

Report to Councillor Joy Dennis, Cabinet Member for Highways and Transport

July 2022

A284 Lyminster bypass (north) – Funding Allocation and Award of Construction Contract

Report by Matt Davey Assistant Director (Highways, Transport and Planning)

Electoral division(s): Arundel & Courtwick

Summary

The A284 Lyminster Bypass is an important north-south link between the A27 at Crossbush and Littlehampton. The County Council is delivering the northern 1.1km section of the bypass. The southern section was recently completed by a private developer. A Compulsory Purchase Order process was required to secure the land for the northern section. This process has now been completed.

The overall cost of the scheme has increased, (this has been reviewed by independent cost consultants and is in line with changes in the construction market due to the macro-economic shocks of the last 2 years).

The funding for the scheme includes a capital grant from the Department for Transport (DfT) following the review of the Full Business Case for the Scheme.

Recommendations

The Cabinet Member for Highways and Transport is recommended to:

- (1) approve the remaining capital allocation of £2.182m; and
 - (2) award the construction contract of £23,813,732.13 for the A284 Lyminster Bypass (North) to Jackson Civil Engineering Group Limited
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Proposal

1 Background and context

- 1.1 The alignment scheme of the A284 Lyminster Bypass was proposed and adopted by the Highway Committee of West Sussex County Council in 1992. It has been safeguarded in the Arun District Council Local Plan since 2003.
- 1.2 Jackson Civil Engineering were awarded the Design and Build Contract for the Lyminster Bypass following a competitive procurement exercise and have

completed the detailed design of the scheme under a Limited Instruction to Proceed.

- 1.3 The scheme was submitted for a Full Planning Consent on 23 November 2018 further to the [key decision](#) taken by the Cabinet Member for Highways and Infrastructure. It was granted consent by the County Council's planning committee on 26 March 2019 subject to call-in by the Secretary of State.
- 1.4 In July 2019, the Cabinet Member for Highways and Infrastructure [authorised](#) the Director of Law & Assurance 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 for determination.
- 1.5 The Compulsory Purchase Order (CPO) and the Side Roads Order (SRO) [were made](#) and publicised in September 2020.
- 1.6 The CPO and SRO were confirmed with modifications by the Secretary of State on 16 September 2021 following a Public Inquiry.
- 1.7 Notice of confirmation of the CPO and SRO were published on 30 September 2021. Notice to Treat and Notice to Enter were served on all landowners and interested parties on 19th November 2021. Entry on the land to which the CPO and SRO refer was taken on 22nd February 2022.

2 Proposal details

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 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.

- 2.5 It is proposed that the budget is increased by £13.974m funded by £11.792m Department for Transport (DfT) grant and £2.182m corporate funding from the Capital Improvement Budget in the Capital Programme. The total cost of the schemes is £45.723m.
- 2.6 It is proposed that, from the approved list of contractors on the Highways and Transport's Projects Framework Lot 2, Jackson Civil Engineering Group Limited (JCE) is awarded the Stage 2 construction contract (subject to the approval of the FBC by the DfT.) JCE submitted a compliant bid for the Design and Construction tender that was evaluated as being the most economically advantageous to the County Council in terms of value for money. JCE have completed the detailed design of the scheme under several Limited Instructions to Proceed, all of which were completed having obtained legal and finance advice.

3 Other options considered (and reasons for not proposing)

- 3.1 Delaying the project was considered as an option.
 - 3.1.1 This would mean that all the benefits from the work on the Lyminster Bypass South and A259 were not realised.
 - 3.1.2 To date WSCC have spent £6.029m on Lyminster Bypass (North). Specifically this has been on surveys, designs pre-construction activities (such as vegetation clearance and ecological mitigation) and the Compulsory Purchase Order process including Public Inquiry.
 - 3.1.3 The spend has been comprised of funding from £3.0m Local Enterprise Partnership (LEP) Local Growth Fund, £2.504m corporate funding and £0.525m S106 developer contributions. If WSCC decided to stop/pause works on Lyminster Bypass then the LEP may seek reimbursement of the grant. Further delays would likely increase the cost of the project including costs for occupying the land entered under CPO powers.
 - 3.1.4 The land under CPO would be at risk of alternative use leading to a redesign being required.
 - 3.1.5 The National Highways A27 Arundel Bypass proposals could be dependent on the delivery of the Lyminster bypass. If the A284 Lyminster Bypass scheme was not to proceed, then previous analysis demonstrates that this would have a further dampening effect on the economic case for the A27 Arundel Bypass scheme by reducing the transport and economic benefits.

4 Consultation, engagement and advice

- 4.1 Public consultation on the proposed scheme was conducted in September 2014. This included the distribution of a leaflet to households, a series of public exhibitions and various communications activities to raise awareness of the consultation. Information was also available at Littlehampton and Arundel libraries and on WSCC's website. A questionnaire was made available for residents to complete over the period to Friday 26 September to share their views on the proposed scheme. Exhibitions were held in Lyminster on 12-13 September 2014 and in Littlehampton on 16-17 September 2014, with a good attendance at each session. The results of the public consultation were analysed in autumn 2014 and have been used to inform the detailed scheme design. 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, and further consultation occurred on the new design.

