are also a number of planned improvements to the local road network benefitting from Local Growth Fund allocations;” ... “the A284 Lyminster Bypass scheme (northern section) to link the northern end of Lyminster village and Toddington Nurseries to the south.”

12.6 Littlehampton Neighbourhood Plan

- 12.6.1 The Littlehampton Neighbourhood Development Plan⁴⁷ is available online at the following link:
http://cdn.littlehampton-tc.gov.uk/public/2018-06/Submission_Plan_post_examination_modifications.pdf
- 12.6.2 The Littlehampton Neighbourhood Development Plan⁴⁷ was made on the 5th November 2014.
- 12.6.3 The Plan itself has been through several consultations in draft form and the final version includes post examination modifications.

- 12.6.4 Following on from an Arun District Council referendum 85.87% of voters chose to have the Littlehampton Neighbourhood Plan used for deciding planning applications within the area.
- 12.6.5 Section 4 Policies and Proposals refers to the spatial plan based around the “Fitzalan Corridor.” Referred to in paragraph 4.2.3 of the Littlehampton Neighbourhood Plan, this is in reference to the Lyminster Bypass (North), Lyminster Bypass (South) Fitzalan Link Road and Fitzalan Road. This route is shown in Figure 3.1 and is the new A284 North-South connection into Littlehampton that this Scheme completes. As described “it will be significantly more than just a highway – it will transform the perception of local people and prospective investors outside the town of its potential as a place to live, work and enjoy.”
- 12.6.6 Policy 19 (p.41) of the Littlehampton Neighbourhood Plan⁴⁷ supports the long term commitment of the County Council to deliver a bypass for the village of Lyminster together with Arun District Council’s safeguarding of the route. It states that “The Neighbourhood Plan requires the completion of the A284 Lyminster Bypass Scheme (northern and southern sections)”

13. SCHEME APPROVALS

- 13.1. The need for the A284 Lyminster Bypass has been identified in policy for at least 30 years and was adopted by the Council in 1992 as an approved highway line.
- 13.2. More recently, the Cabinet Member for Highways and Transport approved a decision on December 2014 (ref HT16 (14/15))⁸⁹ to:
- a) submit an application for planning permission
 - b) submit an application for funding to Coast to Capital Local Enterprise Partnership
 - c) begin statutory processes to acquire land for scheme construction
 - d) approve the layout for the bypass
- 13.3. The Cabinet Member for Highways and Transport approved a decision in December 2015 (ref HT16 (15/16))⁹⁰ as follows:
- a) Lyminster Bypass (north) - Approval to undertake statutory processes to acquire land for scheme construction
- 13.4. The Cabinet Member for Highways and Infrastructure delegated authority to the Director of Highways and Transport in July 2018 (ref HI12 (18/19))⁹¹ to:
- a) submit a full planning application
- 13.5. The Cabinet Member for Highways and Infrastructure authorised the Director of Law & Assurance in July 2019 (ref HI05 (19/20))³ to complete the necessary procedures for the acquisition of land and interests for the A284 Lyminster Bypass (North), and to make, seal and submit a compulsory purchase order to the Secretary of State for Transport.

- 13.6. The Director of Law and Assurance authorised in September 2020 (ref ONKD01 (20/21))⁴ updates to the CPO and SRO for publication.

14. JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS

- 14.1. The Council recognises that the CPO can only be made and confirmed if there is a compelling case in the public interest which justifies the compulsory acquisition of the land and rights sought to be acquired, in accordance with the CPO Guidance (paragraph 17) (guidance on Compulsory Purchase Process and the Crichel Down Rules – updated July 2019).
- 14.2. The Council considers that there is a compelling case in the public interest for the provision of the Scheme and hence the compulsory purchase which will facilitate it.
- 14.3. The Scheme is proposed to significantly improve the road network in order to meet the transport needs associated with new development and reduce existing and future adverse environmental impacts in and around Lyminster.
- 14.4. This Statement of Case has already explained in detail the issues with the existing road network in this location. The Scheme will address these, and contribute to unlocking significant transport, economic and social benefits, and will enable the realisation of important objectives in planning policy.
- 14.5. As stated above, the route of the existing A284 runs through the villages of Lyminster and Wick with connections to other major highway routes such as the A259 and A29. Given the amount of traffic currently running along this corridor, and the impact which the development on the adjacent Land North of Toddington Lane, as well as the A284 Lyminster Bypass (South) construction, will have on the existing highway infrastructure, the A284 Lyminster Bypass (North) will alleviate the transport pressure at this location allowing traffic to bypass these villages and connect direct to Littlehampton strengthening the north-south links between Littlehampton and the A27 all the while supporting local objectives within the adopted Arun Local Plan.
- 14.6. It is undisputed that Littlehampton's local economy is in need of revitalisation. The development at Land North of Toddington Lane, Littlehampton will provide 1,260 new homes which in turn will provide for an additional 700 new jobs in the local area. The A284 Lyminster Bypass (North) is being constructed to support these vital economic benefits, which form part of the strategic case for the Scheme and the Arun Local Plan. The planning requirements to provide a new primary school, commercial and retail units plus significant areas of open space to support the development at Land North of Toddington Lane, Littlehampton will in addition provide a positive impact for the local community and it is believed that these additions will be fundamentally supported by the A284 Lyminster Bypass (North). Without the A284 Lyminster Bypass (North) in place

the proposed social and economic benefits caused by the development will not be adequately supported.

- 14.7. Further, the A284 Lyminster Bypass (North) is supported by several planning policy objectives including the NPPF, the West Sussex Transport Plan 2011 – 2026, the Arun District Council Local Plan and the Littlehampton Neighbourhood Plan as set out in detail above. In particular these planning policies call for the promotion of sustainable transport, to deliver sufficient local housing, promoting a strong and competitive economy, promoting the vitality of local town centres and to provide local job opportunities through the provision of appropriate employment sites, better infrastructure, including road and rail access. It is clear that in order to facilitate these planning objectives and support local social and economic need for expansion the A284 Lyminster Bypass (North) and additional highway infrastructure it will provide will be vital.
- 14.8. The Council considers that the private loss arising from the CPO does not outweigh the considerable benefits of the Scheme. Further, the affected landowners would be compensated for their loss with statutory compensation due.
- 14.9. The CPO and SRO will not have an excessive or disproportionate effect on the landholdings concerned. Landowners will be compensated for their loss. Plots which are affected by the acquisition of rights only will continue to enjoy the benefits of their land save for some limited interference with their rights. The land and rights to be acquired are limited to those which are needed for the Scheme. The land and rights needed have been carefully considered throughout with land surveys and consultations with landowners and interested parties. Regard has been had to sensitive areas such as badger sets and sensitive local drainage areas. The Council has worked hard to find appropriate solutions to issues of access and made the SRO to support the CPO.
- 14.10. The Council will attempt to continue discussions with owners of relevant interests who are willing to sell their interest by agreement. This approach of making the CPO and, in parallel, conducting negotiations to acquire land by agreement is in accordance with the CPO Guidance paragraph 17.
- 14.11. In addition to the compelling case in the public interest, the other tests in the CPO Guidance for compulsory purchase are met. In particular:
- The purposes for which the CPO is made justify interfering with the human rights of those with an interest in the land affected.
 - The Council has a clear idea of how it intends to use the land which it is proposing to acquire. The design of the Scheme has been established after optioneering.
 - The Council can show that all the necessary resources, including funding for both acquiring the land and implementing the Scheme, are likely to be available to achieve that end within a reasonable time-scale. The Scheme is fully funded and this is explained in full detail in section 4.8 above.
 - The Scheme is unlikely to be blocked by any physical or legal impediments to

implementation, including the need for planning permission. The Scheme has planning permission. The Scheme is also embedded in planning policy. The Scheme is free from impediments.

- 14.12. Genuine and meaningful negotiations have taken place and are continuing to take place with landowners.

15. JUSTIFICATION FOR SIDE ROADS ORDER

- 15.1. The SRO is necessary to facilitate the Scheme alongside the CPO, as set out above.
- 15.2. In so far as the SRO stops up certain lengths of highway, another reasonably convenient route is available or will be provided before the highway is stopped up, diverted or improved (in accordance with s.14(6) of the Highways Act 1980). Once the new road, the A284 Lyminster Bypass (North), is available and open to public use the existing A284, as shown on the SRO drawing A284LYM–CAP-HGH-00-DR-C-0240 Revision P09, will be improved for pedestrian and cyclist users. The bypassed length of the A284 will be reclassified as B2284.
- 15.3. In so far as the SRO stops up certain private means of access to premises, another reasonably convenient means of access to the premises is available or will be provided in pursuance of an order made by virtue of s.125(1)(b) of the Highways Act 1980 (in accordance with s.125(3) of the Highways Act 1980). The SRO will secure the removal of three private accesses (referenced A, B and C in the SRO). Private accesses A and B will be stopped up and will be replaced by one new means of access combined with access rights on a freehold title as referenced 7 in the SRO and the accompanying plan. The one vehicular right of way access along public bridleway 2163 to be removed (referenced C in the SRO) will be replaced by the creation of two new means of access (referenced 4 and 5) in order to create the proposed A284 Lyminster Bypass (North) as shown on the drawing A284LYM–CAP-HGH-00-DR-C-0240 Revision P09.

16. THE HUMAN RIGHTS ACT 1998

- 16.1. Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the European Convention on Human Rights (ECHR). Acquiring authorities therefore need to be sure that the purposes for which they are making such an order justify interfering with the human rights of those with an interest in the affected land.
- 16.2. In making this assessment, an acquiring authority should have regard, in particular, to the provisions of Article 1 of the First Protocol and Article 6 of the ECHR and, where appropriate, Article 8.
- 16.3. Article 1 of the First Protocol relates to the peaceful enjoyment of possessions, and

states that “...no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law... .” Whilst occupiers and owners in the CPO Land may be deprived of parts of their property if the CPO is confirmed, this would only be done in accordance the statutory provisions of the Highways Act 1980 and Acquisition of Land Act 1981, which enable the acquisition of the land and interests, and compensation will be payable under the Land Compensation Act 1973.

- 16.4. The European Court of Human Rights has stated in the context of Article 1 that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole”. Both public and private interests have been taken into account in the exercise of the Council’s powers and duties.
- 16.5. Article 6 of the ECHR provides that in determining civil rights and obligations everyone is entitled to a fair and public hearing. The proposals have been extensively publicised and consultation has taken place with the local community and interested parties. Given the ongoing difficulties it was anticipated many people may have been experiencing with the current Covid-19 pandemic, the Council extended the objection period for the CPO to 6 weeks to enable a longer period for them to view the documentation and arrange consultation with agents/advisors, if necessary. In addition, the notices were published in the local newspapers and London Gazette, three consecutive times instead of the statutory 2 as specified in the Acquisition of Land Act 1981, to try to increase awareness of the Scheme. All those affected by the CPO have been formally notified and will have the right to make representations and/or objections to the Secretary of State for Transport and to be heard at a public inquiry, subject to the Inquiry Procedure Rules. This statutory process and the associated rights for those affected to pursue remedies in the High Court or Upper Tribunal (where relevant) comply with Article 6.
- 16.6. Article 8 of the ECHR relates to the right to respect for one’s private and family life and their home. However, where interference is in accordance with the law, pursuing a legitimate aim, fair and proportionate, as well as being necessary in a democratic society, it may be justified. For the reasons set out above, the Council considers that any interference that may occur due to the making and implementation of the CPO is justified having regard to the public benefits that the Scheme will bring and so will fall within these exemptions.
- 16.7. In pursuing the CPO, the Council has fully and carefully considered the balance to be struck between the effect of acquisition of land on individual rights and the wider public interest in the construction of the new roads. Interference with ECHR rights is considered by the Council to be justified in order to secure the environmental and public benefits which the Scheme will bring. The Council has sought to minimise the amount of land being acquired through third parties and will only exercise its powers under the CPO in the event that negotiations with them are not successful or cannot be achieved within the necessary timescales.

- 16.8. In conclusion, therefore, the Council are confident that there is a clear public need for and benefits of the A284 Lyminster Bypass (North) which is supported by spatial planning and transport policy and evidence. The interference with the human rights of those parties with an interest in the CPO Land is justified in the public interest and the use of compulsory purchase powers is proportionate. In the event that the objections that have been submitted are maintained a public inquiry will be held and those whose interests are acquired under the CPO or affected under the SRO will, if confirmed, be entitled to compensation as provided under national law.

17. EQUALITY IMPACT ASSESSMENT

- 17.1. An Equality Impact Report was undertaken in December 2015⁹² when approval was sought from the Cabinet Member for Highways and Transport to commence the statutory processes to acquire the land necessary for the bypass.
- 17.2. By removing through traffic from the village, it was anticipated that pedestrians, including disabled non-motorised users and parents with pushchairs/prams, should be encouraged to use the quieter road.
- 17.3. The provision of a shared use path along the bypass would be of benefit to cyclists and pedestrians travelling north-south, and motorists would have a shorter and less congested route with reduced journey times.
- 17.4. Equality impacts and the County Council's duties under the Equality Act 2010 were further considered in a report delegating authority to submit a full planning application to the Director of Highways and Transport in July 2018.
- 17.5. This considered the effects, both during the works and upon completion, on drivers/commuters, local residents of both Lyminster and the North Littlehampton Development, and local businesses.
- 17.6. It concluded that it was likely that during the works some negative effects, such as dust and noise, could be experienced by residents close to construction areas, and there could also be a temporary increase in congestion caused by construction traffic and the necessary traffic management, but the Council committed to working with the contractors to keep these effects to a minimum.
- 17.7. The removal of vegetation and trees would be kept to a minimum and there would be a need for street lighting to be provided in some places for safety, but the design mitigates the negative effect of this as much as possible.
- 17.8. However, no negative effect, whether temporary or permanent, is expected to discriminate against any protected individual or group and the report concluded that the Scheme would instead support economic growth in the area with the added

benefits of improving safety, congestion levels and journey time reliability through Lyminster village for all.

- 17.9. Further reports by Executive Director of Place Services and Director of Highways, Transport and Planning in July 2019 and September 2020 seeking approval for modifications to the Compulsory Purchase Order plans and the making of a Side Roads Order, also considered the Equality Impact Report and confirmed that an assessment of users had taken place and the impact thereon considered in the design.

18. OTHER REQUIRED APPLICATIONS, ORDERS AND CONSENTS AND ANY IMPEDIMENTS TO THE SCHEME

- 18.1. As part of the planning consent (reference WSCC/049/18/LY) specific pre-commencement conditions are required to be discharged before development shall be carried out. These include:

- Condition 4. Construction Environmental Management Plan (CEMP) to be approved by Council Planning Authority. CEMP to include mitigation/enhancement measures set out in the Ecological Impact Assessment³⁸ (Section 8, and Section 6 of Appendix J) and Arboricultural Method Statement (Appendix A to the Detailed Arboricultural Report).⁴⁴ This is due to be submitted for approval prior to Public Inquiry.
- Condition 5. Construction Management Plan (CMP) to be approved by Council Planning Authority. Council to consult with Highways England. This is due to be submitted for approval prior to the Public Inquiry.
- Condition 6. Archaeological Written Scheme of Investigation (WSI) to be approved by Council Planning Authority. This is due to be submitted for approval prior to the Public Inquiry.

- 18.2. Following the discharge of these conditions certain consents and licences will be required. These include the following:

- Environmental Permits are required from the Environment Agency for flood risk activity works near Black Ditch. Dialogue with the Environment Agency has been ongoing since the updated flood modelling. The application for a bespoke Environmental Permits for the main works has been submitted. Following review it is anticipated this will be in place prior to the Public Inquiry. Permits for survey work on Black Ditch flood plain will be organised as required, such as the Flood Risk Activity Standard Permit⁹³ received in August 2020.
- Natural England Licences for works affecting protected species. This will be dictated by timescales and surveys closer to the construction period.

