

A27 East of Lewes Improvements

Statement of reasons
accompanying the Made Orders

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A27 EAST OF LEWES IMPROVEMENTS

STATEMENT OF REASONS: JUNCTION IMPROVEMENTS AT POLEGATE AND BERWICK

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TABLE OF CONTENTS

1	INTRODUCTION.....	1
2	THE ENABLING POWER.....	2
3	THE SCHEME.....	3
3.1	SCHEME LOCATION.....	3
3.2	SCHEME DESCRIPTION.....	4
4	DESCRIPTION OF THE ORDER LAND.....	6
5	JUSTIFICATION	7
5.1	JUSTIFICATION FOR COMPULSORY PURCHASE.....	7
5.2	JUSTIFICATION FOR SIDE ROADS ORDERS	7
5.3	THE NEED FOR AND BENEFITS OF THE SCHEME.....	9
5.4	SCHEME OBJECTIVES.....	10
5.5	THE ECONOMIC CASE FOR THE SCHEME	12
5.6	ALTERNATIVES EXCLUDING LAND TAKE	13
5.7	POLICY, LEGISLATION AND GUIDANCE	14
6	CONFORMITY WITH POLICY, LEGISLATION AND GUIDANCE.....	18
6.2	LIVING CONDITIONS	18
6.3	DESIGN QUALITY	21
6.4	HISTORIC ENVIRONMENT	22
6.5	LANDSCAPE AND VIEWS	22
6.6	ECOLOGY AND BIODIVERSITY.....	25
6.7	FLOOD RISK AND CLIMATE CHANGE	26
6.8	WASTE MANAGEMENT.....	27

7	LAND INTERESTS	29
7.1	COMMUNICATIONS AND NEGOTIATIONS WITH LAND INTERESTS	29
8	PLANNING POSITION	30
9	SPECIAL CONSIDERATIONS	31
10	OTHER CONSENTS AND LICENCES	32
11	EQUALITY DUTY	33
12	HUMAN RIGHTS CONSIDERATIONS	33
13	FUNDING STATEMENT	34
14	OTHER INFORMATION	35
15	CONCLUSION	36

APPENDICES

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

APPENDIX B - STATUS OF NEGOTIATIONS WITH LANDOWNERS

1

INTRODUCTION

- 1.1.1 This Statement of Reasons relates to the A27 East of Lewes Improvements and has been submitted by Highways England Company Limited to the Secretary of State for Transport.
- 1.1.2 On 3rd May 2019 Highways England (HE) (the “highway authority”), as promoter of the scheme, made the following orders:
- a) The Highways England (A27 Trunk Road East of Lewes Improvement Scheme) (Berwick and Polegate Junctions) Compulsory Purchase Order 2019
 - b) The Highways England (A27 Trunk Road East of Lewes Improvement Scheme) (Berwick and Polegate Junctions) (Side Roads) Order 2019
- 1.1.3 This statement sets out the reasons and the public interest case to justify both the compulsory acquisition of land and work to side roads required for highway and junction improvements along the A27 East of Lewes at Berwick roundabout and Polegate (“the scheme”). It also sets out how the scheme meets the requirements of relevant policy and legislation. Highways England is the highway authority for the A27 and promoter of the scheme.
- 1.1.4 The scheme is required to improve congestion, journey time reliability, resilience, and safety along the A27 between Lewes and Polegate and is part of the Department for Transport’s (DfT) Road Investment Strategy (RIS), covering the period 2015 - 2020.
- 1.1.5 Both a compulsory purchase order (CPO) and a side roads order (SRO) is needed to carry out the improvement scheme, which are being constructed using Highways England’s permitted development rights (under Part 9 (b) of the Town and Country Planning (General Permitted Development Order 2015) that rely on carrying out the functions of the Highways Act 1980.
- 1.1.6 The land required is in a variety of ownerships and East Sussex County Council (ESCC) are the highways authority for the side roads.
- 1.1.7 The scheme falls across the boundaries of two lower tier local authorities. Wealden District Council is the local planning authority for the non-metropolitan district of Wealden. The South Downs National Park Authority (SDNPA) is responsible for development and planning within the South Downs National Park (SDNP).
- 1.1.8 Highways England have given a screening opinion under section 105A of the Highways Act 1980 which states that the scheme does not need to be subject to an environmental impact assessment.
- 1.1.9 The land required for a new shared use path, south of the A27 is part of the scheme but also being brought forward with a separate compulsory purchase order and side roads order, and will be supported by a separate statement of reasons.
- 1.1.10 The CPO is made pursuant to sections 239, 240, 246, 250 and 260 of the Highways Act 1980 (the “1980 Act”) for the acquisition of all interests (except any specifically excluded) in the land shown coloured pink (the “Order Land”) on the plan attached to the Order (the “Order Plan”), and as described in the Schedule to the Order. The SRO is made pursuant to section 14 and 125 of the Highways Act 1980.

2

THE ENABLING POWER

2.1.1

Highways England is a government company empowered with operating, maintaining and improving the Strategic Road Network (SRN) on behalf of the Department for Transport. The Highways Act 1980 is the enabling Act under which Highways England may exercise powers of compulsory purchase.

2.1.2

Guidance published in February 2018 by the Ministry of Housing, Communities and Local Government entitled '*Compulsory purchase process and the Crichel Down Rules*' ("the CPO Guidance"), states that authorities should look to use the most specific power available for the purpose in mind and only use a general power where unavoidable. Accordingly, the compulsory purchase order is made using the powers contained as follows;

2.1.3

A summary of the powers in the Highways Act 1980 which are relied upon in relation to the scheme is provided below:

- a) Under section 239, Highways England as the strategic highways company may acquire land required for the construction of a trunk road and as highway authority may acquire land required for the construction of a highway which is to become maintainable at the public expense. It may also acquire land which is required for the carrying out of works authorised by an order relating to a trunk road under section 14 (i.e. the SRO) or for the provision of buildings or facilities to be used in connection with the construction or maintenance of a trunk road. Highways England may also acquire any land required for the improvement of a highway, being an improvement which it is authorised by the Highways Act to carry out.
- b) Under section 240, Highways England as highway authority may acquire land required for use in connection with the construction or improvement of a highway
- c) Under section 246, Highways England as highway authority may acquire land for the purpose of mitigating any adverse effect which the existence or use of a highway constructed or improved by it has or will have on the surroundings of the highway.
- d) Section 249 prescribes distance limits from the highway for the acquisition of land for certain purposes.
- e) Section 250 allows Highways England as the highway authority to acquire rights over land, both by acquisition of those rights already in existence, and by the creation of new rights.
- f) Section 260 allows Highways England as highway authority to override restrictive covenants and third party rights where land already acquired by agreement is included in a compulsory purchase order.
- g) Section 14 allows Highways England as the highway authority to carry out works authorised by an order relating to a trunk road (i.e. the SRO) and the carrying out of a diversion or other works to watercourses.
- h) Section 125 of the 1980 Act enables Highways England to stop up any private means of access to premises adjoining or adjacent to land comprised in the route of a road, or forming the site of any works authorised by the Order, and to provide a new means of access to any such premises.

- 2.1.4 The CPO Guidance provides guidance to acquiring authorities on the use of compulsory purchase powers. Highways England has taken account of this in making the CPO.

3 THE SCHEME

3.1 SCHEME LOCATION

- 3.1.1 The improvements are to the A27 at Berwick roundabout; and further east at Polegate, to Gainsborough Lane Junction, Polegate Junction and Polegate Bypass. The A27 is part of the strategic road network (SRN) and this section runs east/west along the north edge of the South Downs National Park (SDNP), connecting Brighton and Eastbourne, as well as Lewes and Polegate, which are smaller towns located on the edge of the South Downs. Other smaller settlements located near to the A27 between Lewes and Polegate, include Berwick, Alfriston, Milton Street, Wilmington, Folkington and Filchin.
- 3.1.2 The South Downs National Park is to the south of the A27. Polegate railway station is to the east of Polegate Junction, and the line runs east/west parallel to the A27 from Berwick station to Polegate. The A27 at Polegate crosses the line south/north over a bridge.
- 3.1.3 At Polegate the improvements are within a suburban area with the A27 forming a boundary to the town, which in this part comprises mainly residential areas. At Polegate Junction the A27 runs south/north, joining with Cophall roundabout to the north, where the A27 continues east/west, bypassing Polegate, and joining with Pevensey roundabout to the east.
- 3.1.4 Berwick roundabout is within the open countryside, close to Berwick, with a few nearby dwellings and tourist facilities associated with the South Downs.
- 3.1.5 The scheme area is 135.3 hectares. This includes all land required permanently for the scheme, land required for mitigation of adverse effects, acquisition of rights, and land needed temporarily for site compounds and working areas. Land required temporarily is 6.49 hectares.

BERWICK ROUNDABOUT

- 3.1.6 Berwick roundabout connects the A27 with Station Road to the north and Alfriston Road to the south. Alfriston Road serves the village of Alfriston to the south, again, within the South Downs National Park. Station Road serves the railway station at Berwick to the north.
- 3.1.7 The small hamlet of Berwick is approximately 500m to the west of the junction, south of the A27 and within the SDNP.
- 3.1.8 There are a few dwellings immediately adjacent to the south east of the roundabout and to the east of Alfriston Road; Barn Cottage, Dawes House and Starlings.
- 3.1.9 Two tourist attractions are located near to the junction. The English Wine Centre is off the south east corner of the junction and further south is Drusillas Park, a zoo and adventure playground.
- 3.1.10 All other aspects of the roundabout are surrounded by large arable fields bordered by mature hedgerows. Large mature trees are sited at the boundary of the dwellings to the south east of the junction and form a natural barrier from the A27. A small pond lies to the south east of the roundabout adjacent to the highway.

- 3.1.11 There is one listed building approximately 380m to the south of the junction on Alfriston Road, The Bakery.

GAINSBOROUGH LANE JUNCTION

- 3.1.12 The junction at Gainsborough Lane is a minor junction and serves Hyperion Avenue, Sunstar Lane, Bahram Road and Golden Miller Lane as part of a residential development to the south of the A27 at Polegate. The junction and the residential properties to the south of the A27 are not within the South Downs National Park.
- 3.1.13 Surrounding use is residential, with dwellings screened from the A27 by a line of large established trees.
- 3.1.14 Maintained grassed verges form the entrance to Gainsborough Lane, facilitating sight lines to oncoming traffic along the A27.

