

Roger Elkins, Cabinet Member for Highways and Infrastructure	Ref No: HI 05 (19/20)
July 2019	Key Decision: Yes
A284 Lyminster Bypass (North) – land acquisition/Compulsory Purchase Order	Part I
Report by Executive Director of Place Services and Director of Highways, Transport and Planning	Electoral Divisions: Arundel and Courtwick
<p>Summary</p> <p>The A284 Lyminster Bypass is an important north-south link between the A27 at Crossbush and the A259 Littlehampton. The County Council is delivering the northern section. The scheme is funded through Local Enterprise Partnership (LEP) funding, S106 monies and capital funding. The scheme will deliver 1.1km of single carriageway with new pedestrian and cycle facilities. It is linked to the provision of 1,260 new homes and 700 jobs.</p> <p>Further to approval of the planning application by the West Sussex County Council Planning Committee on 26 March 2019, the planning decision was published on 9 May following confirmation from the Secretary of State that the scheme would not be called-in.</p> <p>Land acquisition is required to enable the scheme to progress towards construction. The Cabinet Member for Highways and Infrastructure is requested to authorise the Director of Law and Assurance to publish the necessary Compulsory Purchase Order and take any necessary action to secure the land either by agreement or compulsion.</p>	
<p>West Sussex Plan: Policy Impact and Context</p> <p>The proposal supports the prosperous place priority in the West Sussex Plan, providing the infrastructure to support businesses and growing communities.</p>	
<p>Financial Impact</p> <p>The Lyminster Bypass has an approved budget of £17.842m in the Capital Programme and includes an allocation of £500k for the land acquisition which is currently in line with estimated cost.</p>	

Recommendations

That the Cabinet Member for Highways and Infrastructure authorises the Director of Law & Assurance to –

- complete the necessary procedures for the acquisition of land and interests for the A284 Lyminster Bypass North, to make, seal and submit a compulsory purchase order to the Secretary of State for Transport for confirmation under the provisions of sections 239, 240, 246 and 250 of the Highways Act 1980 for the acquisition of approximately 9.45 hectares of land as shown on plan no. A284LY-CAP-GEN-00-DR-C-0208 for the purposes of the construction of the new bypass and tie-in/improvement of the existing roads and accesses where appropriate; and
- to take all necessary action to secure entry on to all such land, whether by agreement or compulsorily.

Proposal

1. Background and Context

- 1.1 The alignment of the A284 Lyminster Bypass was adopted by West Sussex County Council in 1992. It has been safeguarded in the Arun District Council Local Plan since 2003.
- 1.2 The entirety of the Lyminster Bypass is 1.8km long from the A259 to the north of Lyminster village. West Sussex County Council is intending to deliver the northern 1.1km section from Toddington Nurseries northwards. The southern section is being delivered separately by developers. The southern section of the bypass is part of the North Littlehampton development and planning conditions require that the southern bypass must be complete prior to the 350th housing occupation. The southern bypass also needs to be completed prior to completion of the northern bypass. The Lyminster Bypass (North and South) will link with the Fitzalan Link providing a comprehensive north – south route into Littlehampton.
- 1.3 This north-south link is important for residents and businesses as it provides improved accessibility and connectivity between the A27 at Crossbush and Littlehampton. It will alleviate congestion and improve journey time reliability issues caused by the level crossing at Wick. Safety benefits will also be realised by removing traffic from the existing route through Lyminster and Wick.
- 1.4 The scope of the scheme comprises the provision of a single carriageway with a shared cyclist and pedestrian route along one side which will link to similar facilities further south forming a continuous route into Littlehampton. A new T-junction will link the existing A284 to the proposed bypass. The continuity of the existing Public Bridleway will be ensured with the provision of a Pegasus crossing. The proposed bypass will cross the Black Ditch and Brookfield Stream with a viaduct and a culvert respectively.

- 1.5 The preliminary design undertaken for the Lyminster Bypass included a 30m span bridge across Black Ditch with the remainder of the proposed bypass constructed on an embankment. However, due to an increase in the percentage of climate change allowance in spring 2016 as set out by the Environment Agency, additional flood mitigation measures were required and a 225m long viaduct across Black Ditch and its associated floodplain was the most viable solution acceptable to the Environment Agency.
- 1.6 The scheme was assessed at the preliminary design stage as having a Benefit Cost Ratio (BCR) of 29.4. The cost implications of the viaduct have reduced the BCR to 10.1 but this is still considered to be Very High value for money.
- 1.7 Jackson Civil Engineering were awarded the Design and Build Contract for the Lyminster Bypass under Lot 2 of the West Sussex Highways Framework as recorded in the award letter dated 13 April 2016 from Procurement and Contract Services. Jacksons are currently completing the detailed design of the scheme under a Limited Instruction to Proceed.
- 1.8 The scheme was submitted for a Full Planning Consent on 23rd November 2018 further to the key decision HI12(18/19). It was granted consent by WSCC's planning committee on 26th March 2019 subject to call-in by the Secretary of State.