- Ordinary watercourse consent from West Sussex County Council and Arun District Council in relation to works impacting on Brookfield Stream (works impacting an ordinary watercourse). This has been obtained.⁹⁴
 - Section 61 of the Control of Pollution Act 1974 consent if requested by the local authority (to be confirmed following discharge of CEMP).
- 18.3. The Scheme will require traffic regulation orders. The permanent orders will be a speed limit order, prohibition of driving order and possibly a clearway order. The temporary orders will be for weekend closures during the installation of the culvert. Statutory consultations will also be required for the traffic regulation orders and the installation of the Pegasus Crossing. The Council is well aware of these and confident that no technical issues will arise that would impede delivery of the Scheme.
- 18.4. Accordingly, there are no impediments to the Scheme. In particular, planning permission for this Scheme has been granted by notice dated 9th May 2019.^{33,34} The Scheme is fully funded and such other applications, orders and consents as are necessary either have already been obtained or are in the process of being obtained, as set out above, and it is not anticipated that there is any reason why they will not be obtainable.

19. CONCLUSION

- 19.1. For all the reasons set out above, and those in respect of individual plots below, the Council consider that the case for the CPO and SRO is made out and that both orders should be confirmed.
- 19.2. The Council has been notified by DfT that statutory objections have been received from:
- Network Rail – CPO
 - HCC 2011 Ltd – CPO and SRO
 - Mrs R Andrew – CPO and SRO
 - Ricotte Investments – CPO and SRO
 - T & L Crawley No. 2 LLP – CPO
 - Punch Partnerships (PTL) Limited – CPO
- 19.3. The Council responds to those individual objections in detail Appendix 1 to this Statement of Case. A list of supporting documents is set out in Appendix 2.

APPENDIX 1 TO STATEMENT OF CASE - RESPONSE TO OBJECTIONS TO CPO AND SRO

RESPONSE TO OBJECTIONS TO CPO

1. RESPONSE TO NETWORK RAIL IN RESPECT OF CPO OBJECTIONS IN REFERENCE TO PLOTS 9A AND 9B

1.1. Objection re: Holding objection

1.1.1. **Objection detail:** Operational land may be adversely affected

1.1.2. **The Council's response:** The Council throughout this process has carefully looked into the possible implications for land use and there is no evidence to suggest that any of Network Rail's operational land will be adversely affected. The Council is actively liaising with Network Rail who have been advised accordingly and it is hoped that Network Rail's objection will be resolved prior to the forthcoming public inquiry.

2. RESPONSE TO HCC 2011 LTD IN RESPECT OF CPO OBJECTIONS IN REFERENCE TO PLOTS 3A AND 3B

2.1. Objection re: Compulsory Purchase Order

2.1.1. **Objection detail:** Objector does not agree to any part of land being acquired, temporarily or permanently.

2.1.2. **The Council's response:** Compulsory purchase involves acquisition of property interests as a result of a compelling case in the public interest. We are negotiating with the landowner to purchase their land, including compensation for any loss of freehold.

2.2. Objection re: Negotiations

2.2.1. **Objection detail:** Acquiring Authority states consultation is ongoing but objector alleges negotiations have been extremely limited with no serious or detailed approach regarding works or acquisition. As information is limited to what is available from the published documents, very difficult to assess extent of disadvantage.

2.2.2. **The Council's response:** The substantive history of negotiations with Mr N Andrew and Mrs R Andrew in regard to the property known as Brookfield and HCC 2011 Ltd (previously known as Hargreaves Construction Ltd) of which they were directors is recorded in the Statement of Case at paragraph 11.6. Further discussion with Mr R Andrew in regard to HCC 2011 Ltd of which he is director is recorded in the Statement of Case at paragraph 11.16. As stated in these negotiation records the Council would like to draw attention to the request by Mr R Andrew that CPO Plots 2 and 3 be dealt with as one land interest. WSP who have been hired as land agents for the Council have been in touch with the landowner's agent consistently as detailed by the communication schedule.⁶³ Most recently a meeting has occurred in January 2021 with the Objector's land agent to discuss these objections in more detail, following up on discussions in 2020.

2.3. **Objection re: Side Roads Order replacement access**

2.3.1. **Objection detail:** Replacement access proposed will not be as commodious or convenient. Land will be raised by 2m but this has not been explained and given the need for new access provided to be used by agricultural vehicles and HGVs collecting delivering cattle, objector needs to be satisfied it will function properly with change of levels.

2.3.2. **The Council's response:** See Figure 2.1 HCC Ltd New Access and Figure 2.2 HCC Ltd New Access, below in this appendix. This includes an extract from drawing A284LY-CAP-HGN-00-DR-C-0103 A-C01⁹⁵ showing the plan and profile for the new access 7 which has been designed to take large farm vehicles.

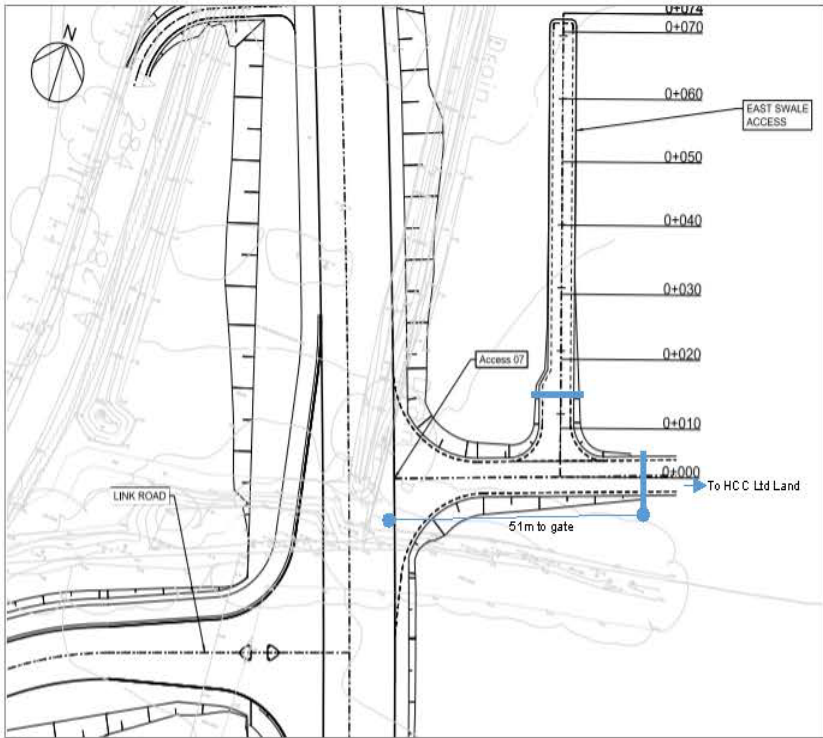
At the carriageway the level is 1.2m above existing ground, a relatively flat 2% grade to ensure sufficient fall for drainage is maintained. The track then grades down to field at 2.2%. The access track layout was specifically chosen to –

- Provide space for anticipated farm vehicles to fully pull off the carriageway then wait when gates need opening to access the land.
- Provide a sufficient waiting area to assist vehicles, including large agricultural and HGVs with trailers, pulling onto the carriageway.


The position of the access has been chosen to provide optimum visibility for slow vehicles wishing to pull out onto the carriageway.

The proposed radii at the connection to the road will make any turning movements much easier and safer and the proposed planting will not obstruct sight lines.

Figure 2.1 HCC Ltd - New Access



Extract from drawing number A284LY-CAP-HGN-00-DR-C-0103 A-C01

 Approximate location of gates

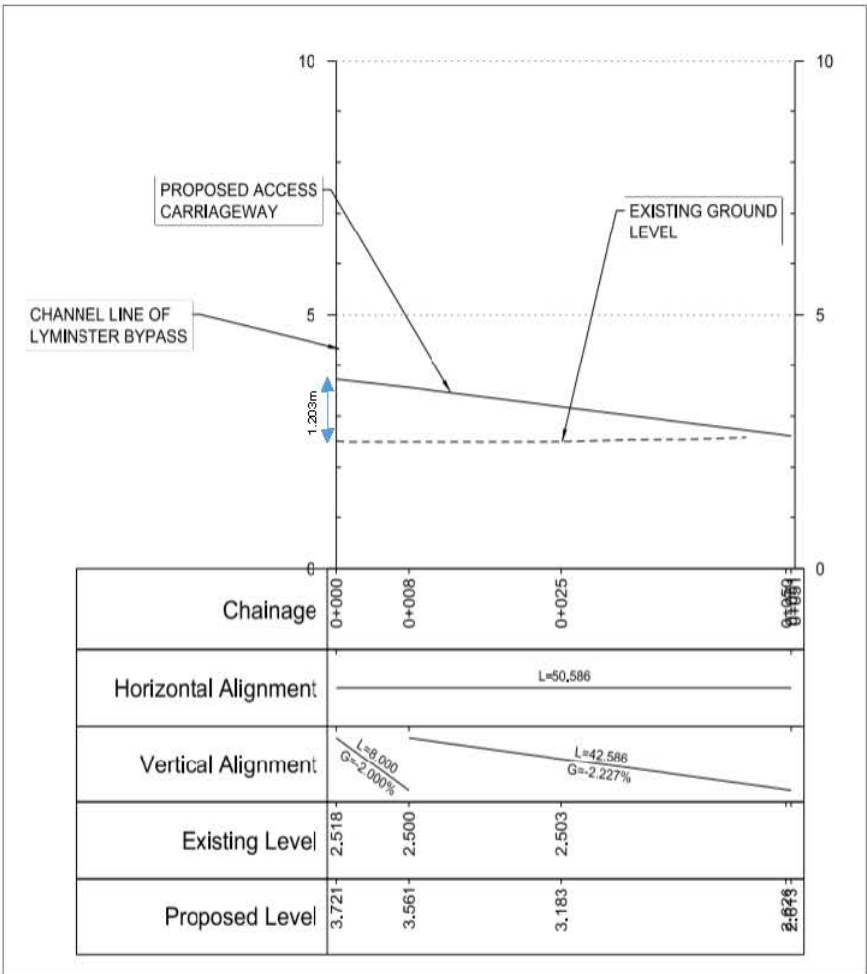
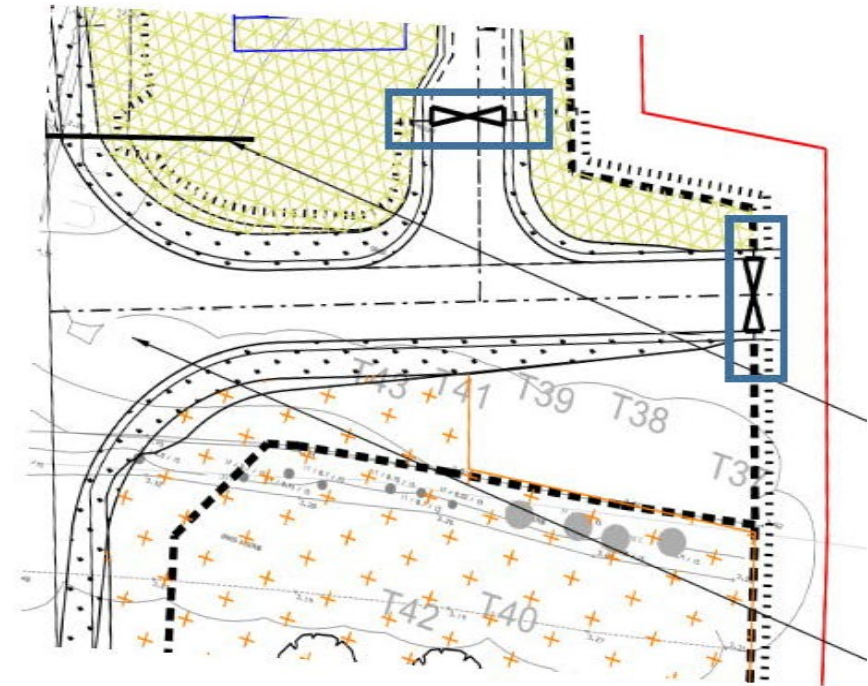
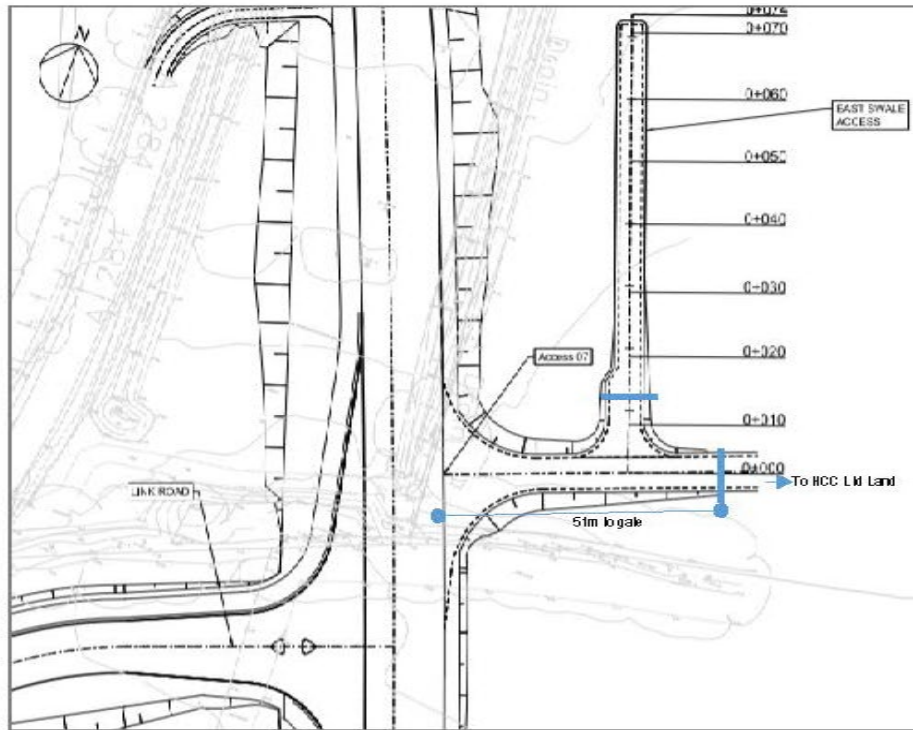



Figure 2.2 HCC Ltd - New Access



 Approx location of gates

2.4. **Objection re: CPO Statement of Reasons Benefits**

- 2.4.1. **Objection detail:** The assertions in the Statement of Reasons that proposals will alleviate congestion and delays, reduce poor air quality and noise for residents, improve connectivity for businesses locating to the Littlehampton area, provide safety benefits and reduce congestion through Lyminster, and provide social economic and environmental benefits will be put to proof as objector maintains there are areas of conflicting evidence. Many of WSCCs assertions can be challenged.
- 2.4.2. **The Council's response:** As detailed in Section 6 of the Statement of Case the Scheme Planning Application (reference WSCC/049/18/LY) was approved on the 9th May 2019. This included evidence and assessment on congestion, air quality, noise and vibration and future safety benefits. This was fully reviewed at this stage and the Council is confident in the provision of these benefits. The benefits of the Scheme are also set out in the Transport Business Case²⁷, submitted to Coast to Capital Local Enterprise Partnership.

2.5. **Objection re: Significant Loss**

- 2.5.1. **Objection detail:** Loss of significant proportion of agricultural field will render remainder less useful and unsuitable for current use.
- 2.5.2. **The Council's response:** The land contained within Plot 3 is currently used as grazing land, primarily for cattle associated with the adjacent farm holding, but equally it is suitable for horse and other animal grazing. Plot 3 of the CPO comprises approximately 1 acre of land required permanently for the Scheme, this is from a total field area of approximately 2.85 acres. Therefore the retained land equates to just less than 2 acres.