POLEGATE JUNCTION

- 3.1.15 Polegate Junction joins the A27 with the A2270 Eastbourne Road, one of the main routes into central Eastbourne, with Polegate railway station approximately 500m to the east.
- 3.1.16 There are a number of commercial units on the Grand Parade directly to the south of Polegate Junction, including the Thoroughbred Inn and Polegate Compound is accessed immediately from the junction.
- 3.1.17 The junction is bordered by maintained grassed verges to the south, and corridors of large established trees where the A27 continues north to Cophall Roundabout at Polegate Bypass.

POLEGATE BYPASS

- 3.1.18 Polegate Bypass crosses above the railway linking Eastbourne to Brighton. It serves Honey Pot Farm and allotment gardens to the west and joins to the north at Cophall roundabout, where Polegate Services are located on the western side of the junction.
- 3.1.19 This section of road is screened either side by mature, well established trees and a maintained grassed verge with footway on the east side.

3.2 SCHEME DESCRIPTION

- 3.2.1 The scheme comprises improvements to four junctions; Berwick roundabout, Gainsborough Lane Junction, Polegate Junction and Polegate Bypass.

BERWICK ROUNDABOUT

- Enlargement of existing roundabout
- Signalised Pegasus and Toucan crossing to the west of the junction
- Existing footpath upgraded to a pedestrian/cycle path

- 3.2.2 The first section of improvements is the widening of the A27 at Berwick roundabout. This section will feature an enlargement of the existing roundabout to include a two lane entry and exit of the roundabout. Existing bus stops will be retained, whilst existing crossings and footpaths will be upgraded to a signalised crossing for pedestrians, cyclists and equestrians.

- 3.2.3 Areas for landscaping and planting for biodiversity net gain have also been included at Berwick and forms part of the overall scheme.

GAINSBOROUGH LANE JUNCTION

- Signalisation of existing priority junction
- Dedicated right turn lane for eastbound traffic
- Carriageway widening of the eastern (westbound) and southern arm of the junction
- Relocation of a bus layby
- Shared use path for pedestrians, cyclists and equestrian users

- 3.2.4 Improvements include an upgrade to Gainsborough Lane as a signalised junction with right turn facilities and a dedicated right turn lane for eastbound traffic. Also proposed is the carriageway widening of the eastern arm of the junction (westbound traffic) and southern arm, whilst relocating the bus layby further east in the eastbound direction and the provision of a shared use path.

POLEGATE JUNCTION

- Repositioning and construction of a new improved Polegate Compound access and maintaining the existing highways maintenance compound access;
- Addition of a second left turn lane from Lewes Road to Polegate Bypass
- Inclusion of an island on eastbound carriageway Lewes Road to prevent right turn movements from Brown Jack Avenue onto Polegate Bypass
- Additional right turn lane for southbound traffic turning west
- Shared use path for pedestrians, cyclists and equestrian users

- 3.2.5 Improvements to this junction include an additional highways maintenance compound access, the addition of a second left turn lane toward Lewes Road and Polegate Bypass and the inclusion of an island on the eastbound carriageway Lewes Road to prevent right turn movements from Brown Jack Avenue onto Polegate Bypass. Further improvements include a proposed additional right turn lane for southbound traffic turning west and the relocation on an existing bus shelter.

POLEGATE BYPASS

- Dualling the carriageway to the north of Polegate Junction to Cophall Roundabout
- Widening of the existing railway overbridge by 4.5m to the west
- New signalised crossing provided to the south of Cophall roundabout

- 3.2.6 Improvements here include dualling the carriageway to the north of Polegate Junction to Cophall Roundabout and introducing a central reserve. The proposed road arrangement will be built out from the eastern kerb line. This also includes the widening of the existing railway overbridge.

4

DESCRIPTION OF THE ORDER LAND

- 4.1.1 The Order Land includes land needed for construction, drainage, landscaping and mitigation planting. It is in a variety of ownerships, all adjacent to or very close to the existing highway. It includes grassed and vegetated verges, small woodlands and coppices, and the perimeters of farmland.
- 4.1.2 The Order Land (being the land, interests and new rights over land proposed to be compulsorily acquired pursuant to the Order) comprises 135.3 hectares. This comprises 71.45 hectares for which title to the Order Land is required, 56.86 hectares for which acquisition of title for mitigation of adverse effects is required, 0.48 hectares for which permanent acquisition of rights is required and 6.49 hectares for which temporary rights over land are required for construction purposes.
- 4.1.3 Full details of the Order Land appear in the Schedule to the Order. Known interests and new rights to be acquired are also recorded in the Schedule. The Schedule has been prepared based upon information gathered through inspection of Land Registry title documents and information provided by owners and occupiers within land interest questionnaires.
- 4.1.4 Part of the Order Land described within the Schedule to the Order is required for construction and siting of the A27 East of Lewes Improvements and will be retained in perpetuity. However, other parts of the Order Land and related rights will be returned to the owners on completion of the scheme.
- 4.1.5 The extent, description and situation of the land plots to be compulsorily acquired and the reason for their inclusion in the Order, is appended to this Statement of Reasons as Appendix A.

5

JUSTIFICATION

5.1 JUSTIFICATION FOR COMPULSORY PURCHASE

- 5.1.1 Highways England are confident that there is a compelling case in the public interest that sufficiently justifies interfering with the rights of those with an interest in the land. The public interest case for the compulsory purchase of land derives from their being an identified need for improvements along this section of the A27, which the scheme will provide.
- 5.1.2 The issues from which the need for the scheme arises along with how the improvements will address these issues is set out in Section 5.3 of this Statement of Reasons.
- 5.1.3 Highways England understands that the compulsory purchase of land should be a measure of last resort. The land required to construct the scheme has multiple freehold and leasehold interests together with easements and covenants that need to be extinguished.
- 5.1.4 Highways England are continuing to contact and engage with landowners to ask if they would be prepared to negotiate the acquisition of their land by agreement.
- 5.1.5 Highways England can only ensure achievement of the scheme objectives and begin construction on time and within budget if compulsory powers are taken. Whilst negotiations will continue with landowners, the compulsory acquisition of the land will ensure the works can be carried out and the public benefits of the scheme realised.
- 5.1.6 The Order will therefore enable Highways England to achieve its objectives in the timeliest and most cost-effective manner.

5.2 JUSTIFICATION FOR SIDE ROADS ORDERS

- 5.2.1 The aim of the side roads order is to maintain access to all land and property directly affected by the scheme and to make necessary changes to the highway network for which Highways England are not the authority.
- 5.2.2 The side roads order will ensure that where a highway is to be stopped up, another reasonably convenient route is available or will be provided before the highway is stopped up. 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. Provision will also be made for the preservation of any rights of statutory undertakers in respect of their apparatus.
- 5.2.3 To enable it to do these works the Highway Authority is promoting the side roads order.
- 5.2.4 There are no new highways to be created within the scheme.
- Highways to be improved under the side roads order include:
- Station Road C39, over a short length immediately north of its junction with the trunk road
 - Alfriston Road C39, over a short length immediately south of its junction with the trunk road
 - Gainsborough Lane, over a short length immediately south of its junction with the trunk road to facilitate widening of the trunk road

- Brown Jack Avenue, over a short length immediately south of the A27 Lewes Road at Polegate to facilitate the shared use path and trunk road junction modifications
- Eastbourne Road A2270 to the east of its junction with A27 Lewes Road at Polegate and a short length of the access road to Bernhard Baron Cottage Homes, both to facilitate junction widening and footway modifications

Highways to be stopped up are:

- Station Road C39, from a point 33 metres north of the centre point of the existing Berwick roundabout, for a distance of approximately 27 metres in a northerly direction, to facilitate the enlarged Berwick roundabout with a new connection to Station Road C39, forming part of the improved trunk road

Private means of access to be stopped up are:

- (1/a) Access to field from the eastern boundary of Station Road C39 approximately 50 metres north of the centre point of the existing Berwick roundabout, to be replaced with access reference 1/1 below and on SRO Plan 1
- (2/a) Access to property No.1 Gainsborough Lane from the eastern boundary of Gainsborough Lane in the vicinity of its junction with the trunk road, to be replaced with access reference 2/1 below and on SRO Plan 2
- (3/a) Access to Polegate Compound, Polegate from the northern boundary of the A27 Lewes Road, opposites its junction with Brown Jack Avenue, to be replaced with new access reference 3/1 below and on SRO Plan 3
- (4/a) Access to field from the western boundary of the A27 Polegate Bypass, situated approximately 245 metres north from the intersection of the A27 with the centre of the East Coastway Railway, to be replaced with new access reference 4/1 below and on SRO Plan 4
- (4/b) Access to Honey Pot Farm from the western boundary of the A27 Polegate Bypass approximately 400 metres south of the junction of the A27 Polegate Bypass with the Cophall Roundabout, to be replaced with new access reference 4/2 below and on SRO Plan 4
- (5/a) Access to farm building and fields from the western boundary of the A27 Polegate Bypass approximately 223 metres south of the junction of the A27 Polegate Bypass with the Cophall Roundabout, to be replaced with new access reference 5/1 below and on SRO Plan 5
- (5/b) Access to Cophall Allotments from the western boundary of the A27 Polegate Bypass approximately 144 metres south of the junction of the A27 Polegate Bypass with the Cophall Roundabout, to be replaced with new access reference 5/2 below and on SRO Plan 5

New private means of access to be created are:

- (1/1) New access to field from the north-east side of Berwick roundabout forming part of the improved trunk road
- (2/1) New access from the existing southern boundary of the trunk road and then southwards alongside the eastern boundary at the rear of No. 1 Gainsborough Lane, all to the east of the existing junction of the trunk road and Gainsborough Lane
- (3/1) New eastbound only access to Polegate Compound, from the north side of the trunk road, opposite its junction with Brown Jack Avenue
- (3/2) New additional all-movement access to Polegate Compound from the north side of the trunk road, west of Brown Jack Avenue junction
- (4/1) New access to field from the west side of the improved trunk road, south of Honey Pot Farm

- (4/2) New access to Honey Pot Farm from the west side of the improved trunk road, south of Cophall Roundabout
- (5/1) New access track to farm building and fields on the north side of Honey Pot Farm, from the west side of the improved trunk road, north of Honey Pot Farm
- (5/2) New access to Cophall Allotments from the west side of the improved trunk road, to the south of Cophall Roundabout