- 4.2 In addition, there has been ongoing regular consultation with local County Councillors, local Arun District Councillors, Littlehampton Town Council and principally via the North Littlehampton Steering Group on a more individual basis as required. Also updates and liaison with Lyminster & Crossbush Parish Councillors
- 4.3 All landowners who had land that was compulsorily purchased for the scheme were involved in negotiations with the Council and its representatives. Those with interests in the land were also all contacted regarding the compulsory purchase and use of the land. Members of the public were notified and the opportunity for objections, comment or requesting of additional information was provided.
- 4.4 WSCC advertised the Compulsory Purchase Order and Side Roads Order for this scheme. An objection period ran from Thursday 10 September to Wednesday 28 October 2020 inclusive. The Secretary of State received nine objections from six landowners in relation to the CPO and SRO. Following further negotiations all but one objection (to the CPO) was removed.
- 4.5 The Public Local Inquiry for the orders was held as a virtual event from Tuesday 10 August to Wednesday 11 August 2021.
- 4.6 Following the Secretary of State for Transport's confirmation of both orders with modifications were published on 30th September 2021 and 6 weeks was allowed for application to the High Court for the suspension or quashing of the Orders. No applications were made.

5 Finance

- 5.1 The total scheme cost is expected to be £45.723m. The proposed funding for this scheme is £3.000m from Coast to Capital LEP Local Growth Fund, £3.762m from S106 developer contributions, £11.792m capital grant from the Department for Transport and the remaining £27.169m funded by WSCC.
- 5.2 Capital consequences

Table 1. Proposed Budget Change

		LEP Grant	s106	Corporate Funding	DFT Grant
Current approved budget	31.749	3.000	3.762	24.987	0.000
Increased budget required	13.974	0.000	0.000	2.182	11.792
Total budget	45.723	3.000	3.762	27.169	11.792

Table 2. Profiled Spend

	To March 2022 £m	2022/23 £m	2023/24 £m	2024/25 £m	Total £m
Profiled Spend	6.029	16.400	18.800	4.494	45.723

- 5.3 The current budget for the A284 Lyminster Bypass following approval of the Capital Programme 2022/23 to 2026/27 is £31.749m funded by Corporate Funding £24.987m, Local Growth Fund £3.0m and S106 Developer Contributions £3.762m. The total scheme cost is £45.723m and the proposed

increase to the budget is £13.974m funded by £11.792m DfT grant and £2.182m Corporate Funding from the Capital Improvement Budget in the Capital Programme.

- 5.4 Adjustments to the current capital programme and alongside the increase in the overall cost of the A284 Lyminster Bypass (North) Scheme creates a shortfall in funding for the delivery of future projects in the capital programme. The A29 Realignment scheme is most directly affected.
- 5.5 It is proposed to award the construction contract for A284 Lyminster Bypass (North) to Jackson Civil Engineering Group Limited (subject to the approval of the full business case by the DfT). The contract has a value of £23,813,732.13
- 5.6 For the Full Business Case, the economic dimension is calculated through the assessment of the benefits that the scheme is forecast to deliver to society as a whole. The Value for Money (statement provides a summary of these benefits. This indicates that Lyminster Bypass (North) has a Benefit Cost Ratio of 1.8, which is considered medium value for money. When wider benefits are taken into account this increases to 2.9 for the Core Growth Scenario. This is considered high value for money.
- 5.7 Monetised impacts of the scheme were calculated and analysed for the Business Case. Economic efficiency was calculated in to travel times accounting for different levels of future growth all three growth scenarios of usage in future years (low, core and high) showing efficiencies being deliver for business and non-business users
- 5.8 The scheme features an improvement of a current culvert and the construction of a viaduct. As this is a new road rather than an improvement it increases the County's assets. This includes the provision of diverse habitats for wildlife and the planting of various hedgerows (predominantly managed by landowners).

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Scheme cost exceeds approved budget	Ensure that scheme cost is closely monitored during development and implementation stage
Increased cost affecting other programmed work. Specifically the A29	The A29 Business Case is being reviewed and updated, to include an updated value for money case, following which further discussions with the DfT and Homes England will take place to identify further funding opportunities.

7 Policy alignment and compliance

- 7.1 Our Council Plan
 - The proposal supports the sustainable and prosperous economy priority , providing the infrastructure to support businesses and growing communities.
- 7.2 Legal implications
 - The legal implications at this stage of the scheme are:

- a) The funding awarded through the submission of the FBC requires the County Council to enter into a funding agreement; the County Council will therefore be committed to delivery of the scheme, in a prescribed time frame, and potentially face penalties by the DfT in the event of not delivering the scheme within this time frame (or at all).
- b) The award of the construction contracts to JCE forms a binding contractual arrangement which requires the funding from the DfT to be secured and the funding agreement completed. There may be obligations on the County Council described within the funding agreement which need to be flowed down to the construction contract with JCE.

7.3 Equality duty and human rights assessment

An Equality Impact Assessment was prepared for the scheme, and there are no foreseeable negative impacts for people with protected characteristics.

7.4 Climate Change

The modelling for the Full Business Case shows that Lyminster Bypass (North) will provide overall improvements in air quality and greenhouse gases predominantly through decreasing journey times for vehicles.

7.5 Social value

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 on the scheme which in turn link to provisions further south will encourage more sustainable means of transport

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Appendices – none

Background papers - none