Whilst the size of the field is reducing, approximately 2 acres of land will remain available for grazing within the field boundary of the retained land, which is still of a size to provide viable grazing for animal stock. Any land take will of course be addressed as part of the compensation package.

We are continuing our discussions with the landowner's agent, and looking at potential ways in which the land take could be further reduced, to mitigate impact to the retained land where possible.

2.6. **Objection re: District and Council Transport Plans**

- 2.6.1. **Objection detail:** Uncertainty connected with Scheme undermines justification regarding funding, and budget therefore not robust. The contributions identified from future Local Plan development sites including funding identified from S106 contributions cannot be guaranteed. Hence this is irresponsible and unreasonable, demonstrates a significant constraint of the Scheme and that the project is premature. The objector contends investment in public transport infrastructure should be prioritised above unproven local road schemes.

2.6.2. **The Council's response:** The Scheme is fully funded as stated in section 4.8 of the Statement of Case and supported by the financial position statement.³² The Council's capital programme is funding £14.873m and also has allocated the advance of the S106 receipts yet to be received. Funding is fully secured.

2.7. **Objection re: Land use**

2.7.1. **Objection detail:** Objector does not consent to their land being acquired for mitigation works and will challenge Council regarding the need for land for the purposes of construction. Objector contends amount of land required for the construction is disproportionate to that actually needed and is not the minimum as stated in the Statement of Reason.

2.7.2. **The Council's response:** Figure 2.3 HCC 2011 - Ltd Offset Features, below in this appendix, has been produced based on the landscape drawings⁹⁶ that formed part of the planning application. Land take is due to the following reasons for Plot 3a and 3b, and annotated 1-5 on the attached drawing for ease of reference:

1. Road, verge and earthworks, all necessary to the Scheme.
2. A minimum offset between the earthworks and the swale to maintain structural stability of the highway earthworks.
3. A widened swale with flow control outfall. This swale is required to attenuate the flows to green field run off rates as required by current planning guidance. The flow control and swale will require regular maintenance - grass cutting and removal of debris - so access is required. Access has been provided by a 3m track. (The swale with check dams picks up two types of storm water flows, that from the pond to the south (max 2 litres per sec) and from the carriageway to the west of it via 3no drain runs. It provides secondary attenuation from the former and primary attenuation for the latter. The swale outfalls into the existing ditch north of its northern end via a control chamber. Pollution control (interceptor) was not deemed to be required at the time of design.)
4. The fence and hedge is offset from the track by 3m to enable installation and future maintenance. Also to provide an opportunity for a landscaping and planting margin taking advantage of the opportunities available for mitigation. It is worth noting that the species and grassland is constrained by the area being low lying and becoming wet in the winter
5. 5m strip has been identified as required for construction space only. No site clearance will be undertaken in this area unless necessary to undertake the highway works. Where vegetation clearance is undertaken, this will be reseeded. This area will be handed back to the landowner on completion of the works. The existing ditch becomes part of the highway drainage system which ultimately outfalls into Brookfield Stream.

The Scheme has been designed to minimise the land requirement. Further discussion with the land owner and their agent is being pursued in order to ascertain if it is possible to return any more land than already outlined.

Figure 2.3 HCC 2011 Ltd – Offset Feature



2.8. **Objection re: Environmental Impact Assessment**

2.8.1. **Objection detail:** Secretary of State should reconsider need for EIA - species of note and climate change implications have not been fully addressed and are incompatible, and no proper justification for proceeding in the light of climate change concerns is given in the Statement of Reason.

2.8.2. **The Council's response:** The Council considers that the screening opinion is robust. More detail on the screening opinion is provided at paragraph 6.2.1 of the Statement of Case. In addition to the screening opinion the reports and responses provided during the planning process and compliance with the statutory requirements as set by the Environment Agency and Natural England ensure that impacts have been considered.

2.9. **Objection re: Extent and Interference**

2.9.1. **Objection detail:** Accepts some matters can be dealt with by compensation and any disputes referred to the Upper Tribunal, but the extent of acquisition and interference with access are of grave concern as utilising the remaining land in a useful fashion will be difficult.

2.9.2. **The Council's response:** Please refer to paragraph 2.7.2 of this appendix regarding the extent of acquisition. Please refer to 2.3.2 of this appendix regarding new access provision. The design has utilised the minimum area possible for works. As shown at point 5 in Figure 2.3 HCC 2011 Ltd – Offset Feature of this appendix, a 5m construction access strip will be reseeded and handed back to the land owner upon completion of the works. Please refer to paragraph 2.5.2 of this appendix regarding the extent of land available for grazing. Detailed discussion around this is ongoing.

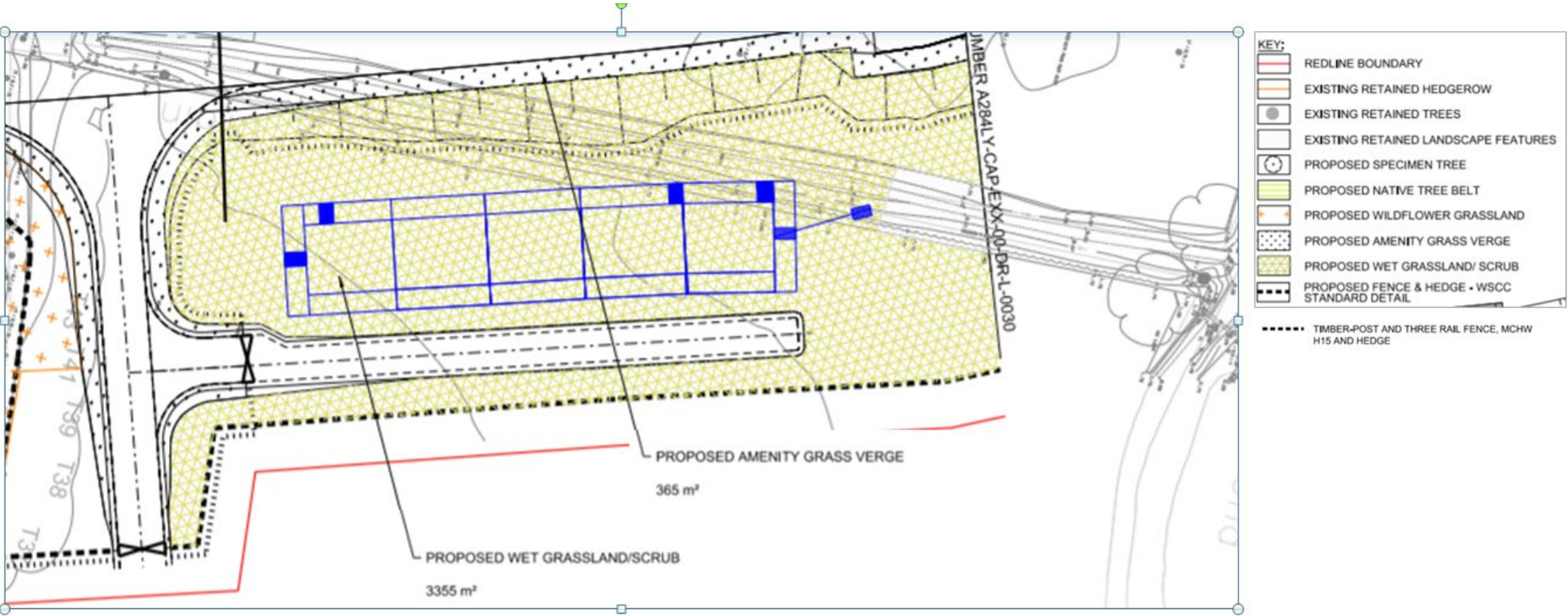
2.10. **Objection re: Landscaping**

2.10.1. **Objection detail:** Reinstatement, Landscaping and Mitigation proposals not clear. Objector needs to understand the extent to which land is to be utilised for landscaping and mitigation the ecological mitigation proposed to take account of current and future use of land, and precise details have not been provided.

2.10.2. **The Council's response:** Landscaping Plans were provided as part of planning application process.⁹⁶ Landscape proposals are for a 'wet grassland / scrub' area around the swale, existing ditch and track, with a fence and hedge to form the new boundary. Figure 2.4 HCC 2011 Ltd – Landscape Proposal Extract below, shows hedgerow planting was part of the Scheme mitigation (as set out as part of the planning process) to ensure biodiversity net gains. Ecological mitigation will be (depending on survey information at the time of construction):

- 1) Relocation of 1 bat roost
- 2) The closure of an outlier badger sett

Figure 2.4 HCC 2011 Ltd – Landscape Proposal Extract



2.11. **Objection re: Case at Public Inquiry**

- 2.11.1. **Objection detail:** Objector hopes land requirements will be subject of agreement, in which case they will withdraw, but is prepared to make a case at public inquiry if not.
- 2.11.2. **The Council's response:** The Council has responded to Objectors' queries directly and as noted in paragraph 2.2.2 of this appendix. Most recently a meeting has occurred in January 2021 with the Land Agent to discuss these objections in more detail, following up on discussions in 2020.

3. **RESPONSE TO MRS R ANDREW IN RESPECT OF CPO OBJECTIONS IN REFERENCE TO PLOTS 2A, 2B, 2C AND 2D**

3.1. **Objection re: Descriptions in Compulsory Purchase Order**

- 3.1.1. **Objection detail:** Descriptions are incorrect - areas are well maintained landscaped grassed areas, mature tree and shrub planting. The mature tree planting affords significant sound and light protection to the objector's property and a considerable number of the specimen trees have been planted by objector over a period of many years to shield dwelling from adverse impact of current road.
- 3.1.2. **The Council's response:** The descriptions in the CPO Schedule in Table 1 are summary only. They are not considered to be inaccurate.

The Council acknowledges that Plot 2a includes semi-mature plantation broadleaved woodland. The Brookfield Stream is present to the north of this land parcel, beyond which is a narrow strip of woodland with appears to be more semi-mature in nature and includes some mature tree specimens, which screen the residential land from the A284 Lymminster Road to the west. To the east, the parcel includes part of an agricultural field, which is in occasional use for cattle grazing.

The Council acknowledges that Plot 2c located to the north of the Brookfield stream and west of the amenity / wildlife pond includes mature scattered broadleaved trees interspersed with mature shrub specimens. These habitats appear to be less intensively managed at the southern extent of the parcel.

Following discussion with Mr R Andrew the Council, in November 2019 and March 2020 went to Plots 2 and 3 to mark out with pegs the extent of the land take. This was to assist with planning of tree planting. Site clearance drawing A284LY-CAP-GEN-00-DR-C-0253 – P02⁹⁷ has been generated to facilitate discussion. It includes descriptions of the individual and groups of trees, their condition and other details. Areas impacted are G8, ET1a, H4; a number of trees to North of culvert all 20+ years old.

In terms of the location there is relatively minimal vegetation clearance given the substantial number of mature trees that will remain and continue to screen the existing property from the road will remain. Discussion is ongoing about opportunities for mature planting.

The relevant lighting layout that was submitted with the Planning Application A284LY-CAP-HTS-00-DR-E-0084⁹⁸ shows the position of the new lighting columns on the new carriageway. The curvature of the road will mean headlights do not create a light

pollution issue for this property. The new street lighting columns incorporate the following design features to minimise light pollution and glare:

- Low energy LED lanterns which allow the light to be better focussed with minimal side spill
- Shielding “baffles” to further prevent side and rear spill of the light
- Columns located on the eastern side of carriageway to emit light westwards towards the carriageway
- Inclusion of internal switching to dim the lighting level to 60% of normal during less busy night-time hours

3.2. Objection re: Negotiations

3.2.1. Objection detail: Acquiring Authority states consultation is ongoing but objector alleges negotiations have been extremely limited with no serious or detailed approach regarding works or acquisition. Particularly disappointing as residential garden adversely impacted. Occupant’s expectation of quiet enjoyment of their residential property will be comprised during and probably after works completed. Enhanced amenity currently enjoyed at Brookfield cannot be guaranteed and no detailed approaches made.

3.2.2. The Council’s response: As detailed in the Statement of Case at paragraph 11.6 and at 11.16 negotiations have been ongoing for some time, and are still ongoing with the most recent meeting with the land owner’s land agent occurring in January 2021. The design has been based around minimising the land take and retaining as much of the property wall as possible. As stated in 3.1.2 of this appendix in November of 2019 and March of 2020 the Council as requested by the objector set out the land take to assist with planning of tree planting.

3.3. Objection re: Extent of land take

3.3.1. Objection detail: As information is limited to what is available from the published documents, very difficult to assess extent of disadvantage. May be considerable scope for return of land to objector and objector requires as much as possible to be returned to residential curtilage of Brookfield.

3.3.2. The Council’s response: Further information has been provided to land owner and agent. The Council has previously provided additional information and published information including all documents associated with the approved planning permission. Figure 3.1 - Mrs R Andrew - Combined Land Details below, was generated to further discussion and shows the footprint of the road with the land requirements overlaid. Land is required for the road, verge and earthworks, all necessary to the Scheme. January discussion between WSP and the land agent have also focussed on any opportunities to return land. It should however be noted that the Scheme has been designed to minimise land take from the objector from the outset, both permanent and temporary.

- 3.4. **Objection re: Compulsory Purchase Order powers**
- 3.4.1. **Objection detail:** Objection in principle to granting of CPO powers and use of same in respect of residential land is premature. More stringent attempts to agree access and temporary occupation would have been appropriate.
- 3.4.2. **The Council's response:** As detailed in the Statement of Case at paragraph 11.6 and at 11.16 negotiations have been ongoing for some time, and are still ongoing.
- 3.5. **Objection re: CPO and Side Roads Order**
- 3.5.1. **Objection detail:** Objector needs details of relationship between CPO and SRO regarding access arrangements where the access to Brookfield is to be stopped up. The precise nature of the alternative arrangements is not wholly clear, reserve the right to raise further issues.
- 3.5.2. **The Council's response:** Figure 3.1 Mrs R Andrew - Combined Land Details above has been produced to clarify the relationship between the CPO and SRO. It is based on the landscape drawing that formed part of the planning application.⁹⁶ The colour scheme has been adjusted to make clear the temporary and permanent land take. The old and new accesses are highlighted. Discussions with the land agent is ongoing
- 3.6. **Objection re: Planning Application Assessment and Reports**
- 3.6.1. **Objection detail:** The assertions in the Statement of Reasons that proposals will alleviate congestion and delays, reduce poor air quality and noise for residents, improve connectivity for businesses locating to the Littlehampton area, provide safety benefits and reduce congestion through Lyminster, and provide social economic and environmental benefits will be put to proof as objector maintains there are areas of conflicting evidence. Many of WSCC's assertions can be challenged, and in particular, objector contends there will be limited or very little benefit from general public interest benefits WSCC claim.
- 3.6.2. **The Council's response:** As detailed in paragraph 6.1 of the Statement of Case the Scheme planning application (reference WSCC/049/18/LY) was approved on the 9th May 2019. This included evidence and assessment on congestion, air quality, noise and vibration and future safety benefits. This was fully reviewed at this stage.
- 3.7. **Objection re: Air Quality and Noise**
- 3.7.1. **Objection detail:** Brookfield does not currently suffer pollution or noise pollution to the extent it would if the new road is built – new road would bring it closer to property than currently, diminishing enjoyment of grounds and property value.
- 3.7.2. **The Council's response:** Utilising the data and models underlying the Noise & Vibration Assessment Report³⁷ produced as part of the planning process, Table 3-1 – Brookfield Noise and Vibration Assessment set out below uses Brookfield House as a receptor to clarify specifically what the effect of the A284 Lyminster Bypass (North) will be. As detailed below the noise at Brookfield due to the Scheme is minor in the short term and negligible in the long term.