5.3 THE NEED FOR AND BENEFITS OF THE SCHEME

- 5.3.1 The public interest case for the compulsory purchase of land derives from there being an identified need for improvements along this section of the A27, which the scheme will provide.
- 5.3.2 The A27 East of Lewes improvement scheme is one of over 80 **Road Investment Strategy 1 (RIS 1)** schemes being progressed as part of **Highways England's Delivery Plan**.
- 5.3.3 The **Highways England Strategic Business Plan** states that RIS schemes should support:
- Economic Growth
 - A safe and serviceable network
 - More free-flowing network
 - Improved environment
 - More accessible and integrated network
- 5.3.4 The A27 is the only east-west trunk road south of the M25 and is close to capacity. The wider A27 corridor is a major focus to enable growth in jobs and housing, with five of the nine growth areas identified in the **Coast to Capital Strategic Economic Plan** being in this corridor. While local and regional development in housing and employment is planned, growth cannot be realised without improvements to the road network.
- 5.3.5 Enhancements along the A27 and beyond were previously considered as part of the 2002 **South Coast Multi Modal Study (SoCoMMS)**, which identified the need for a number of investments along the A27.
- 5.3.6 The need for this scheme was identified in the DfT's 2015 **A27 Corridor Feasibility Study** using the following objectives to identify 'hotspot areas' for targeting interventions,
- **Connectivity and Capacity** - reduce travel time and improve journey time reliability in the key hotspot area
 - **Societal** - reduce severance and pollution impacts and provide opportunities for improved accessibility for all users
 - **Economy** - enable local planning authorities to manage the impact of planned growth and in doing so support the wider economy
 - **Safety and Resilience** - provide safer roads which are resilient to delay and which are able to adequately cater for the impacts of adverse weather
 - **Environmental** - minimise impacts on the natural environment and optimise environmental opportunities and mitigation
- 5.3.7 One of the 'hotspots' identified using these objectives was the stretch of A27 between Lewes and Polegate.

5.3.8 **The A27 Corridor Feasibility Study (February 2015)**, prioritised areas along the stretch of the A27 between Lewes and Polegate where need for intervention was identified.

5.3.9 Challenges and issues that scheme will address are:

- Poor junction performance (delays, reliability and queues), including at Polegate and Berwick roundabout
- Average speeds on this section of the A27 are low for a trunk road, at between 31 – 40 mph
- Congestion is a problem due to being single carriageway, which results in increased journey times and low traffic speeds
- Annual average daily traffic volumes on specific single carriageway links are close to or above the theoretical capacity of the road between Lewes and Polegate. There is therefore a lack of spare capacity to support economic growth
- Poor access to the national park due to severance caused by the A27
- Safety is a problem throughout the corridor and accidents and incidents are a regular cause of long delays. Pedestrians, cyclists and horse riders are also not fully catered for with insufficient crossing points
- A comparatively high accident frequency along the A27 East of Lewes compared to the rest of the SRN can cause unpredictable delays and affects journey time reliability. This results in the transfer of traffic onto less suitable routes through local villages to try and avoid delays, causing wider impacts on the safety and maintenance of the county road network
- Future growth will result in demand further exceeding capacity along this section of the A27, acting as a constraint to planned growth in housing and employment, and creating problems for the local community and business

5.3.10 The emerging SDNP Local Plan (due to be adopted spring 2019) identifies Polegate as a 'Gateway' to the national park. South Downs National Park Authority have also identified in consultation that *'the Berwick roundabout is 'is an important gateway to the SDNP and is currently under performing in terms of character'.*

5.4 SCHEME OBJECTIVES

5.4.1 The following scheme objectives were formed to address the need for the scheme

- **Smooth the flow of traffic** by improving journey time reliability and reducing delay (time lost per vehicle per mile) on the section of the A27 between Lewes and Polegate, through small scale interventions
- **Improve safety for all road users** and reduce the annual collision frequency and severity ratio on the A27 East of Lewes
- **Support sustainable modes of travel and behaviours** which minimise traffic and congestion
- **Reduce severance for local communities**, including vulnerable road users, to provide better access to local services and facilities, and improve access for local business along the corridor
- **Provide opportunities for improved accessibility for all users into the South Downs National Park**
- **Have regard to the National Park purposes and the special qualities** the SDNP authority is seeking to preserve in designing and evaluating improvement options

- 5.4.2 The scheme also includes a shared use path along the length of the A27 between Lewes and Polegate, joining with existing facilities. This is part of separate compulsory purchase order and side roads order. Together with the shared use path that is the subject of a separate CPO, these objectives are achieved by the scheme as follows:

SMOOTH THE FLOW OF TRAFFIC

- 5.4.3 The improvements at Berwick and Polegate Junctions include additional lanes allowing more traffic to pass through the junctions. The upgrading of a congested section of the Polegate Bypass to urban dual carriageway standard will allow for overtaking and two lanes of traffic to filter in different directions at Polegate Junction. Cumulatively, the improvements allow additional capacity which will smooth the flow of traffic. This will improve the reliability of journey times and reduce delay.

IMPROVE SAFETY FOR ALL ROAD USERS

- 5.4.4 At Berwick roundabout a new Pegasus and Toucan crossing will allow road users to safely cross the road, as would the new Toucan crossings at Gainsborough Drive and Polegate. A shared use path would also be enabled by the purchase of land at Polegate. This will link with the shared use path along the length of this section of the A27, improving safety for all road users by separating cyclists and other users from vehicular traffic.

SUPPORT SUSTAINABLE MODES OF TRAVEL AND BEHAVIOURS

- 5.4.5 The provision of crossing facilities will encourage the sustainable travel. As above, the shared use path is also part of the CPO at Polegate, which will link with the shared use path along the length of this section of the A27, the subject of a separate CPO. This will improve safety for all road users by separating cyclists from vehicular traffic.

REDUCE SEVERANCE FOR LOCAL COMMUNITIES

- 5.4.6 The provision of signalised crossing facilities at Berwick and Polegate will allow the A27 to be crossed, reducing identified community severance, especially at Berwick.

PROVIDE OPPORTUNITIES FOR IMPROVED ACCESSIBILITY FOR ALL USERS INTO THE SOUTH DOWNS NATIONAL PARK.

- 5.4.7 The land required for a new shared use path, south of the A27 is part of the scheme but being brought forward with a separate compulsory purchase order and side roads order, and will be supported by a separate statement of reasons. This, plus the crossings provided as part of this CPO, will provide significantly improved opportunities for all users to access the park.

HAVE REGARD TO THE NATIONAL PARK PURPOSES AND THE SPECIAL QUALITIES

- 5.4.8 This has been considered throughout the design and development of the scheme and is addressed further in Section 5.7.1.

CONCLUSION

- 5.4.9 Overall, Highways England are satisfied that there is a public interest case in acquiring land for

these improvements.

- 5.4.10 The improvement scheme addresses identified issues on this section of trunk road. If implemented they will create a more accessible and integrated network together with reducing congestion and providing additional capacity for future growth. The proposals will reduce severance for local communities, including vulnerable road users, providing better access to local services and facilities whilst improving access for local businesses along the corridor. This will also provide opportunities for improved accessibility for all users into the South Downs National Park.

5.5 THE ECONOMIC CASE FOR THE SCHEME

- 5.5.1 An economic appraisal report has been prepared by WSP to document the methodology and outputs from an economic appraisal of the A27 East of Lewes scheme. This has been completed using a micro-simulation model which has been developed for the appraisal of the A27 East of Lewes RIS1 scheme.
- 5.5.2 The Economic Appraisal Package has been prepared to summarise the economic appraisal of the A27 East of Lewes scheme. The economic appraisal undertaken for the scheme includes monetisation of the following impacts, however, a summary is provided later for expediency:
- Journey time savings
 - Construction
 - Vehicle operating costs
 - Accident savings
 - Physical activity
 - Journey quality
 - Noise
 - Air quality
 - Greenhouse gases
 - Indirect tax
- 5.5.3 Economic appraisal results and subsequent scheme benefits have identified the majority of benefits generated by the scheme come in the form of travel time benefits. This shows that the introduction of the scheme improves journey times on the A27 due to the removal of large delays around the scheme junctions. The majority of the scheme benefits are for business and commuting trips at peak travelling times. Results also show the largest proportion of the benefits is generated during the inter-peak; this is primarily due to the higher volume of inter-peak hours included within the economic appraisal.
- 5.5.4 Time travel savings have been identified and presented in the economic appraisal, where the majority of travel time benefits are for time savings greater than 5 minutes. This is expected as the scheme significantly reduces the congestion and delays on the A27 in each of the model time periods. Again, business users receive the largest proportion of travel time saving benefits as the majority of business trips occur during the inter-peak where more hours have been included within the appraisal.
- 5.5.5 Specific zonal benefits show the majority of the schemes benefits are generated by trips travelling through and between Berwick roundabout, Gainsborough Lane and Polegate. This is unsurprising as these areas are the areas with highest levels of traffic movements.

- 5.5.6 Certain disbenefits have been identified at limited locations. These disbenefits are present for traffic attempting to get out of side roads such as Wannock Road and Polegate High Street. However, these disbenefits are quite small in comparison to overall scheme benefits.
- 5.5.7 Environmental economic benefits have been monetised to show an overall economic benefit of £3.7 million for a decrease in greenhouse gases. This result was from the Emissions Factors Toolkit and WebTAG Greenhouse Gases workbook.
- 5.5.8 Noise assessments were undertaken, with impacts being calculated using two different approaches; one with noise barriers and one without noise barriers. As the noise barriers form part of the scheme, this result has been used.
- 5.5.9 Noise assessment results and its monetary value have been calculated at two different levels, one for 'least beneficial change' and one at a 'highest level'. The scheme with noise barriers suggests a least beneficial change and its monetary value at -£221,763 and the highest level at £980,160.
- 5.5.10 Accident assessment results indicate with the scheme in place, there will be an overall decrease in the number of casualties over the 60-year appraisal period. Most of the casualty savings are a result of dualling the link between Polegate Junction and Cophall roundabout and increasing the size and capacity of Berwick roundabout.
- 5.5.11 Further scheme contributions include a positive effect on economic growth, whereby £101 million commuter benefits and £222 million business user benefits have been identified as savings through delay reduction.

