

Director of Law and Assurance, Tony Kershaw, in consultation with the Cabinet Member for Highways and Infrastructure, Councillor Roger Elkins	Ref No: ONKD01 (20/21)
September 2020	Key Decision: No
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 with the southern section being delivered by Persimmon Homes. 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>Land acquisition is required to enable the scheme to progress towards construction. Previous approval has been given to publish the Compulsory Purchase Order (CPO) by the Cabinet Member for Highways and Infrastructure. In preparing the plans for the CPO some minor changes were made to the plans, none of which have any financial implication for the scheme.</p> <p>The intention is to publish the CPO in September 2020. Authorisation to publish the CPO with the amended plans is requested.</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 £21.634m 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 Director of Law and Assurance authorises the following –

- Completion of the necessary procedures for the acquisition of land and creation of new rights in respect of 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 and all other enabling powers for the acquisition of approximately 9.44 hectares of land as shown on plan nos. A284LY-CAP-GEN-00-DR-C-0208 and A284LY-CAP-GEN-00-DR-C-0209 and any subsequent updates to this plan that are subject to title ownership changes, for the purposes of the construction of the new bypass and tie-in/improvement of the existing roads and accesses where appropriate;
- To make seal and submit an order to the Secretary of State for Transport for confirmation under the provisions of Sections 14, 124 and 125 of the Highways Act 1980 as necessary to enable any necessary side roads and/or private means of accesses to be stopped up or diverted as shown on plans nos. A284LY-CAP-HGN-00-DR-C-0240 and A284LY-CAP-HGN-00-DR-C-0241
- to take all necessary action to secure entry on to all such land, whether by agreement or compulsorily;
- to deal with any blight notices served on the Council in respect of the land required or otherwise affected by these proposals; and
- to negotiate, execute and complete all necessary documents to give effect to the above recommendations.

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 Persimmon Homes. 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 23 November 2018 further to the key decision HI12(18/19). It was granted consent by WSCC's planning committee on 26 March 2019 subject to call-in by the Secretary of State.

2. Proposal Details

This decision is 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 was subject to confirmation from the developer that the construction of the southern section of the Lyminster Bypass had started. This was confirmed at the start of January 2020 and it is intended that the Compulsory Purchase Order should be published in April 2020. It is confirmed that the extent of Compulsory Purchase is based on the plans in Appendix A and the associated Side Roads Order based on the plans in Appendix B.

The total land area is approximately 9.44Ha which is made up as follows;

- 8.644Ha 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.

- 0.796Ha 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 provisions of 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, in line with the Compulsory Purchase Order Guidance, efforts will continue to 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. The total approved budget for the A284 is £21.634m. This comprises £3.182m funding for the period up to 31 March 2020 and £18.452m in the Capital Programme 2020/21 – 2024/25 approved by Full Council in February

2020. The scheme is funded by £14.873m Corporate Funding, £3.000m Local Growth Fund and £3.761m S106 Developer Contributions.

4.2. 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	0.521	1.030	13.376	4.046	21.634
Change From Proposal	0.000	0	-0.500	0.000	0.000	-0.500
Remaining Budget	2.661	0.521	0.530	13.376	4.046	21.134

4.3. 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 £0.500m with the remainder of the 2020/21 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 2020/21.

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.

The northern section of the bypass is dependent upon the southern section and regular delivery group meetings are held between the developer and WSCC to monitor the current progress of the southern section.

Initial discussions were 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 County Council could choose not to proceed with the publication of the Compulsory Purchase Order. However, this would result in the County Council -

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

This option was therefore discounted.

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 Order Drawing Nos. : A284LY-CAP-GEN-00-DR-C-0208 and A284LY-CAP-GEN-00-DR-C-0209
(This may be subject to future amendment due to changes in Title ownership.)

Appendix B

Side Roads Order Drawing Nos. : A284LY-CAP-HGN-00-DR-C-0240 and A284LY-CAP-HGN-00-DR-C-0241