Table 3-1 – Brookfield Noise and Vibration Assessment

Receptor	Absolute noise levels, dB (range)			Noise level changes, dB (least beneficial facade)		Magnitude of impact	
	Do minimum opening year (DMOY)	Do something opening year (DSOY)	Do something future year (DSFY)	Short-term	Long-term	Short-term	Long-term
Brookfield House	52 - 60	53 - 61	54 - 62	1.3	1.8	minor adverse	negligible

As to air quality, the impact of the A284 Lyminster Bypass (North) on the objectors' land can be seen from the Summary of Air Quality Report data relating to Plots 2 and 3³⁹ which is generated from the information available in the Air Quality Assessment Report.³⁶ The data is taken from:

Appendix C – Assessment of effects to air quality during operation.

- Table C.3 Modelled traffic Data (pp.41 - 47); and

Appendix E - Operational Phase Assessment Results

- Tables E.1 (pp.52 -54), Table E.2 (pp.55- 57) and Table E.3 (pp.57-60)

The receptors used are 47 and 48 as detailed.

The findings from this information in regard to Plots 2 and Plot 3 is presented in the conclusion to the summarised report (p.2) that: "air pollutant levels will be reduced at receptor sites 47 & 48 (adjacent to Plots 2 & 3) after the By-pass is completed and in use".

3.8. **Objection re: District and Council Transport Plans**

3.8.1. **Objection detail:** Uncertainty connected with Scheme undermines justification regarding funding, and budget therefore not robust. The contributions identified from future Local plan development sites including funding identified from S106 contributions cannot be guaranteed. Hence this is irresponsible and unreasonable, demonstrates a significant constraint of the Scheme and that the project is premature. The objector contends investment in public transport infrastructure should be prioritised above unproven local road schemes.

3.8.2. **The Council's response:** The Scheme is fully funded as stated in section 4.8 of the Statement of Case and supported by the financial position statement.³² The Council's capital programme is funding £14.873m and also has allocated the advance of the S106 receipts yet to be received.

3.9. **Objection re: Acquisition and Land use**

3.9.1. **Objection detail:** Objector does not consent to the land being acquired for mitigation

works and will challenge Council regarding the need for land for the purposes of construction. Objector contends amount of land required for the construction is disproportionate to that actually required and is not the minimum as stated in the Statement of Reasons.

- 3.9.2. **The Council's response:** Figure 3.1 Mrs R Andrew Combined Land Details, above in this appendix, has been produced based on the landscape drawing that formed part of the planning application. The land requirements are due to the classified road, verge and earthworks that are all necessary to the Scheme. The Scheme has been designed to minimise the land requirement. Further discussion with the land owner and their agent is being pursued in order to ascertain if it is possible to return any more land than already outlined.

3.10. **Objection re: Compulsory Purchase Order Acquisitions**

- 3.10.1. **Objection detail:** Objector does not agree to any part of land being acquired, temporarily or permanently.
- 3.10.2. **The Council's response:** Compulsory purchase involves acquisition of property interests as a result of a compelling case in the public interest. We are negotiating with the landowner to purchase their land, including compensation for any loss of freehold.

3.11. **Objection re: Environmental Impact Assessment**

- 3.11.1. **Objection detail:** Secretary of State should reconsider need for EIA - species of note and climate change implications have not been fully addressed, and are incompatible and no proper justification for proceeding in the light of climate change concerns is given in the Statement of Reason.
- 3.11.2. **The Council's response:** The Council considers that the screening opinion is robust. More detail on the screening opinion is provided at paragraph 6.2.1 of the Statement of Case. In addition to the screening opinion the reports and responses provided during the planning process and compliance of the statutory requirements as set by the Environment Agency and Natural England ensure that impacts have been considered.

3.12. **Objection re: Human Rights**

- 3.12.1. **Objection detail:** Some matters can be dealt with by compensation and disputes are for the Upper Tribunal, but the extent of acquisition and interference with access are of grave concern. Objector will suffer particular disadvantage as the existing access to the southern part of garden is to be stopped up and the proposed alternative is considerably less convenient or desirable. Although area to be permanently acquired is relatively small, this is in private garden, so the consequences are disproportionate given the permanent access requirements will have draconian and disproportionate effect.
- 3.12.2. **The Council's response:** The Council is not acquiring permanent access rights. The Council proposes to permanently acquire plots 2a and 2c, and to temporarily acquire plots 2b and 2d. This is detailed in the CPO and shown in Figure 3.1 Mrs R Andrew -

Combined Land Details in this appendix. It also clearly demonstrates that the existing gate is immediately within the footprint of the new carriageway alignment therefore needs to be stopped up and removed.

Figure 3.2 Mrs R Andrew - Restraint Positioning, set out below, demonstrates why an access from the new carriageway at the same location as the existing gate cannot be provided. Due to the safety requirements the new culvert headwall adjacent the carriageway must have a continuous vehicle restraint system of at least 30m plus a termination length within the north east verge.

The vehicle restraint system is set back from the edge of the carriageway to provide adequate road user sightlines.

An alternative access arrangement could be provided further north. However, in order to ensure adequate visibility and safety of users, this would require additional wall removal and tree clearance within Plot 2b, which when discussed with objector's land agent was considered undesirable.

On Figure 3.3 Mrs R Andrew - Combined Land Interest Access, set out below, the location of the proposed new entrance is shown. As requested by Mr R Andrew the land interests were treated collectively, with the already existing access agreements taken into account.

Figure 3.2 Mrs R Andrew Restraint Positioning

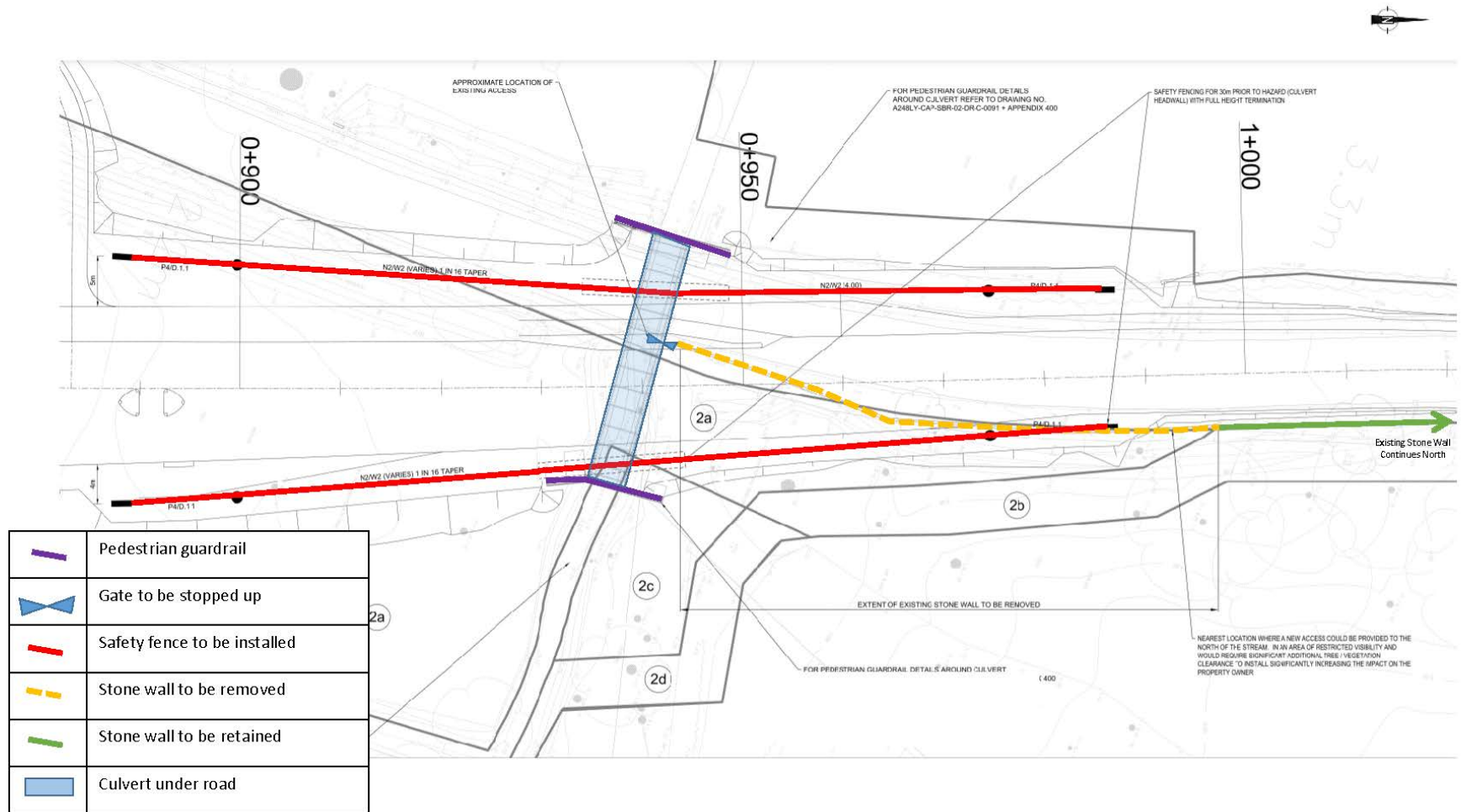
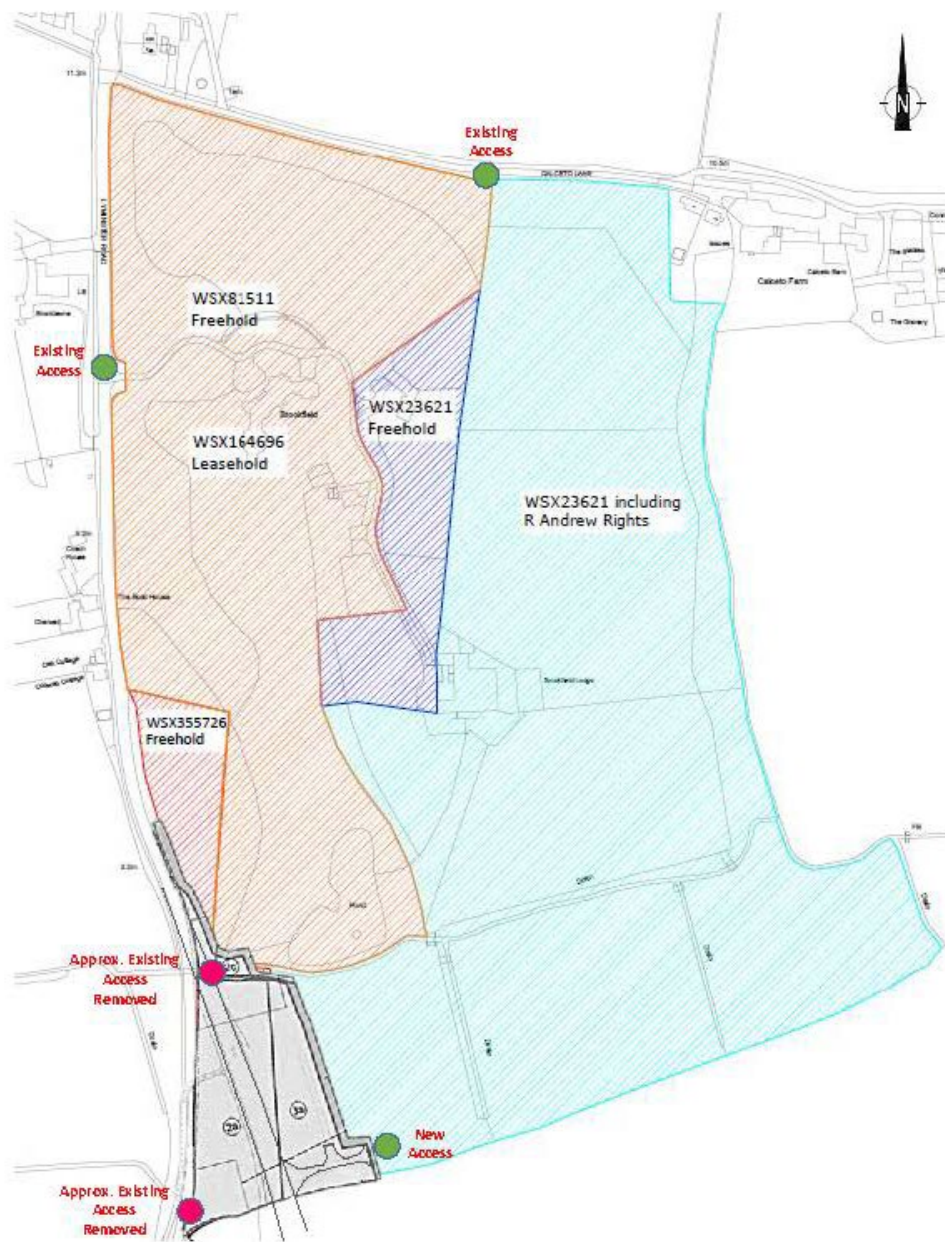


Figure 3.3 Mrs R Andrew - Combined Land Interest Access



3.13. **Objection re: Permanent Access Arrangements**

3.13.1. **Objection detail:** No attempts made to negotiate extent of reinstatement or permanent access arrangements or maintenance with objector who wants to retain as much of her land as possible. Land to be acquired at Brookfield stream and to the south it in neighbouring agricultural fields excessive and no proper justification has been made - Council will be put to strict proof of need for this land.

3.13.2. **The Council's response:** Substantive history of negotiations with Mr N Andrew and Mrs R Andrew in regard to the property known as Brookfield and HCC 2011 Ltd

(previously known as Hargreaves Construction Ltd) of which they were directors is recorded in the Statement of Case at paragraph 11.6. Further discussion with Mr R Andrew in regard to HCC 2011 Ltd of which he is director is recorded in the Statement of Case at paragraph 11.16. As stated in these negotiation records the Council would like to draw attention to the request by Mr R Andrew that CPO Plots 2 and 3 be dealt with as one land interest. WSP who have been hired as land agents for the Council have been in touch with the landowner's agent consistently as detailed by the communication schedule.⁶³ Most recently a meeting has occurred in January 2021 with the Objector's land agent to discuss these objections in more detail, following up on discussions in 2020.

3.14. Objection re: Landscaping

3.14.1. Objection detail: Full details of landscaping proposals and works to retain the amenity will be required, particularly given the gardens are currently maintained to a high standard.

3.14.2. The Council's response: Landscaping Plans were provided as part of planning application process.⁹⁶ Landscape proposals are for a 'wet grassland / scrub' area around the swale, existing ditch and track, with a fence and hedge to form the new boundary.

3.15. Objection re: Noise

3.15.1. Objection detail: The mature trees planted by objector over many years provide very important ecological benefits, significant protection and mitigation from light and sound generated by Lyminster Road. The prevailing wind from the south-west "carries" sound considerably further, so there will be a significant detrimental effect to the house and the garden, especially in summer when garden enjoyed.

3.15.2. The Council's response: The Council has carefully considered the ecological impact of the Scheme. As detailed in 6.2 of the Statement of Case the planning application included an Ecological Impact Assessment report.³⁸ The reports and responses provided during the planning process and the statutory requirements from the Environment Agency and Natural England ensure that the council is being responsible in its actions.

Refer to paragraph 3.7.2 of this appendix and Table 3-1 – Brookfield Noise and Vibration Assessment which has shown noise at Brookfield due to the Scheme is minor in the short term and negligible in the long term. The air quality will also improve due to the reduction in congestion.

Refer to paragraph 3.1.2 of this appendix for detail on the lighting and the design elements that will assist with minimising light pollution and glare

3.16. Objection re: Arboriculture

3.16.1. Objection detail: Not possible for Council to replace mature landscaping as existing and provide necessary cultivation to ensure they grow into mature specimens, thus having detrimental impact of amenity of property.