5.6 ALTERNATIVES EXCLUDING LAND TAKE

- 5.6.1 The development of options follows Highways England's Project Control Framework (PCF), with reference to steps up to PCF Stage 3.
- 5.6.2 A feasibility study assessing the need and objectives for improvements along the A27 East of Lewes was undertaken in 2015, prior to the commencement of PCF Stage 0.
- 5.6.3 The sections below set out the options considered to minimise or exclude land take, and the reasons for the preferred junction improvement strategy.

BERWICK ROUNDABOUT

- 5.6.4 During previous PCF stages, there were no alternative designs for Berwick roundabout other than the 'do nothing' scenario. Land constraints limit the options available at this location, with the majority of work being located within the existing highway boundary and surrounding residential properties. Therefore, it was decided the roundabout was to be enlarged and two slip lanes on the A27 are to be widened to improve through capacity.

POLEGATE JUNCTION AND BYPASS

- 5.6.5 The chosen option for Polegate Junction was to widen Polegate railway bridge and Polegate Bypass, increasing capacity whilst having greater traffic-related benefits. Part of the improvements at this location include Gainsborough Lane, where there were no alternatives other than a 'do nothing' scenario. It was considered junction improvements at this location were a necessity, due to adjacent highway improvements at Polegate, and bringing a signal controlled junction to prevent tailbacks on Gainsborough Lane. All works at Gainsborough Lane are within the highway boundary.

- 5.6.6 The option to widen Polegate Bypass to the east was considered during the evolution of the preliminary design, as the highway boundary extends further to the east than it does to the west of the bypass, therefore culminating in reduced land take and reduced tree loss.
- 5.6.7 However, much of the land to the east is within a Noise Important Area, which is an area already subject to adverse noise conditions. Widening the highway at Polegate Bypass to the east would result in further adverse noise conditions for the properties to the east. Although it is considered that widening the road will result in a general increase in noise levels, bringing the highway closer to residential receptors and subsequent tree loss for a pavement and noise barriers would result in the loss of an existing strip of woodland currently acting as a visual screen for the properties to the east. Removing this vegetation and moving the road closer to the residential properties would more than likely result in adverse landscape effects than additional land take and widening to the west of the A27 at Polegate.
- 5.6.8 Options for improvements at Polegate Junction are within the existing highway boundary, apart from a private means of access to Polegate Compound to the north of the A27. Land take is required at this location to provide a new and safer access point for vehicles.
- 5.6.9 Further justification is provided in Section 5 on a plot-by-plot basis to determine specific land take requirements and the reason for temporary or permanent acquisition.

5.7 POLICY, LEGISLATION AND GUIDANCE

RELEVANT LEGISLATION

- Highways Act 1980
- Acquisition of Land Act 1981
- Environment Act 1995
- The Highway and Railway (Nationally Significant Infrastructure Project) Order 2013
- The Town and Country Planning (General Permitted Development) (England) Order 2015
- National Parks and Access to the Countryside Act 1949
- Noise Insulation Regulations, 1975

NATIONAL PARK DUTY

- 5.7.1 **Section 5(1) of the National Parks and Access to the Countryside Act 1949 (NPAC)** sets out the provisions of this Part of this Act shall have effect for the purpose -

(a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next following subsection; and

(b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

Section 11A of the NPAC relates to the duty of certain bodies and persons have with regards to the purposes for which National Parks are designated.

(1) A National Park authority, in pursuing in relation to the National Park the purposes specified in subsection (1) of section five of this Act, shall seek to foster the economic and social well-being of local communities within the National Park, and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social

development within the area of the National Park.

RELEVANT PLANS AND POLICY

The National Planning Policy Framework (NPPF)

- 5.7.2 A revised NPPF was published on the 19th February 2019. The NPPF sets out the Government's planning policies for England and how these should be applied. It also provides a framework within which local development plans are produced. It sets out a presumption in favour of sustainable development.

National Planning Practice Guidance (NPPG)

- 5.7.3 This online guidance supplements the NPPF with more detailed and specific guidance on how to apply and interpret planning policy.

National Policy Statement for National Networks (NPSNN)

- 5.7.4 The NPSNN sets out the Government's vision and policy for the future development of nationally significant infrastructure projects on the national road and rail networks and provides guidance for promoters of such projects. Although the scheme is not classified as an NSIP, it is on the SRN and this may be a material consideration for such schemes.
- 5.7.5 Despite the scheme not being classified as a NSIP, there is less reliance on the conformity with specific policies in the NPSNN. However, it is considered certain weight should be applied to relevant chapters in terms of design and environmental impact. These chapters are discussed in the respective topics of Section 6.
- 5.7.6 Paragraph 2.23 of the NPSNN states the Government's wider policy is to bring forward improvements and enhancements to the existing SRN. Enhancements to the existing national road network will include junction improvements to address congestion and improve performance.
- 5.7.7 Improvements to trunk roads, in particular dualling of single carriageway strategic trunk roads and additional lanes on existing dual carriageways to increase capacity and to improve performance and resilience forms part of this strategy. It is considered that the scheme will help to support and stimulate economic growth and activity in the local area and provide a safe and resilient network.

Noise Policy Statement for England (NPSE) (2010)

- 5.7.8 This statement sets out the long term vision of government noise policy, to promote good health and good quality of life through the management of noise.

Wealden District Council Core Strategy (Adopted February 2013)

- 5.7.9 The Core Strategy comprises a long-term spatial vision and strategic objectives for the Wealden District for the period 2013 to 2027, including the area within Wealden which is in the South Downs National Park. The Core Strategy was adopted in February 2013.
- 5.7.10 Current adopted policy for Wealden includes the section of SDNP within the district boundary, however the SDNPA are currently preparing a Local Plan to cover solely the National Park. As the Local Plan for the SDNPA has recently undergone examination and it not yet formally adopted, consideration will be made to the Wealden Core Strategy for the National Park.

Relevant policies:

- SPO1 (Managing Countryside Resources)
- SPO2 (Historic Environment)
- SPO3 (Addressing Need for Homes and Economic Prosperity)
- SPO7 (Transport Opportunities)
- SPO8 (Rural Communities)
- SPO9 (Impacts of Climate Change)
- SPO11 (Green Infrastructure)
- SPO12 (Crime and Road Safety)
- SPO13 (High Quality Environments)
- SPO15 (Spatial Strategy)
- WCS2 (Distribution of Housing Growth 2006-2027)
- WCS5 (Managing the Release of Housing Land)
- WCS6 (Rural Areas Strategy)
- WCS7 (Effective Provision of Infrastructure)
- WCS12 (Biodiversity)
- WCS13 (Green Infrastructure)
- WCS14 (Presumption in Favour of Sustainable Development)

South Downs National Park Authority Emerging Local Plan

- 5.7.11** The emerging Local Plan for South Downs National Park Authority sets the policies against which planning applications will be considered and allocates land for a variety of uses. The plan is scheduled to cover the period from 2014 – 2033. Consultation is currently underway until Thursday 28th March 2019 on the Main Modifications to the Local Plan.
- 5.7.12** Adoption of the Local Plan for the South Downs National Park Authority is intended for May 2019, therefore, considerable weight must be given to the policies within this plan as the stages towards adoption run concurrently with the intended CPO programme for this scheme.
- 5.7.13** Once adopted, the new Local Plan will replace all existing planning policies currently operating across the South Downs National Park.

Relevant policies:

- SD1 (Sustainable Development)
- SD2 (Ecosystem Services)
- SD3 (Major Development)
- SD4 (Landscape Character)
- SD5 (Design)
- SD6 (Safeguarding Views)
- SD7 (Relative Tranquillity)
- SD8 (Dark Night Skies)

- SD9 (Biodiversity and Geodiversity)
- SD10 (Trees, Woodland and Hedgerows)
- SD11 (Historic Environment)
- SD13 (Listed Buildings)
- SD15 (Conservation Areas)
- SD17 (Protection of the Water Environment)
- SD19 (Transport and Accessibility)
- SD20 (Walking, Cycling and Equestrian Routes)
- SD21 (Public Realm, Highway Design and Public Art)
- SD25 (Development Strategy)
- SD26 (Supply of Homes)
- SD34 (Sustaining the Local Economy)
- SD42 (Infrastructure)
- SD45 (Green Infrastructure)
- SD49 (Flood Risk Management)
- SD50 (Sustainable Drainage Systems)
- SD54 (Pollution and Air Quality)

SUPPLEMENTARY PLANNING DOCUMENTS AND GUIDANCE

- Wealden Design Guide SPD (2008)
- South Downs National Park Authority: Tranquillity Study (2017)
- Roads in the South Downs: Enhancing the safety and quality of roads and places in the National Park (June 2015)

OTHER PLANS, STUDIES, POLICY, GUIDANCE AND DATA SOURCES

- Road Investment Strategy 2015-2021
- Highways England Delivery Plan Update 2018-19
- East Sussex Waste and Minerals Local Plan (February 2013)
- Environment Strategy for East Sussex (June 2011)
- Wealden Green Infrastructure Study (May 2017)
- Design Manual for Roads and Bridges (January 2019)
- Biodiversity and Planning in Sussex (2014)
- Highways England Strategic Business Plan 2015 – 2020
- Coast to Capital Strategic Economic Plan 2018 – 2030
- South Coast Multi Modal Study (SoCoMMS)

6

CONFORMITY WITH POLICY, LEGISLATION AND GUIDANCE

6.1.1 The main material planning considerations for the proposed scheme concern the following:

- Living conditions, including; noise, air quality and views from residential dwellings
- Design quality
- Historic environment
- Landscape and views
- Ecology and biodiversity
- Flood risk and climate change
- Waste management

6.2 LIVING CONDITIONS

6.2.1 The A27 is close to several rural communities and isolated dwellings where living conditions can be affected by traffic and construction noise and vibration, emissions, artificial light, a loss of privacy, by changes to views or by a combination of these issues. Living conditions are considered in the below policy context.

6.2.2 **Paragraph 117** of the NPPF encourages an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

6.2.3 **Paragraph 180** of the NPPF states that development should be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

6.2.4 **Policy SD54** of the emerging **SDNP Plan** states development proposals will be supported provided that levels of air, noise, vibration, light, water, odour or other pollutants do not have a significant negative effect on people or in the foreseeable future.

Paragraph 180 of the **NPPF** seeks to ensure development is appropriate for its location taking into account the likely effects from noise from new development.

