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Dear Ms Melhuish

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

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

SECRETARY OF STATE'S DECISION – SRO AND CPO TO BE CONFIRMED WITH
MODIFICATIONS

1. I refer to West Sussex County Council's ("the Council") application for confirmation of the above-named Orders. The Secretary of State for Transport ("the Secretary of State") has decided to confirm the SRO and CPO with modifications and this letter constitutes his decision to that effect.

2. The SRO and CPO will, respectively, authorise:

(i) The Council to stop up highways, stop up private means of access to premises and provide new means of access to premises all on or in the vicinity of the existing A284 to be improved from a point 600 metres south of its junction with the A27 Crossbush Bypass southwards for a distance of 303 metres; and the highway the Council propose to construct as part of the A284 Lyminster Bypass North, from the end of the improvement of the existing A284 southwards to the new roundabout at the junction of the A284 Lyminster Bypass South.

(ii) The Council to purchase compulsorily the land and new rights over land for the purposes of: the improvement/construction of the highways described at (i) above; the provision of new means of access to premises in the vicinity of the new and improved highways described at (i) above; the diversion of watercourses and the carrying out of other works on watercourses in connection with the construction and improvement of the highways and new means of accesses as aforesaid; the use of land by the acquiring authority in connection with the construction and improvement of highways and new means of access, the diversion of watercourses and the carrying out of other works on watercourses or with the carrying out of works; and mitigating the adverse effects which

the existence or use of the highways and new means of access, proposed to be constructed or improved as mentioned above will have on the surroundings thereof.

MODIFICATIONS

3. The Secretary of State will make the modifications to the SRO and the CPO, as proposed by the Council, and recommended by the Inspector (paragraph IR 7.1). These modifications are identified in Appendix C of the Inspectors report and in the annex to this letter.

CONSIDERATIONS FOR DECISION

4. As objections remained outstanding to the Orders it was decided that concurrent Public Local Inquiries should be held for the purposes of hearing those objections. A pre-Inquiries meeting via the Teams platform was held 2 June 2021 and the virtual Inquiries were held on 10-11 August 2021. At the opening of the Inquiries there was one remaining statutory objection to the CPO.

5. The Inspector considered all representations about the Orders during the Inquiries and has since submitted a report to the Secretary of State, a copy of which is enclosed with this letter. The Secretary of State has given careful consideration to the Inspector's report and also to a number of relevant issues, as set out in *Guidance on Compulsory purchase process and The Crichel Down Rules* and *The Highways Act 1980*, in reaching his decision on the Orders.

In relation to the SRO, namely that:

- i. where a highway is to be stopped up another reasonably convenient route is available or will be provided before the highway is stopped up;
- ii. where a private means of access to premises is to be stopped up either no access to the premises is reasonably required or another reasonably convenient means of access to the premises is available or will be provided; and

In relation to the CPO, namely that:

- i. there should be a compelling case in the public interest to acquire all the land and that this should sufficiently justify interfering with the human rights of those with an interest in the land affected;
- ii. the acquiring authority should have a clear idea of how it intends to use the land that it wishes to acquire;
- iii. sufficient resources should be available to complete the compulsory acquisition within the statutory period following confirmation of the Order, and to implement the scheme; and

- iv. there should be a reasonable prospect of the scheme going ahead and it should be unlikely to be blocked by any impediment to implementation.

CONCLUSION

6. The Secretary of State has considered carefully all the objections to, and representations about, the Orders, including alternative proposals put forward.
7. The Secretary of State agrees with the Inspector's conclusions at paragraph 5.11 that reasonably convenient routes would be made available for the bridleway and 3 accesses that are proposed to be stopped up within the SRO.
8. The Secretary of State has carefully considered whether the purposes for which the CPO is required sufficiently justify interfering with the human rights of those with an interest in the CPO and is satisfied that they do. In particular, consideration has been given to the provisions of Article 1 of The First Protocol to the European Convention on Human Rights. In this respect, the Secretary of State agrees with the Inspector's conclusions at paragraph 5.16 and is satisfied that in confirming the CPO a fair balance has been struck between the public interest and interests of the objectors, owners and lessees.
9. The Secretary of State agrees with the Inspectors conclusions at paragraphs 5.17 to 5.20: that the Council has a clear idea of how the land to be acquired would be used; that there is a reasonable expectation that the necessary resources will be available to carry out the proposals within a reasonable timescale; that the Council has considered the effects of the scheme in the design in accordance with its duties under the Equality Act 2010 and that the scheme is unlikely to be blocked by any physical or legal impediments; and that there is a compelling case in the public interest for the scheme to proceed and that this outweighs the private loss involved in the compulsory acquisition.
10. The Secretary of State agrees with the Inspector that the modifications are minor and are necessary and should be made to the SRO and CPO (paragraph 5.21).
11. Having considered all aspects of the matter the Secretary of State is satisfied that there are no compelling reasons brought forward which would justify not confirming the SRO and CPO. Accordingly, the Secretary of State agrees with the Inspector's recommendations and has decided to confirm 'The West Sussex County Council (A284 Lyminster Bypass (North) Classified Road) Side Roads Order 2020' and 'The West Sussex County Council (A284 Lyminster Bypass (North)) Compulsory Purchase Order 2020' as modified by him in accordance with paragraph 3 above.
12. In confirming the SRO and CPO the Secretary of State has relied on the information that the Council and others have provided, as contained in the Orders and any related plans, diagrams, statements or correspondence, as being factually correct. Confirmation is given on this basis.

COMPENSATION

13. Details of compensation arising as a consequence of confirmation of a CPO are a matter for negotiation with the acquiring authority and not the Secretary of State. Accordingly, qualifying persons in relation to the land included in the CPO will need to be approached by the Council about the amount of compensation payable to them in respect of their interests in the land. If the amount cannot be agreed the matter may be referred for determination by the Upper Tribunal (Lands Chamber) under the Lands Tribunal Act 1949 and the Land Compensation Act 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

AVAILABILITY OF DOCUMENTS

14. A copy of this letter and accompanying annex, together with a copy of the Inspector's report, have been sent to those parties who appeared at the Inquiries, other interested parties and relevant Members of Parliament. Copies will be made available on request to any other persons directly concerned.

15. Please arrange for a copy of the Inspector's report and of this letter, including its annex, to be made available for inspection at <https://www.westsussex.gov.uk/roads-and-travel/roadworks-and-projects/road-projects/lyminster-bypass-north/>

Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report.

RIGHT OF CHALLENGE

16. Notice is to be published of confirmation of the Orders. Any person who wishes to question the validity of the confirmed Orders, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded his powers or has not complied with the relevant statutory requirements in confirming them may, under the provisions of Schedule 2 to the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such an application must be made within six weeks of publication of the notice that the Orders have been confirmed. The High Court cannot entertain an application under Schedule 2 or section 23 before publication of the notice that the Secretary of State has confirmed the Orders.

Yours sincerely



DAVE CANDLISH

Authorised by the Secretary of State for Transport
to sign in that behalf