- 3.16.2. **The Council's response:** The Council agrees that the opportunities for mature planting are limited. This is due to the fact that at the Objector's request land take has been kept to a minimum to minimise the loss of vegetation. As the working space is extremely limited the consequence is that the space available for landscaping is reduced. Where there is land take safety issues have been a major factor as user sightlines must be maintained throughout verge areas so only grass is permitted. Trees, shrubs and grassland within any temporary land take area will be assessed on site as to whether or not they require removal in order to safely undertake the works. Wherever possible this will be retained and if removed the areas will be landscaped. Details on vegetation clearance are available on the Site Clearance Layout drawings A284LY-CAP-GEN-00-DR-C-0253 – P02⁹⁷ and A284LY-CAP-HSC-00-DR-C-0034-C01.¹⁰⁰ WSP have been in touch with Objector's land agent to discuss mature planting opportunities.
- 3.17. **Objection re: Arboriculture**
- 3.17.1. **Objection detail:** Even areas temporarily required will need clearance, so will be in a significantly poorer state on return to objector.
- 3.17.2. **The Council's response:** Trees, shrubs and grassland within any temporary land take area will be assessed on site as to whether or not they require removal in order to safely undertake the works. Wherever possible this will be retained. If removed the areas will be landscaped. Additional information can be viewed on document R Andrew – Extract Vegetation Clearance.¹⁰¹
- 3.18. **Objection re: Noise Attenuation**
- 3.18.1. **Objection detail:** Noise attenuation should cover residential boundary with road. Concerns about light pollution, and extent of that and precise nature of ecological mitigation within curtilage of Brookfield required.
- 3.18.2. **The Council's response:** Please refer to paragraphs 3.7.2 and 3.15.2 of this appendix for the Council's response to the concerns regarding noise.
Please refer to paragraph 3.1.2 and 3.15.2 of this appendix regarding the Council's response to light pollution concerns.
Ecological mitigation will be based on surveys of ecological activity closer to the time. The most recent surveys in 2020 suggest that mitigation will involve the closure of an outlying Badger Sett and the relocation of a Bat Roost located in tree T2. Figure 3.4 - Badger Survey Results is an extract of Figure 2 (p.15) from the Badger Survey Report⁴⁰ and Figure 3.5 - Bat Roost Assessment Results is an extract of Figure 2 (p.16) from the Bat Survey Report.⁴¹

Figure 3.4 Badger Survey Results

Redacted under Regulation 12(5)(g) of the Environmental Information Regulations – Protection of the Environment. The redacted sections specifically identify the location of active badger setts and the public disclosure of this information would expose these sites to potential interference and/or damage.

Figure 3.5 Badger Survey Results

Redacted under Regulation 12(5)(g) of the Environmental Information Regulations – Protection of the Environment. The redacted sections specifically identify the location of active badger setts and the public disclosure of this information would expose these sites to potential interference and/or damage.

3.19. **Objection re: Road Level**

- 3.19.1. **Objection detail:** Proposed road south of Brookfield stream rises up approximately 2½m above current ground levels so sound and light pollution significantly increased. Sound and light will carry further north; extent of the pollution very difficult to assess so needs consideration now, which is not the case on information provided.
- 3.19.2. **The Council's response:** See Figure 3.6 – Mrs R Andrew Change in Level Extract 1 and Figure 3.7 – Mrs R Andrew Change in Level Extract 2 set out below. They are taken from the relevant Plan and Profile drawing¹⁰² that was submitted with the planning application.

Figure 3.6 – Mrs R Andrew Change in Level Extract 1

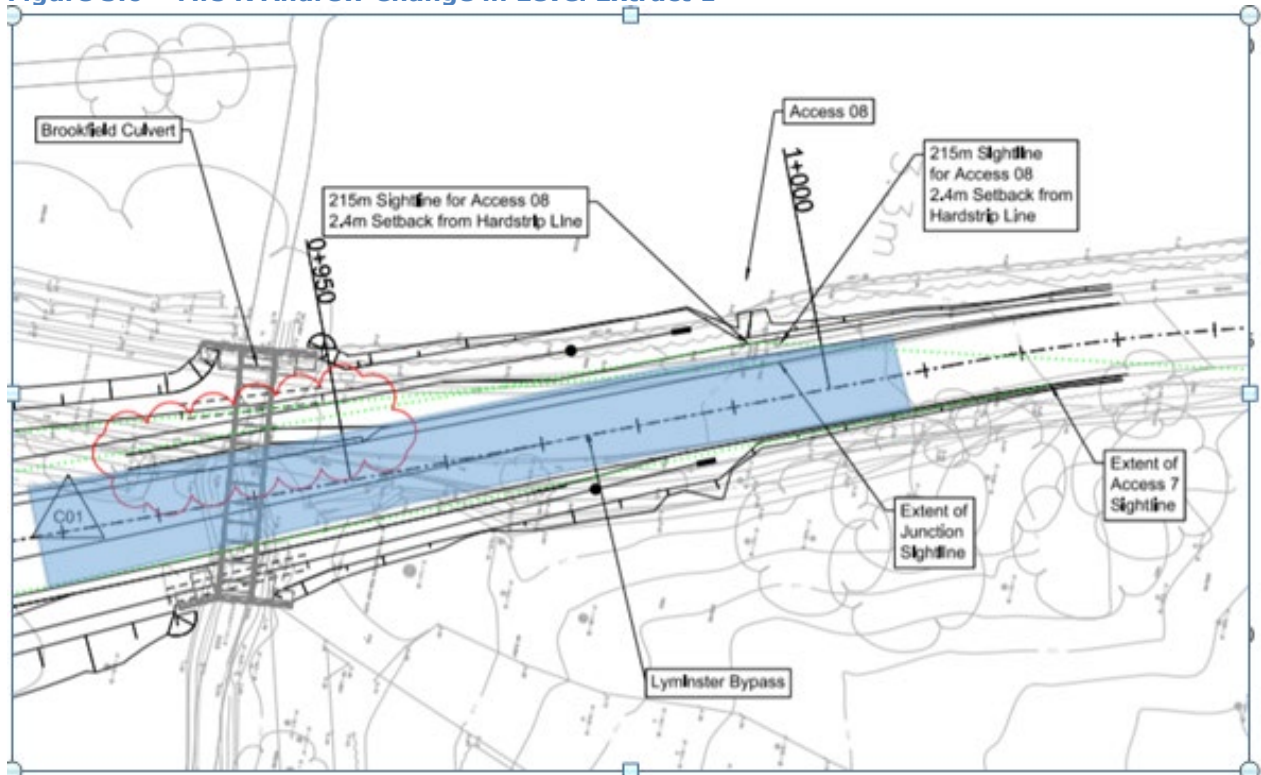
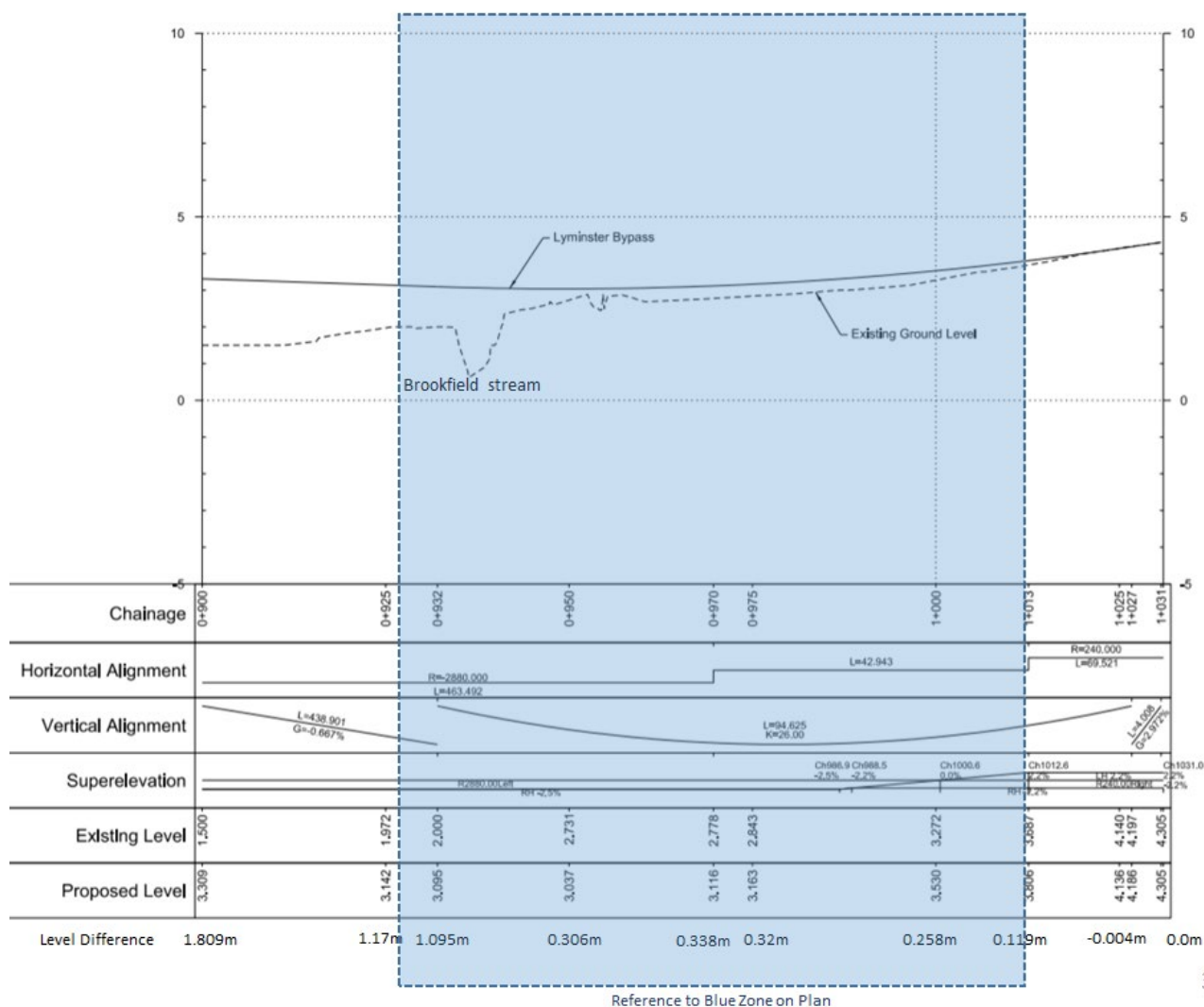


Figure 3.7 – Mrs R Andrew Change in Level Extract 1



Above in Figures 3.6 and 3.7 the long section along centre of road highlights the change in level difference from the existing to the proposed.

Over the northern tie-in the proposed road ties into existing so the difference in level is minimal. Over the central section of the new road alignment, adjacent to Plot 2, the road increases from North to South, increasing from 100mm to 1m just after Brookfield stream. The proposed road to the south of Brookfield Stream will be up to 1.8m higher than the existing low lying ground levels alongside Plot 2; however this is not significantly different to the existing road levels immediately south of the Stream.

Please refer to paragraphs 3.7.2 and 3.15.2 of this appendix for the Council's response to the concerns regarding noise. Please refer to paragraph 3.1.2 and 3.15.2 of this

appendix regarding the Council's response to light pollution concerns.

3.20. Objection re: Case at Public Inquiry

- 3.20.1. **Objection detail:** Objector hopes land requirements will be subject of agreement, in which case they will withdraw, but is prepared to make a case at public inquiry if not.
- 3.20.2. **The Council's response:** Council has responded to Objectors queries directly and most recently a meeting has occurred in January 2021 with the Land Agent to discuss these objections in more detail, following up on discussions in 2020.

4. RESPONSE TO RICOTTE INVESTMENTS LTD IN RESPECT OF CPO OBJECTIONS IN REFERENCE TO PLOTS 2A, 2B, 2C, 2D, 3A AND 3B

4.1. Objection re: Negotiations

- 4.1.1. **Objection detail:** Acquiring Authority states consultation is ongoing but objector alleges negotiations have been extremely limited with no serious or detailed approach regarding works or acquisition.
- 4.1.2. **The Council's response:** Substantive history of negotiations with Mr N Andrew and Mrs R Andrew in regard to the property known as Brookfield and HCC 2011 Ltd (previously known as Hargreaves Construction Ltd) of which they were directors is recorded in the Statement of Case at paragraph 11.6. Further discussion with Mr R Andrew in regard to HCC 2011 Ltd of which he is director is recorded in the Statement of Case at paragraph 11.16. As stated in these negotiation records the Council would like to draw attention to the request by Mr R Andrew that CPO Plots 2 and 3 be dealt with as one land interest. WSP who have been hired as land agents for the Council have been in touch with the landowner's agent consistently as detailed by the communication schedule.⁶³ Most recently a meeting has occurred in January 2021 with the Objector's land agent to discuss these objections in more detail, following up on discussions in 2020.

4.2. Objection re: Disadvantage

- 4.2.1. **Objection detail:** As information is limited to what is available from the published documents, very difficult to assess extent of disadvantage.
- 4.2.2. **The Council's response:** Further information has been provided to land owner and agent. The Council has previously provided additional information and published information including all documents associated with planning permission. See Figure 4.1 Ricotte Investments - Combined Land Details below, that has been produced based on the landscape drawing that formed part of the planning application⁹⁶. Land take is due to the following reasons for plots, and annotated 1-5 on the attached drawing for ease of reference:
1. Road, verge and earthworks, all necessary to the Scheme.
 2. A minimum offset between the earthworks and the swale to maintain structural stability of the highway earthworks.
 3. A widened swale with flow control outfall. This swale is required to attenuate the flows to green field run off rates as required by current planning guidance. The flow control and swale will require regular maintenance - grass cutting and removal of debris - so access is required. Access has been provided

by a 3m track. (The swale with check dams picks up two types of storm water flows, that from the pond to the south (max 2 litres per sec) and from the carriageway to the west of it via 3no drain runs. It provides secondary attenuation from the former and primary attenuation for the latter. The swale outfalls into the existing ditch north of its northern end via a control chamber. Pollution control (interceptor) was not deemed to be required at the time of design.)

4. The fence and hedge is offset from the track by 3m to enable installation and future maintenance. Also to provide an opportunity for a landscaping and planting margin taking advantage of the opportunities available for mitigation. It is worth noting that the species and grassland is constrained by the area being low lying and becoming wet in the winter
5. 5m strip has been identified as required for construction space only. No site clearance will be undertaken in this area unless necessary to undertake the highway works. Where vegetation clearance is undertaken, this will be reseeded. This area will be handed back to the landowner on completion of the works. The existing ditch becomes part of the highway drainage system which ultimately outfalls into Brookfield Stream.

The Scheme has been designed to minimise the land requirement. Further discussion with the land owner and their agent is being pursued in order to ascertain if it is possible to return any more land than already outlined. The colour scheme has been selected to make very clear the land usage.

Figure 4.1 Ricotte Investments - Combined Land Details



4.3. **Objection re: Return of Land**

4.3.1. **Objection detail:** Some of the land may only be required temporarily, important to objector that proposals are narrowed as much as possible to enable return of land to Brookfield.

4.3.2. **The Council's response:** See Figure 4.1 Ricotte Investments - Combined Land Details above. The land take is due to the classified road, verge and earthworks, all necessary to the Scheme. The Scheme has been designed to minimise the land requirement. Further discussion with the land owner and their agent is being pursued in order to ascertain if it is possible to return any more land than already outlined.

4.4. **Objection re: Return of Land**

4.4.1. **Objection detail:** Appears the intention is to acquire a lot of land permanently, additional and better details are required to enable the objector to assess the effect of the proposal.

4.4.2. **The Council's response:** See Figure 4.1 Ricotte Investments - Combined Land Details which incorporates all of the land to be returned. Further discussion with the land owner and their agent is being pursued in order to ascertain if it is possible to return any more land than already outlined.