NOISE

6.2.5 Noise from traffic on the A27 already dominates the area. Whilst noise would increase slightly along the A27 due to traffic growth even without the scheme, the improvements will result in a freer flow of traffic, which can increase noise.

6.2.6 Residential locations that may be affected by noise from the scheme include Brookside Avenue (Polegate, approximately 20m from the alignment) and Hyperion Avenue (Polegate, approximately 8m from the alignment), The Village (Berwick, approximately 40m from the alignment), and The Village (Alciston, approximately 25m from the alignment).

- 6.2.7 There are also several noise important areas (NIA) near to the scheme, most relevantly the residential area east of Polegate Bypass (NIA 4371). A full list of nearby NIAs can be found in Chapter 11 of the Environmental Assessment Report (EAR) that is published alongside this statement and the Orders.
- 6.2.8 Due to the potential for significant effects at sensitive receptors, a detailed assessment of noise has been undertaken in line with DMRB HD 213/11 requirements. The methodology used and results of this assessment can also be found in the Chapter 11 of the EAR.
- 6.2.9 The acceptability of noise effects from road traffic on living conditions as required by the local plans and the NPPF relies on guidance within the **Noise Policy Statement for England (NPSE)** and **Planning Practice Guidance** for noise.
- 6.2.10 The **NPSE** promotes good health and quality of life by managing noise within the context of Government policy on sustainable development. As such, the acceptability of noise effects are not considered separately from the economic, social, and any environmental benefits of the development (PPG Noise, Paragraph 002).
- 6.2.11 The PPG and NPSE together classify observed noise levels into four categories: no observed effect level (NOEL); lowest observed adverse effect level (LOAEL); significant observed adverse effect level (SOAEL); and unacceptable adverse effect level (UAEL).
- 6.2.12 Noise increases between the LOAEL and SOAEL should be minimised. SOAEL is the level of noise exposure above which significant adverse effects on health and quality of life can occur and cause a material change in behaviour and/or attitude. Whilst exposure to noise above the LOAEL or SOAEL should be minimised or avoided, it remains possible to justify so long as it is outweighed by other benefits of the scheme.
- 6.2.13 The UAEL is an unacceptable level of noise that due to the serious adverse impacts on health and quality of life must be prevented regardless of the other benefits of the activity causing the noise. No dwellings are predicted to become subject to noise above the UAEL as a result of the scheme.
- 6.2.14 Noise has been assessed without mitigation aside from low noise servicing, which is integral to the A27 East of Lewes Improvement scheme. Any reported improvements to the noise environment 'without mitigation' is therefore due to low noise surfacing.
- 6.2.15 In the short-term, predicted noise levels from the scheme cause noise at two dwellings to increase above the SOAEL in the daytime and nine dwellings to decrease below the SOAEL in the night-time. In the daytime there is a slight increase in the number of dwellings between the LOAEL and SOAEL and a slight increase in the number of dwellings which fall below the LOAEL.
- 6.2.16 In the long-term, the scheme is predicted to increase the number of dwellings above the SOAEL (18 more in the daytime and 10 more in the night-time). The increase is primarily due to the natural traffic growth in the area.
- 6.2.17 Noise levels from the scheme are predicted to exceed the LOAEL at over 1,500 properties. However, many of these properties are isolated, nor sufficiently close to the A27 for a noise barrier or bund to provide a meaningful benefit, (a reduction in noise levels of at least 3 dB). Neither have noise barriers been considered if they were not in keeping with the existing surroundings. For example, at dwellings that immediately front the road, consequently, for the majority of properties, mitigation is considered unsustainable in the context of the aims of the NPSE and so not required in policy.
- 6.2.18 Overall, the scheme would not change the category into which most dwellings will fall. Whilst

some dwellings would be better off than others, there will not be a particularly adverse impact from noise from the scheme as a whole, even without mitigation, such as noise barriers.

- 6.2.19 Where noise mitigation is part of the scheme, it is therefore implemented as an enhancement, only where would provide meaningful benefit, is cost effective, and would be in keeping with its surroundings. Any noise barriers provided as an enhancement would be on existing highways land.
- 6.2.20 Three acoustic barriers will form part of the scheme, but do not require third party land to be compulsorily acquired, nor are essential to ensure that the scheme complies with policy.
- A 620m long, 3m high, reflective noise barrier along the length of the section of Polegate Bypass being improved. It will be set-back approximately 5.5 metres from the eastern boundary of the carriageway, on existing highways land. This will reduce noise at approximately 450 surrounding dwellings in NIA 437.
 - A 112m long, 2m high, absorptive noise barrier to the east of Eastbourne Road along the existing highway fence-line. It would reduce noise at approximately ten dwellings in NIA 12376.
 - Raise the height of the existing stone wall fronting Barnhard Baron Cottage Homes (approximately 100 metres in length) be increased to 2 metres benefiting approximately twelve receptors to the east of Eastbourne Road and the residents of Barnhard Baron Cottage Homes. All in NIA 12376.
- 6.2.21 The noise assessment also indicates that two dwellings are likely to be eligible for an offer of noise insulation, under the Noise Insulation Regulations. These properties are 1 Gainsborough Lane, Polegate, BN26 5HY and 1 Lewes Road, Polegate, BN26 5JE.
- 6.2.22 For the above reasons the scheme is able to meet policy requirements in respect of noise on living conditions, as set out in the NPFF, NPSE, PPG and the local plans.
- 6.2.23 If noise barriers are constructed either on private land by agreement or on highways land, then there would also be an improvement to the noise environment in areas that are already subject to significant adverse levels of noise, which would be further consistent with the intent of policy.
- 6.2.24 **AIR QUALITY**
- 6.2.25 **Policy SD54 (Pollution and Air Quality)** of the emerging SDNPA Local Plan states development proposals will be permitted provided that levels of air, noise, vibration, light, water, odour or other pollutants do not have a significant negative affect on people and the natural environment now or in the foreseeable future, taking into account cumulative impacts and any mitigation.
- 6.2.26 To minimise the risk of adverse impacts during construction, industry best practice measures will be employed. Appropriate measures will be specified in the Construction Environmental Management Plan (CEMP).
- 6.2.27 Mitigation of operational phase impacts will only be required if significant adverse effects are likely. The results of an air quality assessment show that there are no significant effects for air quality and the scheme can progress without any additional mitigation.

IEWS FROM RESIDENTIAL DWELLINGS

- 6.2.28 Whilst views from private residential dwellings are not normally material planning considerations, it is not in the public interest to create unacceptable living conditions where they did not exist before.

6.2.29 Since the improved parts of the highways are close to residential areas views from some dwellings will be affected. However, the improved sections of highway are not of a nature that would be overbearing or so close to these dwellings that they would create unacceptable living conditions for the occupants.

6.3 DESIGN QUALITY

6.3.1 **Section 12** of the NPPF promotes achieving well-designed places. It states good design is a key aspect of sustainable development, it creates better places in which to live and work and helps make development acceptable to communities.

6.3.2 The **National Policy Statement for National Networks (NPSNN)** suggests criteria for “good design” for national network infrastructure. It states visual appearance should be a key factor in considering the design of new infrastructure, as well as functionality, fitness for purpose, sustainability and cost. Applying good design to national network projects should therefore produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction, matched by an appearance that demonstrates good aesthetics as far as possible.

6.3.3 The NPSNN states further a good design should meet the principal objectives of the scheme by eliminating or substantially mitigating the identified problems by improving operational conditions and simultaneously minimising adverse impacts. It should also mitigate any existing adverse impacts wherever possible, for example, in relation to the safety or the environment. A good design will also be one that sustains the improvements to operational efficiency for as many years as is practicable, taking into account capital cost, economics and environmental impacts.

6.3.4 **Policy SPO13** of the Wealden Core Strategy encourages the development of high quality, safe and attractive living environments in both towns and villages, while promoting local distinctiveness through good design in all new development.

6.3.5 The **Wealden Design Guide SPD** supports any new prospective development through the recommendation of specific design guidelines for locally significant projects.

6.3.6 **Strategic Policy SD5: Design** of the emerging SDNPA Local Plan states development proposals will be supported where they adopt a landscape-led approach and respect the local character, through sensitive and high-quality design that makes a positive contribution to the overall character and appearance of the area.

6.3.7 **Development Management Policy SD21: Public Realm, Highway Design and Public Art** states development proposals will be supported provided that they protect and enhance highway safety and follow the principles set out in the document, *Roads in the South Downs*, or any future replacement. Development will not be supported where it would reduce the biodiversity, landscape and amenity value and character of historic rural roads. Particular attention will be given to new access points and other physical alterations to roads, and to the impacts of additional traffic.

6.3.8 Supplementary guidance is provided in **Roads in the South Downs** which aligns with the principles set out in Section 62 (2) of the Environment Act 1995 that clarifies the responsibilities and duties of any public organisation working in the National Park to have regard to National Park purposes.

6.3.9 Through discussions held with the SDNPA previously referred to in this report, Berwick roundabout is currently under performing in terms of character and is considered an important gateway to the SDNP. Policies **SPO13**, **SD5** and **SD21** support the promotion of local distinctiveness and the opportunity to develop the roundabout to provide an enhanced

landscaped gateway to the National Park.

- 6.3.10 The improvements have primarily been designed to make the A27 functional, and to meet the objectives of the scheme, and to accord with the technical requirements of the DMRB, without departure from standard.
- 6.3.11 Since the setting is sensitive (being adjacent and sometimes within the SDNP), especially at Berwick, a landscape scheme has been proposed as part of the EAR that is designed to integrate the surrounding character of the landscape. This is in line with feedback from the SDNPA about improving the character of this 'gateway' location to the park.
- 6.3.12 The proposed scheme has therefore been designed to accord with the local and national policy, with particular reference to good design.

6.4 HISTORIC ENVIRONMENT

- 6.4.1 The closest heritage asset to Berwick roundabout is a Grade II listed building (The Bakery) on Alfriston Road, approximately 400 metres south. There are no other heritage assets at Berwick roundabout. The nearest heritage asset to the junction improvements at Polegate is approximately 1KM at Wootton Manor.
- 6.4.2 It is considered there will be no significant effects on the settings of the assets during the construction and operational phase of the junction improvements at Berwick and Polegate due to the distance of heritage assets from the scheme.