2. Proposal Details

This decision is asking for approval to proceed with the formal land acquisition process necessary to secure the delivery of the proposed Lyminster Bypass and to publish the Compulsory Purchase Order. Publication is subject to confirmation from the developer that the construction of the southern section of the Lyminster Bypass will proceed. The current programme indicates that this requirement will be met by the end of June 2019 and it is intended that the Compulsory Purchase Order would be published shortly thereafter. It is confirmed that the extent of Compulsory Purchase is based on the plan in Appendix A.

The total land area is approximately 9.45Ha which is made up as follows;

- 5.844Ha of land which is to be acquired and used for the proposed highway scheme. This includes land to be used for site compounds, haul roads and working space which will subsequently be returned.
- 3.609Ha of land for which rights need to be acquired in perpetuity

Compulsory Purchase Orders

Compulsory Purchase Orders confer authority to acquire land and create new rights over land on a compulsory basis for highway purposes under the Highways Act 1980. The procedure involves advertising of orders, serving notice on persons with statutory interests and submitting the orders to the Secretary of State for Transport for confirmation using powers set out in the Highways Act 1980.

The CPO process is necessary to ensure that all the land needed is available by the time construction commences and is not subjected to protracted negotiations. It will also allow any residual interests in land required for the

scheme to be resolved. However, efforts will be made during the CPO process to acquire land by negotiation and agreement where practicable.

The CPO procedure makes provision for the submission of objections to the Secretary of State for Transport. Efforts would be made to resolve all objections by negotiation. However failure to resolve any statutory objections could result in the Secretary of State appointing an Independent Inspector to examine the merits of the objections and make recommendations at public inquiry which will then serve as a basis for a decision by the Secretary of State to either confirm (with or without modification) or reject the CPO.

Factors taken into account

3. Consultation

The detailed route for the proposed bypass has been determined through extensive consultation.

- A public consultation exercise was undertaken in September 2014 which showed that over 60% of respondents were in favour of the scheme. It also identified the preferred location of the link road joining the existing A284 from Lyminster village onto the proposed bypass which is now reflected on the scheme.
- The comments made during the withdrawn outline application were considered as part of the scheme development undertaken for the scheme approved at the Planning Committee in March 2019.
- In addition, there has been ongoing regular consultation with County Councillors, Arun District Councillors, Littlehampton Town Council and Parish Councillors principally via the North Littlehampton Steering Group and the JEAAC H&T sub group but on a more individual basis as required.
- Local landowners affected by the scheme have also been consulted.

4. Financial (revenue and capital) and Resource Implications

4.1 Capital consequences

	Budget to March 2019	2019/20	2020/21	2021/22	2022/23	Total
	£m	£m	£m	£m	£m	£m
Capital Budget	2.661	0.277	10.400	4.250	0.254	17.842
Change From Proposal	0.000	0.000	0.500	0.000	0.000	0.000
Remaining Budget	2.661	0.277	9.900	4.250	0.254	17.842

4.2 The effect of the proposal

The District Valuer has undertaken an assessment of land costs. The cost of the land acquisition is estimated to be £0.5m with the remainder of the budget set aside for design and construction. It is estimated the land costs are in-line with allocated budget and will be spent within financial year 2020/2021.

5. Legal Implications

There should be no impediment to the scheme in terms of legal implications.

6. Risk Assessment Implications and Mitigations

The scheme risks have been assessed throughout the detailed design process via a formal risk assessment process which has also identified suitable mitigation measures.

Publication of the Compulsory Purchase Order cannot take place until there is certainty over the award of the developer's contract for the southern half of the bypass as the northern section of the bypass serves no purpose without the southern section in place. Regular delivery group meetings are held to closely monitor the delivery of the two sections.

Initial discussions have been held with landowners regarding the option of purchase by negotiation but due to the number of landowners involved, a Compulsory Purchase Order is required to maintain control of the programme. Time has been factored into the scheme programme to mitigate the risk that the compulsory purchase process will be delayed by a public inquiry.

7. Other Options Considered (and reasons for not proposing)

The option not to proceed with the publication of the Compulsory Purchase Order would result in the County Council;

- a) Failing to deliver the proposed scheme if the land could not be acquired by negotiation.
- b) Putting the overall scheme programme at greater risk without the timescales inherent within the Compulsory Purchase process.

8. Equality and Human Rights Assessment

An Equality Impact Report has been prepared for the scheme. Assessment of users has taken place during the design process, in terms of vulnerable users, pedestrians and cyclists with the addition of new and improved routes and traffic signal crossings.

9. Social Value and Sustainability Assessment

The proposed scheme is linked to the provision of 1,260 homes and 700 new jobs. It will improve connectivity between the A27 at Crossbush and Littlehampton. It will alleviate congestion through Lyminster and improve journey time reliability through the avoidance of the Wick level crossing. Safety benefits will also be realised by removing traffic from the existing tortuous route through Lyminster and Wick.

The provision of cycle / pedestrian facilities along the length of the scheme which in turn link to provisions further south will encourage more sustainable means of transport

10. Crime and Disorder Reduction Assessment

At this point no significant implications relating to the Crime and Disorder Act have been identified.

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Appendix A

Planning Application Compulsory Purchase Orders General Arrangement
Drawing No: A284LY-CAP-GEN-00-DR-C-0208