4.5. **Objection re: Compulsory purchase Order**

4.5.1. **Objection detail:** Objection in principle to granting of CPO powers, and use of same in respect of residential land is premature. More stringent attempts to agree access and temporary occupation would have been appropriate.

4.5.2. **The Council's response:** As detailed in the Statement of Case at paragraphs 11.6 and 11.16 negotiations have been ongoing for some time, and are still ongoing. Compulsory purchase involves acquisition of property interests as a result of a compelling case in the public interest. The Council's land agent WSP is negotiating with the landowner to purchase their land, including compensation for any loss of freehold.

4.6. **Objection re: Relationship between CPO and SRO**

4.6.1. **Objection detail:** Objector needs details of relationship between CPO and SRO regarding access arrangements where the access to Brookfield is to be stopped up. The precise nature of the alternative arrangements are not wholly clear, reserve the right to raise further issues

4.6.2. **The Council's response:** Please see Figure 4.1 Ricotte Investments Combined Land Details above. This has been provided to show the old and new accesses in relation to the land interests and the detail in regard to permanent and temporary land acquisition.

4.7. **Objection re: Planning permission supporting assessments and reports**

4.7.1. **Objection detail:** The assertions in the Statement of Reasons that proposals will alleviate congestion and delays, reduce poor air quality and noise for residents, improve connectivity for businesses locating to the Littlehampton area, provide safety

benefits and reduce congestion through Lyminster, and provide social economic and environmental benefits will be put to proof as objector maintains there are areas of conflicting evidence. Many of WSCCs assertions can be challenged, and in particular, objector contends there will be limited or very little benefit from general public interest benefits WSCC claims.

- 4.7.2. **The Council's response:** As detailed in Section 6 of the Statement of Case the Scheme planning application (reference WSCC/049/18/LY) was approved on the 9th May 2019. This included evidence and assessment on congestion air quality noise and vibration and future safety benefits. This was fully reviewed at this stage. The benefits of the Scheme are also set out in the Transport Business Case²⁷, submitted to Coast to Capital Local Enterprise Partnership.

4.8. **Objection re: Air Quality and Noise Pollution**

- 4.8.1. **Objection detail:** Brookfield does not currently suffer pollution or noise pollution to the extent it would if the new road is built – new road would bring it closer to property than currently, diminishing enjoyment of grounds and property value.
- 4.8.2. **The Council's response:** Please refer to paragraph 3.7.2 of this appendix which sets out the improvements in air quality and the negligible change in noise level.

4.9. **Objection re: District and Council Transport Plans**

- 4.9.1. **Objection detail:** Uncertainty connected with Scheme undermines justification regarding funding, and budget therefore not robust. The contributions identified from future Local plan development sites including funding identified from S106 contributions cannot be guaranteed. Hence this is irresponsible and unreasonable, demonstrates a significant constraint of the Scheme and that the project is premature. The objector contends investment in public transport infrastructure should be prioritised above unproven local road schemes.
- 4.9.2. **The Council's response:** The Scheme is fully funded as stated in section 4.8 of the Statement of Case and supported by the financial position statement.³² The Council's capital programme is funding £14.873m and also has allocated the advance of the S106 receipts yet to be received.

4.10. **Objection re: Land Usage**

- 4.10.1. **Objection detail:** Objector does not consent to the land being acquired for mitigation works and will challenge Council regarding the need for land for the purposes of construction. Objector contends amount of land required for the construction is disproportionate to that actually required and is not the minimum as stated in the Statement of Reasons.
- 4.10.2. **The Council's response:** Please see response in paragraph 4.2.2 of this appendix detailing the usage of the land. The Scheme has been designed to minimise the land requirement. Further discussion with the land owner and their agent is being pursued in order to ascertain if it is possible to return any more land than already outlined.

4.11. **Objection re: Environmental Impact Assessment**

- 4.11.1. **Objection detail:** Secretary of State should reconsider need for EIA - species of note

and climate change implications have not been fully addressed, and are incompatible and no proper justification for proceeding in the light of climate change concerns is given in the Statement of Reasons

- 4.11.2. **The Council's response:** The Council considers that the screening opinion is robust. More detail on the screening opinion is provided at paragraph 6.2.1 of the Statement of Case. In addition to the screening opinion the reports and responses provided during the planning process and compliance of the statutory requirements as set by the Environment Agency and Natural England ensure that impacts have been considered

4.12. **Objection re: Access**

- 4.12.1. **Objection detail:** Some matters can be dealt with by compensation and disputes are for the Upper Tribunal, but the extent of acquisition and interference with access are of grave concern
- 4.12.2. **The Council's response:** Please refer to paragraph 4.2.2 of this appendix regarding the acquisition and Figure 4.1 Ricotte Investments - Combined Land Details above. As at point 5 in Figure 4.1, a 5m construction access strip will be reseeded and handed back to the land owner upon completion of the works. Please refer to paragraph 2.5.2 of this appendix regarding the extent of land available for grazing. Detailed discussion around this is ongoing.

4.13. **Objection re: Reinstatement and Access Arrangements**

- 4.13.1. **Objection detail:** Reinstatement provisions and permanent access arrangements for maintenance are unclear, and no attempt has been made to negotiate extent of rights with objector.
- 4.13.2. **The Council's response:** Landscaping Plans were provided as part of planning application process.⁹⁶ Landscape proposals are for a 'wet grassland / scrub' area around the swale, existing ditch and track, with a fence and hedge to form the new boundary. In November of 2019 and March of 2020 the Council as requested by the objector marked out the areas of proposed land acquisition to assist with planning of tree planting. As detailed in the statement of case at paragraph 11.6 and 11.16 negotiations have been ongoing for some time, and are still ongoing and a further meeting occurred in January 2021. The design has been based around minimising the land take and retaining as much of the property wall as possible. Negotiations through land owners agent increased returned land to land owner. None of the temporarily purchased plots is subject to any permanent rights for the Council.

4.14. **Objection re: Landscaping**

- 4.14.1. **Objection detail:** Full details of landscaping we are intending to provide in the vicinity of Brookfield is required, and works to retain amenity of Brookfield as a residential dwelling will be necessary. Gardens currently landscaped and maintained to a very high standard.
- 4.14.2. **The Council's response:** As detailed in response paragraph 4.13.2 Landscaping Plans were provided as part of planning application process.⁹⁶ The final iteration is subject to ongoing negotiations and planning conditions. Most recently a meeting has

occurred in January 2021 with the Land Agent to discuss these objections in more detail, following up on discussions in 2020.

4.15. Objection re: Noise Attenuation

4.15.1. **Objection detail:** Noise attenuation should cover residential boundary with road. Concerns about light pollution, and extent of that and precise nature of ecological mitigation within curtilage of Brookfield required.

4.15.2. **The Council's response:** Please refer to paragraphs 3.7.2 and 3.15.2 of this appendix for the Council's response to the concerns regarding noise. Please refer to paragraph 3.1.2 and 3.15.2 of this appendix regarding the Council's response to light pollution concerns. Please refer to 3.18.2 of this appendix for the detail regarding the anticipated ecological mitigation.

4.16. Objection re: Case at Public Inquiry

4.16.1. **Objection detail:** Objector hopes land requirements will be subject of agreement, in which case they will withdraw, but is prepared to make a case at public inquiry if not

4.16.2. **The Council's response:** The Council has responded to Objectors' queries directly and a meeting has also occurred most recently in January 2021 with the Land Agent to discuss these objections in more detail, following up on discussions earlier in 2020.

5. RESPONSE TO T & L CRAWLEY NO.2 LLP IN RESPECT OF CPO OBJECTIONS IN REFERENCE TO PLOTS 10A AND 10B

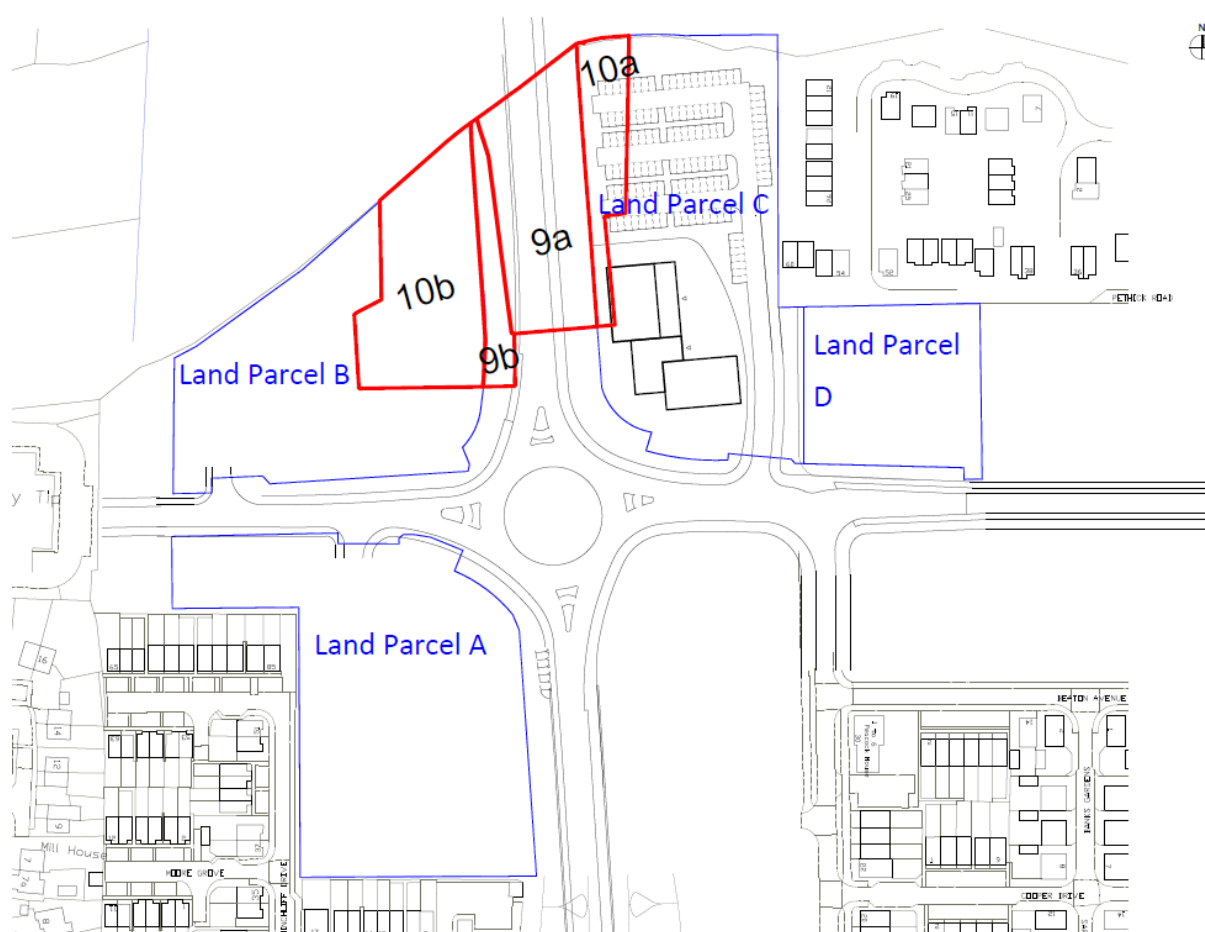
5.1. Objection re: Impact on land

5.1.1. **Objection detail:** Whilst fully supportive of bypass, concerned about it impeding their provision of affordable housing in the area. The Council has not properly engaged in respect of alternative solutions put forward. Current planning allows for B1 business use (for which there is now no demand) on an area they want to sell to a housing developer for 154 affordable homes on which construction must start by end 2021. However, WSCC's proposal to use it temporarily would mean the collapse of that sale and another on adjoining land. This would mean a substantial compensation claim being submitted to WSCC. There is a substantial shortfall in ADC's housing land availability. 154 affordable homes would be of significant social and public benefit. A pre-application submission has been submitted to the LPA and their reply is awaited. Their alternative requires that the compound is relocated and they are willing to make additional land of larger size available to the Council. However the Council is not engaging or attempting to find a pragmatic solution.

5.1.2. **The Council's response:** Negotiations are detailed in paragraph 11.21 and the ongoing communications are detailed in the principal landowner's communication schedule.⁶³

5.1.3. Attempts to find a solution with T&L Crawley No.2 LLP are ongoing. Given the complexity and scope of this Scheme (the viaduct construction works to the south of Black Ditch alone are anticipated to have in the order of 2,900 HGV arrivals and departures during the course of the works, which will all need to turn around) it is imperative that the site is safe and suitable for accesses and logistics in order to deliver the Scheme.

Figure 5.1 T&L No.2 - Land Parcels and Plots



- 5.1.4. See figure 5.1 above. In red are the areas 9a, 9b, 10a and 10b which are plots as detailed in the CPO. In blue are Land Parcels A, B, C and D. These are areas which are due to be developed by T&L Crawley No.2 LLP. Plot 10b falls within Land Parcel B and Plot 10a falls within Land Parcel C. The outline of A284 Lyminster Bypass (North) is shown to the North of the roundabout. The roundabout is being delivered by Persimmon Homes as part of A284 Lyminster Bypass (South). The Plots 9a and 9b are owned by Persimmon Homes as detailed in the CPO. They are not subject to an objection but due to the proximity and following explanation are shown for clarity.
- 5.1.5. Representatives of the Council met with representatives of T&L Crawley No 2 LLP in October 2019 and were advised of a Deed of Covenant and Release dated 15 May 2019 made between Persimmon Homes Limited, T & L Crawley No 2 LLP and Greencore Foods Limited. As part of the development and A284 Lyminster Bypass (South) works Persimmon Homes are obligated to complete before the 31 December 2021 and by said date the four T & L land parcels (Land Parcels A, B C and D as shown above) will have been rendered suitable and ready to be developed, including with the supply of services (i.e. utilities/drainage) and having been graded, fenced, remediated (and certified as having been such by Merebrook Consulting).
- 5.1.6. The site compound is to be located in Plot 10b. Plot 10b and Plot 9b will be used to build an embankment as there is a significant level change down to the flood plain.

They will also be used to install a haul road onto the flood plain. Plot 9a is the new road and Plot 10a is to be used as working space for the construction and installation of sub-surface drainage attenuation. This can be seen in drawing S0014-JCE-CPO-00-SK-0001 - Southern Site Compound Arrangements.¹⁰³ The drainage is being installed to the north of 10a along the eastern side of the Scheme. This location was chosen for several reasons. The topography and levels along the west were not conducive to a satisfactory solution as the location would be in the flood plain where ground conditions are extremely poor, and there is the potential to flood in winter.

- 5.1.7. T&L Crawley No 2 LLP have requested that the site compound be moved from 10b to the east in Area C. They are planning to start on site in 2021. Discussions around this have been ongoing as the Council has reviewed the possibilities of adjusting the planned compound location. For clarity T&L Crawley want to remove Plot 10b from the CPO and also have works ongoing in that area during the construction period for the A284 Lyminster Bypass.
- 5.1.8. Moving the site compound requires a change to vehicle access to the site. Moving the compound will also require a new location outside the CPO redline boundary (as 10a will not provide enough space). Please refer to appended document S0014-JCE-CPO-00-SK-0001 - Southern Site Compound Arrangements.¹⁰³
- 5.1.9. In order to build the permanent works embankment alongside Plot 10b the Council require a minimum of 25m width from the edge of the carriageway. This would extend beyond Plot 9b into Plot 10b. Without this area the Council cannot construct the embankment and as a result cannot build this section of the road. It has been requested that the Compulsory Purchase Order is updated to reflect this requirement⁸. This space is required because the footprint of the embankment is approximately 15m at its widest point, and an area is required beyond its edge of 10m at the lower level for a track machine to access to grade and complete the slope. It is a requirement from a safety perspective:
 - To provide a suitable and safe access route 10m wide to the flood plain area to allow us to construct the viaduct.
 - Provide a safe working area for the excavators whilst the haul road is installed, maintained and removed during construction.
 - This is a designated Health and Safety requirement from the design contractor to ensure that all persons remain safe whilst the excavator is working – see drawing S0014-JCE-CPO-00-SK-0004¹⁰⁴ which shows the minimum safety zones that must adhere to at all times.
 - It is therefore important to note that this precludes the narrowing of the area required by fencing, demarcation, or other barriers as they could become potential crushing zones.
- 5.1.10. The haul road is due to be installed to the west of the viaduct. That will be the north of Plots 9a and 9b. The area will be located in the working area strip highlighted in yellow in S0014-JCE-CPO-00-SK-0004.¹⁰⁴ This is to facilitate the build of a substantial working platform for piling rigs and cranes and allow numerous vehicles to gain access to the lower level to deliver materials, concrete etc. for the viaduct construction. There is no available space on the eastern side of the new road for this haul route as this area now includes permanent works drainage and basin.