6.5 LANDSCAPE AND VIEWS

- 6.5.1 **Paragraph 170** of the NPPF states planning policies and decisions should contribute to and enhance the natural and local environment, by protecting and enhancing valued landscapes.
- 6.5.2 **Paragraph 172** of the NPPF states great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
- 6.5.3 **Paragraph 180** of the NPPF ensures that new development is appropriate for its location taking into account certain likely effects, with particular reference to the scheme to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 6.5.4 **Policy WCS13 Green Infrastructure** of the Wealden Core Strategy indicates the District's existing network of green infrastructure will be protected, improved and enhanced, partly through maintaining and improving landscape character.
- 6.5.5 The first Local Plan objective of the emerging SDNPA Local Plan is to conserve and enhance the landscapes of the National Park.
- 6.5.6 **Core Policy SD1: Sustainable Development** of the emerging SDNPA Local Plan states development will not be supported where proposals fail to conserve the landscape, natural beauty, wildlife and cultural heritage of the National Park unless, exceptionally, that the benefits of the proposals demonstrably outweigh the great weight to be attached to those interests; and there is substantial compliance with other relevant policies in the development plan.
- 6.5.7 **Strategic Policy SD7** of the emerging SDNPA Local Plan states development proposals will only be supported where they conserve and enhance relative tranquillity and should consider direct impacts that the proposals are likely to cause by changes in the visual and aural environment in

the immediate vicinity of the proposals. The purpose of this policy is to ensure that development does not harm the relative tranquillity of the National Park.

6.5.8

Strategic Policy SD4: Landscape Character of the emerging SDNPA Local Plan states development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that;

- a) They are informed by landscape character, reflecting the context and type of landscape in which the development is located;
- b) The design, layout and scale of proposals conserve and enhance existing landscape and seascape character features which contribute to the distinctive character, pattern and evolution of the landscape;
- c) They will safeguard the experiential and amenity qualities of the landscape;
- d) Where planting is considered appropriate, it is consistent with local character, enhances biodiversity, contributes to the delivery of green infrastructure and uses native species, unless there are appropriate and justified reasons to select non-native species.

6.5.9

The above policy should be read alongside **Strategic Policy SD5: Design** of the emerging SDNPA Local Plan, whereby development proposals will only be supported where they adopt a landscape-led approach and respect the local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area.

6.5.10

Part of the above policy states proposals should incorporate hard and soft landscape treatment which takes opportunities to connect to the wider landscape, enhances green infrastructure, and is consistent with local character.

6.5.11

The South Downs National Park Authority: Tranquillity Study 2017 identifies relative tranquillity areas for the National Park and is supported specifically by the NPPF where planning policies should identify and protect tranquil areas. Junction improvement locations at Berwick and Polegate are considered to possess medium and low levels of tranquillity.

6.5.12

Strategic Policy SD6: Safeguarding Views of the emerging SDNPA Local Plan states development proposals will only be supported where they preserve the visual integrity, identity and scenic quality of the National Park, in particular by conserving and enhancing key views and views of key landmarks within the National Park. Development proposals will be supported that conserve and enhance the following view types and patterns:

- a) Landmark views to and from viewpoints and tourism and recreational destinations
- b) Views from publicly accessible areas which are within, to and from settlements which contribute to the viewers' enjoyment of the National Park
- c) Views from public rights of way, open access land and other publicly accessible areas

6.5.13

Strategic Policy SD8: Dark Night Skies of the emerging SDNPA Local Plan states development proposals must demonstrate that all opportunities to reduce light pollution have been taken, and must ensure that the measured and observed sky quality in the surrounding area is not affected.

6.5.14

The study area at Berwick straddles the boundary of the National Character Area (NCA) 125 and NCA 121. Due to its border position between distinct landscape types, there is a sharp change in the landscape from the elevated South Downs, within NCA 125 to the undulating terrain of the Low Weald, NCA 121. The study area at Polegate is entirely within NCA 121.

6.5.15

The spatial portrait of the SDNPA identifies the area of land forming the edge of the National Park with its boundary to Wealden District is considered as 'The Scarp Slope'. This area is made up of a diverse range of landscapes running from Eastbourne in the east and follows a linear pattern through the National Park to the west.

- 6.5.16 The small settlements of Glynde, Firle, Alciston, Berwick and Milton Street are situated alongside or bordering the A27. Parts of Selmeaton and Wilmington are located on the A27 corridor. The edge of the more urban settlement of Polegate forms the eastern edge of the scheme area.
- 6.5.17 The National Park to the south of the scheme area is exceptionally well served by footpaths and rights of way, most notably The South Downs Way and the recreational use of these is very high.
- 6.5.18 The following viewpoints represent the range of potential views of the scheme within the study area. They represent sensitive views from relevant designations users of recreational footpaths, residential receptors and local roads:
- Changes to the A27 layout at Polegate, Berwick roundabout and other small junctions, making them more open and potentially changing the local character of the route
 - Permanent loss of trees within woodlands, roadside planting areas, loss of section of hedgerow will all form elements of change
 - Permanent loss of limited agricultural land and loss of parts of the ground area of established A27 road corridor planting belts
 - Changes to the highway infrastructure, including signage and lighting and acoustic barriers, will also potentially change the local character of the route
- 6.5.19 As part of the identification of potential impacts, a number of measures have been identified that will contribute to avoiding or reducing the significance of effect on landscape character and visual amenity. Mitigation impacts at Berwick are considered below.
- 6.5.20 Increased land take at Berwick roundabout to accommodate junction improvements will require the relocation of the roundabout with hedgerow and a small number of trees lost. Additional land take to the north of the roundabout and existing land to the south will offer the opportunity for an improvement to the immediate roundabout setting, with wide verges and belts of trees and shrub planting and possibly a new central feature to the roundabout. This will add to the desire of the SDNPA to create a gateway feature at Berwick roundabout. Changes to lighting will respect and compliment the sensitive landscape setting of this section of the scheme and provide an overall improved landscape at the foot of the National Park.
- 6.5.21 Polegate will also receive landscape impacts requiring mitigation where planting measures will use native species. Tree planting will include a proportion of heavy standards specimens so that proposed screening will have immediate benefits within the peri-urban setting. There will be a significant biodiversity net gain for area based habitats as part of the scheme.
- 6.5.22 Widening of the bypass corridor with regrading of existing earth embankment of section from Polegate Compound northwards will result in tree removal from the edge of mature linear planting along the western side of the bypass. There will also be a new acoustic screen at the back of the verge on the eastern side of the bypass and an increase in lighting column height.
- 6.5.23 Mitigation measures at this location include additional land take to the west of the road footprint to allow the creation of a substantial new planting bed to the west of the bypass. The acoustic fence will have a recessive paint finish together with planting at the base to provide visual amenity and an improved landscape.
- 6.5.24 Improved lighting is proposed at the junction improvements and road widening. It will be kept to a minimum in recognition of the International Dark Skies Reserve (IDSR) and will utilise directional Light Emitting Diode (LEDs). Lighting column increases will also be offset by shielding of lanterns to contribute to the setting of the National Park. This accords with Policy SD8 of the SDNPA emerging Local Plan.
- 6.5.25 Lighting design will adhere to the following principles:

- Keep lighting to a minimum where possible
- Where lights are used, accessories will be used to avoid light spillage, particularly onto adjacent hedgerows, woodland parcels, bat roosts, tree lines and watercourses
- Consideration will be given to the variation of light levels

6.6 ECOLOGY AND BIODIVERSITY

- 6.6.1** **Section 15, Paragraph 170** of the NPPF states that planning policies should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.6.2** The **NPSNN** states a good design should meet the objectives of the scheme by eliminating or substantially mitigating the identified problems by improving operational conditions and simultaneously minimising adverse impacts. It should also mitigate any existing adverse impacts wherever possible, for example, in relation to the environment.
- 6.6.3** The **NPSNN** then states further and draws on additional Government policy in the form of the Natural Environment White Paper (NEWP) where the document sets out a vision of moving progressively towards a biodiversity net gain.
- 6.6.4** Paragraph 5.23 of the **NPSNN** states that the applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.
- 6.6.5** Policy WCS13 (Green Infrastructure) of the Wealden Core Strategy seeks to ensure a multifunctional, accessible network which maintains and improves biodiversity and landscape character, increases opportunities for healthy living and contributes to healthy ecosystems and climate change objectives.
- 6.6.6** This is supported by the Department for Environment, Food & Rural Affairs. It is currently consulting on updating planning requirements to make biodiversity net gain necessary for developments. Biodiversity net gain is an approach which aims to leave the natural environment in a measurably better state than beforehand. Although the above is currently only out for consultation, it is clear the Government are looking to secure tangible environmental improvements and mitigation for developments across England.
- 6.6.7** A report prepared by Sussex Wildlife Trust '**Biodiversity and Planning in Sussex**' was prepared to ensure that development within the county protects and enhances our valuable local biodiversity. This echoes much of the sentiment expressed in the NPPF however provides further guidance on additional information and key organisations in the county.
- 6.6.8** **Paragraph 174** further supports the above by stating to protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
- 6.6.9** **Policy WSC12 Biodiversity** of the Wealden Core Strategy states in order to contribute to the biodiversity targets provided in the Sussex Biodiversity Action Plan the Council will prevent a net loss of biodiversity, ensure a comprehensive network of habitats, and work with partners to maximise opportunities to ensure habitats, biodiversity features and ecological networks and maintained, restored, enhances and where possible created to achieve a net gain in biodiversity and sustain wildlife in both rural and urban areas.

- 6.6.10 **Strategic Policy SD9: Biodiversity and Geodiversity** of the emerging SDNPA Local Plan states that development proposals will be supported where they conserve and enhance biodiversity and geodiversity, giving particular regard to ecological networks and areas with high potential for priority habitat restoration or creation, and should retain, protect and enhance features of biodiversity and geological interest and ensure appropriate and long-term management of those features. Opportunities for net gains in biodiversity should be identified and incorporated.
- 6.6.11 **Development Management Policy SD11: Trees, Woodland and Hedgerows** of the emerging SDNPA Local Plan states that a proposed loss or damage of non-protected trees, woodland or hedgerows should be avoided, and if demonstrated as being unavoidable, appropriate replacement of compensation will be required.
- 6.6.12 The scheme includes an extensive package of habitat creation. A detailed landscape design has not been created at this stage but the scheme boundaries have been devised to ensure that extensive planting required for ecological mitigation and compensation are included. The distribution of habitats to be created include:
- Over 10 hectares of new woodland will be planted to replace woodland lost to facilitate the widening of Polegate Bypass. The landscape design seeks to enhance habitat connectivity between parcels of existing retained woodland
 - Over 8 hectares of grassland and scrub across the scheme
 - 7.5 kilometres of new hedgerows
- 6.6.13 Ecological mitigation and compensation is being provided as part of the A27 East of Lewes Improvement scheme and also in conjunction with a scheme adjacent to the A27 for a non-motorised user path from Beddingham to Polegate. This will enhance the landscape features along the A27 and within the boundary to the National Park, whilst also creating new habitat features that will contribute to the objectives of the scheme as a whole. Further information can be found in Chapter 8 of the EAR, published alongside the Orders.
- 6.6.14 Created habitats will be subject to appropriate management to maintain and enhance ecological value. Such measures would be outlined within a detailed management plan. These will be managed to maximise ecological value, excepting requirements or for health and safety.