- 5.1.11. As detailed above the compound must be situated on the same side of the new road as the haul road to the lower level. The health and safety of those on site is paramount during construction and the current design allows for the safe management of delivery vehicles as most will have to manoeuvre within the compound to turn around and reverse down the haul road. This is a significant Health and Safety hazard which is best controlled and mitigated within a safe enclosed environment (the compound). (This also allows for a planning condition stating that all vehicles must pass through a wheel wash before leaving the site).
- 5.1.12. In order to facilitate this and maintain a safe site having the compound on the same side as the haul road is paramount.
- 5.1.13. On the eastern side of the road the permanent works adjacent to plot C comprise an attenuation storage, swale and new wetland pond area and outfall for the surface water run-off from the entire viaduct and a short section of carriageway. Moving the site compound and haul road to this side means a delay in installing these features. This would mean run off from the viaduct and road area would not have an outfall system in place soon enough leading to local flooding issues and additional risk to the project.
- 5.1.14. The Council on review and in discussion with T&L Crawley No 2 LLP has been able to find no alternative options to the proposed design that do not add significant risk to the project.
- 5.1.15. In regard to the current situation for the land in Plot 10b the Council contacted Arun District Council to confirm the current situation as detailed by T&L Crawley No 2. The response is supplied as an attachment.[105](#)
- 5.1.16. In summary:
1. Plot 10b is designated for commercial use. As such any change of use by T&L Crawley No 2 LLP would require a planning application. The pre-planning application advice for a change in that permission is negative due to the reduction in employment land. This is notwithstanding the need for affordable housing. The Council recognises that planning permission is a process and it is possible that consensus could eventually be met to fulfil the affordable housing in full or part as set out by T&L Crawley No 2 LLP. However whilst recognising that point, given the current occupation trigger points any availability for additional housing could well be taken up by Persimmon Homes in their development.
 2. Further and importantly, permission is unlikely to be forthcoming for developments that prejudice the delivery of key infrastructure. The North Littlehampton Development Scheme (now known as Hampton Park) was built with the intention of having a complete Lyminster Bypass (North and South) in order to reap maximum benefits. Moving the compound as requested by T&L Crawley No.2 makes the delivery impossible due to the embankment which must be constructed. Even if this problem was surmountable, risk to the project is heavily increased. The Council supports affordable housing, and the best way to support that is through the infrastructure to allow that housing to be built.
 3. The building of the A284 Lyminster Bypass (North) does not represent a commercial loss for T&L Crawley No2 as the opportunity does not currently exist. The additional housing if allowed is likely to be provided within the current developer scheme. If

the commercial areas are able to become residential that would be on the basis of the infrastructure of the A284 Lyminster Bypass (North) being in place. Therefore claiming additional compensation against a scheme which facilitates the development is nonsensical.

5.2. Objection re: Negotiations

- 5.2.1. **Objection detail:** There has been limited engagement on the part of the Council. Limited feedback on alternative has been received. Site meetings suggested by the objector have not even been acknowledged. Objector is concerned their offer has not been considered and taken forward as one in wider public interest. CPO is premature, unjustified, not a method of last resort. Further time is required to engage with affected owners.
- 5.2.2. In respect of human rights, under Article 1 of the First Protocol no one shall be deprived of his possessions except in the public interest. The rights of the owners and occupiers of the Order land must be balanced against the case for compulsory acquisition. They consider there are grounds to call into question whether the Council has presented a compelling case in the public interest as balance has not been struck between the individual rights and the wider public interest
- 5.2.3. The Council has shown lack of consideration for wider issues, inflexibility and have tried to push through the CPO to the detriment of Arun DC who would be unable to ameliorate its shortfall in housing supply land.
- 5.2.4. **The Council's response:** The Council has negotiated with T&L Crawley No 2 LLP and is still in discussions as evidenced by the communication schedule.⁶³ Discussions have been technical and detailed in regard to possible solutions. It was agreed with T&L Crawley No 2 that at the current stage of discussions a site meeting was premature.¹⁰⁶ Compulsory purchase involves acquisition of property interests as a result of a compelling case in the public interest. We are negotiating with the landowner to purchase their land for temporary use, including compensation for any loss of freehold. The CPO discussions have been ongoing and as per paragraph 11.21 in this Statement of Case the CPO is required to give a timescale to proceedings. The case of the Council in regard to Human Rights is detailed in Section 14 of this Statement of Case. The Council notes Arun District Council's support for the Scheme and that the delivery of affordable housing is benefited by the furtherance of this scheme.

6. RESPONSE TO PUNCH PARTNERSHIPS IN RESPECT OF CPO OBJECTIONS IN REFERENCE TO PLOT 7A

6.1 Objection re: Title Acquisition

- 6.1.1 **Objection detail:** Owners title includes rights in Woodcote Lane and ownership of highway to halfway point.
- 6.1.2 **The Council's response:** Woodcote Lane is not a public highway and is not being adopted by the Council. The Council under the Compulsory Purchase Order are acquiring access rights to use the lane. The lane will be used on completion of the A284 Lyminster Bypass to access the viaduct, its supporting structures and ecological

features for maintenance. This usage will be infrequent and minimal. On private land and at the eastern end of Woodcote Lane the Council will be building a track to extend access to the viaduct. This will be built from the east where works are occurring therefore there are no plans for construction traffic to use Woodcote Lane. The track will be gated and will only provide access for maintenance, not access to the bypass. There are also no plans for Woodcote Lane to become highway and therefore be subject to increased traffic. The existing A284 highway at Woodcote Lane is not being affected by this proposal. Woodcote Lane is not a public highway and currently shows as unregistered with the Land Registry. The Council is re-clarifying the status of ownership of the lane.

6.2 Objection re: Traffic

6.2.1 **Objection detail:** Proposals will increase volume of traffic using Woodcote Lane, causing disruption and inconvenience, obstruction and pollution from noise, dust and fumes.

6.2.2 **The Council's response:** As detailed in paragraph 6.1.1 of this appendix that is not correct. There is no public road connection between Woodcote Lane and the bypass. The route identified is for maintenance use. The claims regarding disruption and pollution are incorrect.

6.3 Objection re: Car Park Access

6.3.1 **Objection detail:** Safe uninterrupted access to car park is critical at all times as a large proportion of the patrons are elderly and drive there and the financial income of the pub is reliant on this custom

6.3.2 **The Council's response:** Access to the car park will be uninterrupted, and no changes shall occur. The maintenance access will be infrequent and occur after the completion of the road (current programme suggest after October 2023). This will be the same as normal use of Woodcote Lane and will not encumber the car park or the pub clientele.

6.4 Objection re: Negotiation

6.4.1 **Objection detail:** No negotiation has been attempted to secure access to Woodcote Lane by agreement. WSCC are required to demonstrate CPO powers are justified by failure of negotiations with landowners.

6.4.2 **The Council's response:** The Council received queries and responded to the Six Bells Pub (owned by Punch Partnerships) in July 2020 following the pre-notice signage being erected. The Council believed that the nature of the CPO access request was understood. It is now evident there has been some confusion and the Council and their agents are now attempting to clarify all ownership positions and open discussions with reputed landowners in order to come to a negotiated position as required. The Council has also contacted Punch partnerships to reaffirm this information and assuage any concerns.^{[107](#)}

6.5 Objection re: Construction Licence

6.5.1 **Objection detail:** WSCC should be obtaining access over Woodcote Lane by

construction licence or privately negotiated undertaking with relevant landowners to ensure any disruption to commercial operations is minimised and mitigated.

- 6.5.2 **The Council's response:** The negotiation team from WSP have been in touch regarding this. However, as stated in paragraph 6.1.1 the usage of the road is for maintenance after construction which will be minimal, and as such there is not anticipated to be any disruption to commercial operations.

6.6 **Objection re: Traffic**

- 6.6.1 **Objection detail:** More details should be provided by WSCC on potential traffic impact on commercial operation on Woodcote Lane, including requirements for works at the A284/Woodcote Lane junction.

- 6.6.2 **The Council's response:** As explained the junction of the existing A284 and Woodcote Lane will not be subject to any works.

RESPONSE TO OBJECTIONS TO SRO

7. RESPONSE TO HCC 2011 LTD IN RESPECT OF SRO OBJECTION IN REFERENCE TO PLOTS 3A AND 3B

7.1. **Objection re:** New Access

- 7.1.1. **Objection detail:** New access to be provided is 159m south of existing access and is therefore not commodious or convenient as current one.

- 7.1.2. **The Council's response:** Please refer to Figure 3.1 Mrs R Andrew - Combined Land Details. This clearly demonstrates that the existing gate is immediately within the footprint of the new carriageway alignment therefore needs to be stopped up and removed. The Council is confident that the new access provides a reasonable and sufficient alternative for HCC 2011 Ltd including improved access to agricultural fields. The new access also meets modern safety standards such as sightlines onto the new carriageway. Additional safety requirements around the positioning are discussed in paragraph 3.12.2 of this appendix.

7.2. **Objection re:** Amalgamation of Access

- 7.2.1. **Objection detail:** Amalgamating access is prejudicial to long term interests of landowner.

- 7.2.2. **The Council's response:** In Figure 3.3 Mrs R Andrew - Combined Land Interest Access the location of the proposed new entrance is shown. As requested by Mr R Andrew and detailed in the Statement of Case paragraph 11.16.3 the land interests were treated collectively, with the already existing access agreements taken into account.

7.3. **Objection re:** Health & Safety Concerns

- 7.3.1. **Objection detail:** Amalgamating access gives rise to H&S concerns as land currently used for livestock.

- 7.3.2. **The Council's response:** The design of shared access was based around the current structure and interconnectedness of the land interests and accessibility. This was discussed with the Objector's land agent and the Council was advised this was the

preferred solution. An alternative access arrangement could be provided further north. However, in order to ensure adequate visibility and safety of users, this would require additional wall removal and tree clearance within Plot 2b, which when discussed with objector's land agent was considered undesirable.

7.4. **Objection re:** Information

7.4.1. **Objection detail:** No reasons given for closure of access.

7.4.2. **The Council's response:** Please see response at paragraph 7.1.2 to this appendix and paragraph 3.12.2 which it references. Both detail the positioning of the access in relation to the road. The Council asserts that this has been discussed previously.

7.5. **Objection re:** Alternative Access

7.5.1. **Objection detail:** SRO plans are unclear and appear to show access is not provided to the same area, and objector strongly objects and will challenge the need for the alternative access.

7.5.2. **The Council's response:** Please see response to paragraph 7.3.2 of this appendix regarding access design and how it was arrived at.

7.6. **Objection re:** HGV Access

7.6.1. **Objection detail:** Land will be raised by 2m but not clear how this will be achieved and given the need for new access provided to be used by agricultural vehicles and HGVs collecting delivering cattle; objector needs to be satisfied it will function properly with change of levels.

7.6.2. **The Council's response:** As detailed in paragraph 11.6.4 of the Statement of Case the design of this access was based around the Objector's farm access requirements. As detailed in paragraph 2.3.2 of this appendix the replacement access is specifically designed to facilitate the Objector's requirements.

7.7. **Objection re:** Sharing of Access

7.7.1. **Objection detail:** Precise mitigation and landscaping and land regulatory arrangements for sharing the new access must be made much clearer before the objection can be removed.

7.7.2. **The Council's response:** Please refer to Figure 2.1 HCC Ltd - New Access in this appendix. This shows the new access with an access road before the gate leading onto the Objector's land. WSP are in discussion with the Objector's land agent to confirm arrangements around maintenance. Conversations in January 2020 were productive and additional gates to provide safe parking for HGV and Farm vehicles is currently under discussion. In regard to landscaping and mitigation please refer to paragraph 2.10.2 of this appendix.

7.8. **Objection re:** Negotiation

7.8.1. **Objection detail:** Objector expects proper negotiations to start to address landowner's concerns, or they will challenge the necessity at public inquiry

7.8.1. **The Council's response:** The Council would like to reiterate that there has been a substantive history of negotiations with Mr N Andrew and Mrs R Andrew in regard to

the property known as Brookfield and HCC 2011 Ltd (previously known as Hargreaves Construction Ltd) of which they were directors is recorded in the Statement of Case at paragraph 11.6. Further discussion with Mr R Andrew in regard to HCC 2011 Ltd of which he is director is recorded in the Statement of Case at paragraph 11.16. As stated in these negotiation records the Council would like to draw attention to the request by Mr R Andrew that CPO Plots 2 and 3 be dealt with as one land interest. WSP who have been hired as land agents for the Council have been in touch with the landowner's agent consistently as detailed by the communication schedule.⁶³ Most recently a meeting has occurred in January 2021 with the Objector's land agent to discuss these objections in more detail, following up on discussions in 2020.

8. RESPONSE TO MRS R ANDREW IN RESPECT OF SRO OBJECTIONS IN REFERENCE TO PLOTS 2A, 2B, 2C AND 2D

8.1. Objection re: Descriptions of Access in Side Roads Order

8.1.1. Objection detail: The PMA (Private Means of Access) ref B is wrongly described in the schedule to the SRO. Although stated to be access to an agricultural field, in fact Mrs Andrew says it provides access to the southernmost area of private residential garden and the extensive grounds of Brookfield comprising of mature wooded and landscaped areas and a large grassed area.

8.1.2. The Council's response: Discussions around Access reference B have focussed on it being used for farm vehicles and access to fields. Please see 11.6.4 of the Statement of Case for more details. The Council acknowledges that Access reference B has dual use for the land interests detailed in the Brookfield Joint Title Information.⁵⁵

8.2. Objection re: Health & Safety

8.2.1. Objection detail: The PMA ref B provides access to the private garden and grounds of Brookfield to allow maintenance by agricultural vehicles too wide to use the narrow main entrance and avoids damage to the existing lawns by others. The Council's proposed new access is 150m further south of the existing access and requires a ¾ mile round trip across 4 fields and around a pond. It also crosses land grazed by cattle, so requires extreme care and attention by untrained staff and contractors. Access would also need 3 people; one driving and 2 to open/close the gates to prevent cattle escaping, and these vehicles only have one driver's seat. New proposals therefore create significant and unnecessary health and safety risk.

8.2.2. The Council's response: Please refer to Figure 2.1 HCC Ltd - New Access in this appendix. This shows the new access with an access road before arriving at the gate leading onto the Objectors land. The positioning of the gates is open to negotiation, but currently does allow for drivers to safely stop on their way in from the main road. The Council would highlight that the improved sightlines and removal of the access from the main road is a safety improvement for workers. The previous access was also shared with agricultural vehicles as detailed in 7.6.1 of this appendix.

8.3. Objection re: Stopping Up Access

8.3.1. Objection detail: The PMA ref A is also unacceptable – no justification has been given

and it is of considerable benefit to the owner/occupier.