6.7 FLOOD RISK AND CLIMATE CHANGE

- 6.7.1 **Paragraph 155** of the NPPF focuses on planning and flood risk, and states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.7.2 **SPO9** of the Wealden Core Strategy seeks to ensure development takes full account (by mitigation or adaptation) of the likely forecast impacts of climate change including: minimising emissions of greenhouse gases; the use of non-renewable energy and natural resources; and by encouragement of construction using sustainable techniques.
- 6.7.3 **SPO10** of the Wealden Core Strategy seeks to ensure the safety of residents and reduce the economic impact of flooding events by avoiding the allocation of land for employment and housing growth in areas subject to medium and high flood risk, taking into account the predicted impact of climate change.
- 6.7.4 **Core Policy SD2: Ecosystem Services** of the emerging SDNPA Local Plan states development proposals will be supported where they have an overall positive impact on the ability of the natural environment to contribute goods and services. This will be achieved through the use of high

quality design, and by delivering all opportunities to manage and mitigate flooding, and improve the National Park's resilience to, and mitigation of, climate change.

6.7.5 Strategic Policy SD49: Flood Risk Management of the emerging SDNPA Local Plan states development proposals will be supported that seek to reduce the impact and extent of all types of flooding through, flood protection, mitigation and adaption measures necessary and appropriate to the specific requirements of the proposal, the development site and other areas potentially impacted.

6.7.6 Development Management Policy SD50: Sustainable Drainage Systems of the emerging SDNPA Local Plan states development proposals will be permitted where they ensure that there is no net increase in surface water run-off, taking into climate change.

6.7.7 The highway improvements at Berwick roundabout are wholly situated within Flood Zone 1, and the majority of the site at Polegate Junction and Polegate Bypass is within Flood Zone 1, apart from a section to the north of the railway either side of the A27 that falls within Flood Zone 2 & 3, however this is on an embankment.

6.7.8 The floodplain associated with the Langney Sewer is encroached upon by the widening of Polegate Bypass and the associated embankments and drainage features. The drainage infrastructure at this location has been designed to work during times of flooding by inclusion of embankments around the storage ponds. An area of flood storage has also been provided at this location to avoid increasing flood risk as a result of the scheme.

6.7.9 Part of the proposed scheme is within Flood Zone 3b, but is essential. Based on guidance in the PPG essential infrastructure is appropriate in the proposed location as long as the Exception Test is passed.

6.7.10 In order to pass the Exception Test, set out in the NPPF:

- It must be demonstrated that the development provides benefits to the community that outweigh flood risk, informed by the SFRA referenced in this FRA
- A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall
- Overall, Highways England are satisfied that there is a public interest case in acquiring land for these improvements

6.7.11 The improvement scheme addresses identified issues on this section of trunk road. If implemented they will create a more accessible and integrated network together with reducing congestion and providing additional capacity for future growth. The proposals will reduce severance for local communities, including vulnerable road users, providing better access to local services and facilities whilst improving access for local businesses along the corridor. This will also provide opportunities for improved accessibility for all users into the South Downs National Park.

6.7.12 The FRA also confirms that it would be safe for its lifetime. The exceptions test is therefore passed and the scheme complies with policy in this regard.

6.8 WASTE MANAGEMENT

6.8.1 The **Waste and Minerals Local Plan for East Sussex** provides strategic objectives for sustainable waste management in East Sussex, South Downs National Park and Brighton & Hove.

- 6.8.2 **Policy WMP 3d** of the Waste and Minerals Local Plan for East Sussex ensures that the waste hierarchy is taken into account during construction and demolition activities associated with all new development. The policy encourages architects, project funders, and contractors to minimise waste through the life-cycle of a project by 'designing out waste'.
- 6.8.3 The policy further states that all planning authorities will assess how waste can be minimised from construction, demolition and excavation works in order to maximise the sustainable management of waste and in particular, to minimise the need for landfill capacity. All development proposals will be expected to;
- a) Demonstrate how the durability of the construction has been maximised; and
 - b) Minimise the waste arising from construction, demolition and excavation activities.
- 6.8.4 **Core Policy SD3: Major Development** of the emerging SDNPA Local Plan considers all opportunities to conserve and enhance the special qualities of the National Park should be sought. Development proposals should be sustainable as measured against the following factors, one of which is 'zero waste'.
- 6.8.5 75% of the total earthwork cut will meet re-use criteria and will be used on the scheme, and all topsoil from the scheme is anticipated to meet re-use criteria, with the majority of this again being used on scheme. This shows design commitments to avoid and mitigate adverse impacts from waste material resources and site arisings.
- 6.8.6 Whilst zero waste to landfill is unlikely to be achieved, not being able to achieve this is able to be outweighed by the benefits of the scheme. Waste would be minimised so far as is possible in accordance with **Policy WMP 3d** of the Waste and Minerals Plan.

7 LAND INTERESTS

7.1 COMMUNICATIONS AND NEGOTIATIONS WITH LAND INTERESTS

- 7.1.1 The scheme will affect parties with an interest in land in its vicinity and the land referencing process has been undertaken to meet certain statutory obligations set out in the Acquisition of Land Act 1981, the Compulsory Purchase Act 1995 and the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004.
- 7.1.2 The methodology below is being used to identify all interests in land through diligent inquiry in order to produce the compulsory purchase order schedules, to be produced as part of application submission and complete the process by issuing notices under section 12 (1) (and Schedule 1, section 3 (1)) of the Acquisition of Land Act 1981.
- 7.1.3 In preparing the Order, WSP has carried out diligent inquiry to identify all persons with an interest in the land. The legislation requires certain persons to be identified through a process of diligent inquiry, with their land interests and rights recorded and categorised prior to the application. Land referencing will continue to be undertaken throughout the making of the Order to ensure that any changes in ownership or other interests are identified and to ensure that any new persons will be subject to appropriate engagement.
- 7.1.4 Persons with land interests were first identified using information from Land Registry (registered Freehold and Leasehold titles). The titles contain details of the registered proprietors, as well as their mortgagees (if applicable). They also contain details of various rights and restrictions that burden the title – interrogation of them outlines further parties who may have rights, restrictions, and covenants or be a beneficiary of the land in question. Other equitable interests (such as Options to Purchase or Contracts for Sale) may also be found in the registered titles.
- 7.1.5 All parties were validated to confirm that their details are correct as possible. For registered companies, this includes researching their details on Companies' House to confirm their current registered details.
- 7.1.6 Contact and non-contact methods were then used for all interests in the scheme and were sent a Land Interest Questionnaire, complete with a plan demonstrating their interest. The questions include confirmation of the party's own details, of the nature of their interest(s), and whether there are any other parties with an interest in the land or property. Respondents were asked to complete the questionnaires, amend the boundary plans where required, and return the completed documents to the land referencing team in pre-paid envelopes provided.
- 7.1.7 The land referencing information is then used to produce the compulsory purchase order schedules and associated plans as part of the overall submission.

STEPS TAKEN TO ACQUIRE LAND BY AGREEMENT

- 7.1.8 Highways England are aware of the requirement in paragraph 2 of the CPO Guidance to take reasonable steps to acquire all of the land and rights included in the CPO by agreement.

- 7.1.9 It is also noted that the CPO Guidance recognises that although compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Paragraph 2 recognises that it may often be sensible for the acquiring authority to plan a compulsory purchase timetable as a contingency measure and initiate formal procedure (i.e. progress the making of an order). The CPO Guidance notes that this will help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.
- 7.1.10 Highways England has engaged with all landowners and occupiers with a view to acquiring their interests by agreement. This has involved sending land interest questionnaires and consultation letters, inviting them to consultation exhibitions held on the 10th and 13th December 2018 and one to one meetings. As a result, Highways England is in the process of engaging with a significant number of landowners/occupiers with regard to the acquisition of their interests by agreement, and negotiations with this objective will be ongoing throughout the process. Where appropriate negotiations will consider agreements to use land for a specified, temporary period rather than permanent acquisition.
- 7.1.11 Whilst negotiations are ongoing, the Highways England is mindful that it is under a duty to acquire land at best value and that it is required to deliver the scheme within a specified timescale. It has concluded that it may not be possible to acquire all land interests necessary to deliver the scheme within this timescale. It is therefore concluded that the scheme is unlikely to be capable of being delivered without compulsory acquisition powers.
- 7.1.12 A schedule of the status of negotiations with landowners is provided in Appendix B.

8 PLANNING POSITION

- 8.1.1 Section 55(1) of the Town and Country Planning Act 1990 provides the definition of development for the purpose of that Act. Subsection 55(2)(b) exempts certain operations from being categorised as development, namely 'the carrying out on land within the boundaries of a road by a highway authority of any works required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including works which may have significant adverse effects on the environment'.
- 8.1.2 The Town and Country Planning (General Permitted Development) (England) Order 2015 (the "GDPO") sets out, in Schedules 1 and 2, the developments for which planning permission is granted by the GDPO.
- 8.1.3 Class B of Part 9 of Schedule 2 to the GDPO relates to development of roads by either the Secretary of State for Transport or, as is the case with the scheme, Highways England as the strategic highways company. Class B confirms that any works in exercise of the functions of Highways England under the Highways Act 1980 or works in connection with, or incidental to, the exercise of those functions is considered permitted development.
- 8.1.4 Additionally, Class A of Part 9 of Schedule 2 to the GDPO provides that highway improvement works by any highway authority on land within the boundaries of a road, or on land outside but adjoining the boundary of an existing highway, is permitted development.
- 8.1.5 Section 14(1) of the Planning Act 2008 states that a nationally significant infrastructure project (NSIP) means a project which consists of (h) 'highways-related development'.