- 8.3.2. **The Council's response:** Please refer to Figure 3.1 Mrs R Andrew - Combined Land Details. This clearly demonstrates that the existing gate is immediately within the footprint of the new carriageway alignment therefore needs to be stopped up and removed.

8.4. **Objection re:** Side Roads Order powers

- 8.4.1. **Objection detail:** Forcing the owner to use the new access requirements and an access combined with other's rights is not acceptable. No details of why it is necessary to do this are contained in either statement of reasons or CPO.

- 8.4.2. **The Council's response:** As discussed with Objector's land agent an alternative access arrangement could be provided further north. However, in order to ensure adequate visibility and safety of users, this would require additional wall removal and tree clearance within Plot 2b, which when discussed with objector's land agent was considered undesirable.

8.5. **Objection re:** Alternative Access

- 8.5.1. **Objection detail:** Plans are not clear but appear to show access is not provided to the same area and are not convenient, and objector strongly objects and will challenge the need for the alternative access.

- 8.5.2. **The Council's response:** Please see response to 8.4.2 to this appendix. As detailed in SRO and advised to Objector via land agent the current access entered onto Land Registry Title WSX355726. This is no longer permissible in the design without removing an increased number of trees and more of the property wall. So the new amalgamated access enters onto Land registry Title WSX23621. The Council would like to reiterate that this is the subject of discussions and negotiations.

8.6. **Objection re:** Access

- 8.6.1. **Objection detail:** The Council will be required to prove the need for closure of these accesses and detailed reasons for the closures. Amalgamating access is prejudicial to long term interests of Brookfield and the existing arrangements cannot be assumed to continue. Council must demonstrate why owner cannot retain the accesses it has had for over 40 years.

- 8.6.2. **The Council's response:** The Council has detailed in Figure 3.1 Mrs R Andrew - Combined Land Details the fact that the accesses are in the footprint of the new carriageway and as a result must be stopped up. The Council has amalgamated accesses in order to facilitate the retention of trees in the Brookfield gardens and the retention of as much of the property flint wall as possible. These decisions are beneficial to the long term interests and stated preference of the Objector via the land agent.

8.7. **Objection re:** Negotiations

- 8.7.1. **Objection detail:** Objector expects proper negotiations to start to address landowner's concerns, or they will challenge the necessity at public inquiry.

- 8.7.2. **The Council's response:** The Council would like to reiterate that there has been a

substantive history of negotiations with Mr N Andrew and Mrs R Andrew in regard to the property known as Brookfield and HCC 2011 Ltd (previously known as Hargreaves Construction Ltd) of which they were directors is recorded in the Statement of Case at paragraph 11.6. Further discussion with Mr R Andrew in regard to HCC 2011 Ltd of which he is director is recorded in the Statement of Case at paragraph 11.16. As stated in these negotiation records the Council would like to draw attention to the request by Mr R Andrew that CPO Plots 2 and 3 be dealt with as one land interest. WSP who have been hired as land agents for the Council have been in touch with the landowner's agent consistently as detailed by the communication schedule.⁶³ Most recently a meeting has occurred in January 2021 with the Objector's land agent to discuss these objections in more detail, following up on discussions in 2020.

9. RESPONSE TO RICOTTE INVESTMENTS LTD IN RESPECT OF CPO OBJECTIONS IN REFERENCE TO PLOTS 2A, 2B, 2C, 2D, 3A AND 3B

- 9.1. **Objection re:** Access
- 9.1.1. **Objection detail:** The existing PMA provides important access to the private garden and grounds of Brookfield to facilitate access for enjoyment and maintenance. The proposals to force the use of another access and share an access are unacceptable. No details of why it is necessary to do this are contained in either statement of reasons or CPO
- 9.1.2. **The Council's response:** Please refer to paragraph 7.1.2 of this appendix.
- 9.2. **Objection re:** Disadvantage
- 9.3. **Objection detail:** Plans are not clear but appear to show access is not provided to the same area and are not convenient, and objector strongly objects and will challenge the need for the alternative access
- 9.4. **The Council's response:** Please refer to paragraph 8.5.2 of this appendix.
- 9.5. **Objection re:** Access
- 9.5.1. **Objection detail:** The Council will be required to prove the need for closure of these accesses and detailed reasons for the closures. Amalgamating access is prejudicial to long term interests of Brookfield and the existing arrangements cannot be assumed to continue
- 9.5.2. **The Council's response:** Please refer to paragraph 8.6.2 of this appendix.
- 9.6. **Objection re:** Access
- 9.6.1. **Objection detail:** Precise mitigation and landscaping and land regulatory arrangements for sharing the new access must be made much clearer before the objection can be removed
- 9.6.2. **The Council's response:** Please refer to paragraph 7.7.2 of this appendix.
- 9.7. **Objection re:** Negotiations
- 9.7.1. **Objection detail:** Objector expects proper negotiations to start to address landowner's

concerns, or they will challenge the necessity at public inquiry.

- 9.7.2. **The Council's response:** The Council would like to reiterate that there has been a substantive history of negotiations with Mr N Andrew and Mrs R Andrew in regard to the property known as Brookfield and HCC 2011 Ltd (previously known as Hargreaves Construction Ltd) of which they were directors is recorded in the Statement of Case at paragraph 11.6. Further discussion with Mr R Andrew in regard to HCC 2011 Ltd of which he is director is recorded in the Statement of Case at paragraph 11.16. As stated in these negotiation records the Council would like to draw attention to the request by Mr R Andrew that CPO Plots 2 and 3 be dealt with as one land interest. WSP who have been hired as land agents for the Council have been in touch with the landowner's agent consistently as detailed by the communication schedule.⁶³ Most recently a meeting has occurred in January 2021 with the Objector's land agent to discuss these objections in more detail, following up on discussions in 2020.

APPENDIX 2 TO STATEMENT OF CASE – LIST OF SUPPORTING DOCUMENTS

The following documents are provided with this statement in the accompanying documents pack:

Ref	Title	Statement of Case Paragraph	Appendix 1 Paragraph
1	<u>The Orders</u> The West Sussex County Council (A284 Lyminster Bypass (North) Classified Road) Compulsory Purchase Order 2020	1.2, 7.1	
2	The West Sussex County Council (A284 Lyminster Bypass (North) Classified Road) Side Roads Order 2020	1.2, 7.2	
3	<u>Council Decisions for The Orders</u> Council Resolution - Land Acquisition Ref HI05 19/20	1.3, 13.5	
4	Amendment to Resolution - Land Acquisition Ref ONKD01 20/21	1.3, 13.6	
5	<u>The Statements of Reasons</u> Compulsory Purchase Order Statement of Reasons	1.5	
6	Side Roads Order Statement of Reasons	1.5	
7	<u>Department for Transport Order Communications</u> DfT Assessment Letter Regarding The Orders	1.6	
8	The Council response to Assessment Letter	1.6	5.1.9
9	<u>The CPO Plans:</u> A284LY-CAP-GEN-00-DR-C-0208 S4-P13	2.2	
10	A284LY-CAP-GEN-00-DR-C-0209 S4-P03	2.2	
11	<u>The SRO Plans:</u> SRO Plan Folio	2.3, 9.1	
12	A284LY-CAP-HGN-00-DR-C-0240 S0-P09	2.3, 9.1	
13	A284LY-CAP-HGN-00-DR-C-0241 S0-P10	2.3, 9.1	
14	<u>Highways Committee Minutes 11th September 1992</u> (Extracts) Highway Committee Minutes	3.5, 12.4.6	
15	Highway Committee Key Plan	3.5	
16	<u>Arun District Council Local Plan 2011 – 2031</u> (Extracts) Arun District Council Local Plan	3.6, 3.7, 4.1.1, 4.4.2, 4.4.3, 4.4.4, 12.4	

Ref	Title	Statement of Case Paragraph	Appendix 1 Paragraph
17	Arun District Local Plan Map 1	3.6, 3.7	
18	Arun Local Development Framework Transport Study of 2009	3.7, 4.4.5, 4.4.6	
19	North Littlehampton Strategic Development Area Outline Planning Application: Transport Assessment	3.7, 4.2.2	
20	West Sussex Transport Plan 2011-2026	4.1.1, 4.4.2, 12.3	
21	Persimmon Homes Ltd Support Letter	4.3	
22	Arun Transport Study Report 2016	4.4.4, 4.4.8	
23	Arun Transport Study for Strategic Development	4.4.7	
24	Coast to Capital strategic economic plan 2014	4.4.8, 4.5.3	
25	Lyminster Bypass & A259 Corridor Transport Business Cases Data Collection Report	4.4.9	
26	Lyminster Bypass Forecasting Report Version 2	4.4.11, 4.4.13	
27	Lyminster Bypass Transport Business Case – Outline Transport Business Case	4.5.2	2.4.2, 4.7.2
28	Coast to Capital Strategic Economic Plan 2018-2030	4.5.4	
29	West Sussex Injury Accident Engineers Report	4.6.5	
30	Revenue Budget 2020/21, Capital Strategy 2020/25 and Treasury Management Strategy Statement 2020/21	4.8.2	
31	Annex 2a to Revenue Budget 2020/21, Capital Strategy 2020/25 and Treasury Management Strategy Statement 2020/21- Capital Strategy (capital programme) 2020-25	4.8.2	
32	A284 Financial position statement to 2018/19	4.8.2	2.6.2, 3.8.2 4.9.2
33	Planning Application Approval Decision Notice WSCC-049-18-LY	6.1, 18.4	
34	Planning Committee Report_WSCC-049-18-LY	6.1, 18.4	
35	Environmental Impact Assessment Screening Opinion	6.2.1	
36	Air Quality Assessment Report	6.2.2	3.7.2
37	Noise & Vibration Assessment Report	6.2.3, 6.2.4	

Ref	Title	Statement of Case Paragraph	Appendix 1 Paragraph
38	Ecological Impact Assessment report	6.3.1, 18.1	3.15.2
39	Ecology Planning Application Response	6.3.1	
40	Lyminster Badger Survey Report V1.0	6.3.3	3.18.2
41	Bat Survey Report Lyminster v0.1	6.3.3	3.18.2
42	Environment Agency Planning Application Response	6.3.4, 6.4	
43	Tree Officer Planning Application Response	6.3.9	
44	Arboricultural Report	6.3.9, 18.1	
45	Landscape and Visual Appraisal	6.3.9	
46	WSCC Drainage updated response	6.4	
47	Littlehampton Neighbourhood Plan 2014	11.2, 12.6	
48	Lyminster Bypass Consultation Report 131114	11.4	
49	Record of Engagement Mr N & Mrs R Andrew	11.6	
50	Negotiations Plots 1a and 1b		
	Notes of meeting with Mr Harriott 20092019 rev A	11.15.1	
51	20191007 D Harriott RE A284 land acquisition - notes of meeting	11.15.1	
52	Negotiations Plots 2a, 2b, 2c, 2d, 3a and 3b		
	20170324 Mr R Andrew WSCC-SM-170324	11.16.3	
53	20190815 Mr R Andrew RFI Response	11.16.3	
54	20191003 Mr R Andrew - Acquisition Minutes Email	11.16.3	
55	Brookfield Joint Title Information	11.16.3	
56	Mr R Andrew Letter Ref - WSCC-SM-170608	11.16.4	
57	20171018 Hargreaves - EA Notification	11.16.4	
58	20171018 Andrew - EA Notification	11.16.4	
59	20180525 Hargreaves - EA Solution	11.16.5	
60	20180525 Andrew - EA Solution	11.16.5	
61	20181205 Hargreaves - Planning Notification	11.16.5	
62	Notes of meeting with Mr Andrew 11092019 rev A	11.16.5	
63	A284 Principal Property Owners Communication Schedule	11.16.5, 11.17.2, 11.18.1, 11.19.1, 11.20.1	2.2.2, 3.13.2, 4.1.2, 5.1.2, 5.2.4, 7.8.2
64	Negotiations Plots 4a, 4b and 5a, 5b and 5c	11.17.1	
	20170406 K Langmead - surveys		
65	20170508 K Langmead - Access Meeting	11.17.1	

Ref	Title	Statement of Case Paragraph	Appendix 1 Paragraph
66	20170609 K Langmead - Farm access	11.17.1	
67	20171018 Mr Mrs Langmead - EA Notification	11.17.1	
68	20171018 Mr S Langmead - EA Notification	11.17.1	
69	20180802 K Langmead - Viaduct Design	11.17.2	
70	20181108 K Langmead - Planning Notification	11.17.2	
71	20181205 K Langmead - planning application	11.17.2	
72	20181205 S Langmead - planning application	11.17.2	
	<u>Negotiations Plots 6a, 6b, 6c and 6d</u>		
73	20170214 T Longhurst - Surveys	11.18.1	
74	20171018 Mr Longhurst - EA Notification	11.18.1	
75	20181108 T Longhurst - Planning Notification	11.18.1	
76	20181205 T Longhurst - Planning Application	11.18.1	
77	20191009 Mr T Mr J Longhurst - CPO Discussion	11.18.1	
	<u>Negotiations Plots 8a, 8b, 8c, 8d and 8e</u>		
78	20170116 Goodchild - Survey	11.19.1	
79	20171018 Goodchild - EA Notification	11.19.1	
80	20180605 Goodchild - Viaduct Update	11.19.1	
81	20180726 Goodchild - Maintenance Access	11.19.1	
82	20181108 Goodchild - Planning Notification	11.19.1	
83	20181130 Goodchild - Planning Application	11.19.1	
84	20190904 Mr Mrs Goodchild - Meeting	11.19.1	
	<u>Negotiations Plots 9a and 9b</u>		
85	20181108 Persimmon Planning Notification	11.20.1	
	<u>Negotiations Plots 10a and 10b</u>		
86	20190708 C Boulter Bypass Email	11.21.1	
87	20190708 T&L Crawley Support Letter	11.21.1	
88	Arun District Council Infrastructure Capacity Study and Delivery Plan Phase 1	12.5	
	<u>Council Decision Extracts</u>		
89	Dec 2014 Cabinet Member Decision Ref HT16 (14/15)	13.2	
90	Dec 2015 Cabinet Member Decision Ref HT16 (15/16)	13.3	
91	July 2018 Cabinet Member Decision Ref HI12 (18/19)	13.4	
92	Lyminster Bypass Equality Impact Report	17.1	

Ref	Title	Statement of Case Paragraph	Appendix 1 Paragraph
93	EA FRA Standard Permit	18.2	
94	Ordinary Watercourse Land Drainage Consent	18.2	
95	A284LY-CAP-HGN-00-DR-C-0103 A-C01		2.3.2
96	Planning Application Landscape Plans		2.7.2, 2.10.2, 3.5.2, 3.14.2, 4.2.2, 4.13.2, 4.14.2
97	Site Clearance Layout A284LY-CAP-GEN-00-DR-C-0253 – P02		3.1.2, 3.16.2
98	Lighting Layout A284LY-CAP-HTS-00-DR-E-0084		3.1.2
99	Summary of Air Quality Report data relating to Plots 2 & 3		3.7.2
100	Site Clearance Dwg 4 - A284LY-CAP-HSC-00-DR-C-0034– C01		3.16.2
101	R Andrew – Extract Vegetation Clearance		3.17.2
102	Plan and Profile 4/4 - A284LY-CAP-HML-00-DR-C-0008 A-C01		3.19.2
103	Southern Compound Arrangements S0014-JCE-CPO-00-SK-0001 - Southern Site Compound Arrangements.		5.1.6, 5.1.8
104	S0014-JCE-CPO-00-SK-0004 – Excavator Working Space		5.1.9, 5.1.10
105	Arun District Council Information Request		5.1.15
106	Email T&L Crawley Re - Site Visit		5.2.4
107	Council letter to Punch Partnerships		6.4.2