- 8.1.6 Section 22(1) of the Planning Act 2008 (as amended through The Highway and Railway (Nationally Significant Infrastructure Project) Order 2013, states highway-related development is within section 14(1)(h) only if the development is (a) construction of a highway (b) alteration of a highway or (c) improvement of a highway. Where the scheme consists of improvement of a highway, as is the case for the A27 East of Lewes Improvements, the scheme will constitute an NSIP under section 22(5) only where (a) the highway is wholly within England, (b) the Secretary of State is the highway authority for the highway, and (c) the improvement is likely to have a significant effect on the environment. Criteria (a) and (b) are met in relation to this scheme but criteria (c) is not.
- 8.1.7 The A27 East of Lewes Improvements is therefore not considered to be a nationally significant infrastructure project as the improvement is not likely to have a significant effect on the environment. In respect of those parts of the scheme that constitute improvements to the existing A27 trunk road the works can therefore be undertaken using permitted development rights.
- THE SRO**
- 8.1.8 Section 14 of the Highways Act 1980 confers powers on highway authorities in relation to roads that cross or join trunk roads or classified roads.
- 8.1.9 Section (1)(a)(i) provides that an order may be made to authorise the highway authority for the road to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the road or is or will be otherwise affected by the construction or improvement of the road.
- 8.1.10 In the case of the scheme, the 'road' for the purposes of section 14 is considered to be the A27 trunk road.
- 8.1.11 Accordingly, Highways England has made the SRO to authorise it to carry out the works that are specified in section 5.2 of this statement.
- 8.1.12 The SRO provides the rights of statutory undertakers and telecommunications code operators will continue to exist in relation to any of their apparatus that is in the highway if that highway is stopped up under the order, subject to section 21 of the Highways Act 1980. This provision is authorised by sections 14(1)(c) and 14(2). Section 21 applies certain provisions of the Town and Country Planning Act 1990 (subject to modifications) relating to the extinguishment of such rights where a highway is stopped up or diverted under a section 14 order.
- 8.1.13 Section 125 of the Highways Act 1980 provides that an order made under section 14 may also authorise the authority to stop up any private means of access to premises adjoining or adjacent to land forming part of the road, or forming the site of any works authorised by the order, and to provide a new private means of access, as outlined in section 5.2 of this statement.

9 SPECIAL CONSIDERATIONS

There are no ancient monuments or listed buildings within the Order Land. The Order Land is also not within a conservation area, is not ecclesiastical or burial ground and forms no part of common land or public open space and none of it is owned by the National Trust.

10 OTHER CONSENTS AND LICENCES

- 10.1.1 Certain additional consents and licences are required for the A27 East of Lewes Junction Improvements. A list of consents and licences required as part of the A27 East of Lewes Junction Improvements is provided below.
- Environmental Permit from the Environment Agency for flood risk activities (previously known as A Flood Defence Consent) for any works near a main river, on or near a flood defence structure, in a flood plain
 - Natural England Licences for works affecting protected species including badger, great crested newt, bats, otter and dormouse
 - Environmental Permit from the Environment Agency for Water Discharges for any temporary discharges of effluent to a watercourse or groundwater, that is likely to be contaminated
 - Ordinary watercourse consents from East Sussex County Council and Wealden District Councils in relation to works impacting on unnamed ordinary watercourses
 - Trade effluent consent (e.g. for welfare facilities) if the construction compound has access to the public foul sewer
 - Water abstraction licence (if need to remove more than 20m³/day)
 - Environmental Permit from the Environment Agency for any in-channel works relating to construction or operational activities
 - Prior consent from the Local Environment Health Officer for construction works within agreed noise limits and working hours
 - Section 61 of the Control of Pollution Act 1974 consent if requested by the local authority
 - Use of pesticides within 8 m of a watercourse (for invasive species)
- 10.1.2 Discussions with relevant bodies has been established and liaison is ongoing to ensure the relevant consents and licences are addressed and secured in order for the scheme to proceed. It is considered that there will be no impediment to gaining these consents and therefore to the scheme being delivered.
- 10.1.3 A search has been undertaken for historic, recent and extant planning permissions affecting Berwick roundabout, Gainsborough Lane, Polegate Junction and Polegate Bypass.
- 10.1.4 It can be concluded that there are no planning applications, including small householder applications that are considered to affect the ability for the scheme to be implemented.

11 EQUALITY DUTY

- 11.1.1 The Equality Act came into force on 1st October 2010 and provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. Section 149 of the Act sets out the Public Sector Equality Duty. The intent of this duty is for the public sector to drive improvements in equality.
- 11.1.2 Highways England has also published their own corporate objectives within The Highways England Public Sector Equality Duty Objectives 2016 – 2020 and Annual Progress Report 2015 – 2016. The overarching objective of this document is that:
- 11.1.3 *“Highways England will embed the principles of equality, diversity and inclusion into all areas of their business, driving real change in how we work with their customers and communities, their supply chain and their employees”.*
- 11.1.4 As part of the scheme, an Equality Impact Assessment (EQIA) has been prepared and it is concluded that there are no known effects on people with protected characteristics.

12 HUMAN RIGHTS CONSIDERATIONS

- 12.1.1 The Human Rights Act 1998 (the “HRA”) incorporated into domestic law the European Convention of Human Rights (the “Convention”).
- 12.1.2 Section 6 of the HRA prohibits public authorities from acting in a way which is incompatible with the Convention. Articles 6 and 8 of the Convention and Article 1 of the First Protocol of the Convention are considered to be relevant.
- 12.1.3 Highways England has duly considered the rights of property owners under Article 1 of the First Protocol of the Convention, which provides for the peaceful enjoying of possessions. Article 1 further provides that no one shall be deprived of possessions except as provided for by law or where it is in the public interest. It is considered that the Order will strike a fair balance between the private loss of property and the public interest in securing implementation of the scheme.
- 12.1.4 Article 6 of the Convention provides that everyone is entitled to fair and public hearing in the determination of their civil rights and obligations. It is considered that the statutory procedures, which give the right to object and provide for judicial review, are sufficient to satisfy the requirements of this Article.
- 12.1.5 Highways England has also considered the rights contained in Article 8 of the Convention. This provides that everyone has the right to respect for their private family life and that there shall be no interference by a public authority with the exercise of this right except in accordance with the law, where there is a legitimate aim and where it is fair and proportionate in the public interest. It is considered that any interference caused by the Order will fall within these exceptions having regard to the public benefit which will accrue from the scheme.

- 12.1.6 Highways England has been conscious of the need to strike a balance between the rights of the individual and the interests of the public. It has considered the effect of the Articles and decided that on balance, and in light of significant public benefit that would arise from the scheme and the nature of the Order Land, it is in the interest of the wider community to make the Order over and above the interests if any individuals affected. Any interference with the Convention rights is considered to be justified in order to secure the transport and economic benefits that the scheme will bring. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.

13 FUNDING STATEMENT

- 13.1.1 The purpose of this section is to demonstrate that the scheme will be adequately funded and that funding is no impediment to the delivery of the scheme or the payment of compensation to persons affected by compulsory acquisition, temporary possession, or a blight claim.
- 13.1.2 An announcement was made to Parliament on 1st December 2014 by: Department for Transport, HM Treasury, The Rt Hon Danny Alexander, The Rt Hon Patrick McLoughlin MP and The Rt Hon George Osborne MP outlining a £1.4 billion package for 18 new road schemes in London and the south east of England. This included investing around £350 million to transform the A27, with a new bypass at Arundel to complete the 'missing link', plus further improvements around Worthing, Lancing and Lewes – this will help the A27 link together as a single route, supporting the development of the local economy and removing notorious congestion hotspots.
- 13.1.3 Commitment to an investment package worth around £350 million was included in the Road Investment Strategy: for the period 2015/16 – 2019/20 Road Period by the Department for Transport in March 2015. This included the A27 East of Lewes and provided funding set aside pending further work on capacity increases following review of long term growth plans.
- 13.1.4 A preferred route announcement was made in Autumn 2017 for the East of Lewes Improvement scheme by Highways England. This stated the A27 East of Lewes is a package of proposals up to £75 million included in the Government's 2015 – 2020 Road Investment Strategy. It is part of a programme of investment across Sussex that includes schemes in Arundel and Worthing & Lancing.
- 13.1.5 A central estimate for Package 2 (including Wilmington, Berwick and Polegate) is £55.8 million at June 2017. The source of funding is direct from the Department for Transport and comprises £1.95 million for the Options Stage and £3.5 million for Stages 3 & 4.
- 13.1.6 The scheme has a most-likely estimate of £55.8 million. This estimate includes all costs to deliver the scheme from Options Stages through to the opening for traffic. It includes an allowance for compensation payments relating to the compulsory acquisition of land interests in, and rights over, land and the temporary possession and use of land. It also takes into account potential claims under Part 1 of the Land Compensation Act 1973, Section 10 of the Compulsory Purchase Act 1965 and Section 152 (3) of the 2008 Act.
- 13.1.7 The estimates for these items have been informed by land referencing activities, engagement of professional surveyors, and information received from consultation and engagement with parties having an interest in the land.
- 13.1.8 Highways England has been, and will continue to be, responsible for all preparation costs, legal costs, land acquisition costs, advance payments to statutory undertakers and surveying costs.

13.1.9 The estimate has been prepared in accordance with Highways England procedures and, in combination with the approved budget, provides sufficient cost certainty to enable the Highways Authority to confirm the viability of the scheme.

13.1.10 A programme is provided below outlining key stages of the scheme:

- Limited advanced construction works start – March 2020
- Main construction works start – June 2020
- Open for traffic – June 2022

14 OTHER INFORMATION

14.1.1 Anyone who considers that they are affected by the Order can contact Thomas Beasley by telephone on 0300 470 1077 during normal office hours.

14.1.2 A copy of the Order, Order Map and this Statement of Reasons can be inspected at the offices at Highways England, Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ.

14.1.3 Information can also be found on the A27 East of Lewes Improvements on the website at <https://highwaysengland.co.uk/projects/a27-east-of-lewes/>.

14.1.4 The Statement of Reasons for making the Order is not intended to discharge the Highway England's statutory obligations under the Compulsory Purchase (Inquiries Procedure) Rules 2007 and The Highways (Inquiries Procedure) Rules 1994 in the event of a public local inquiry being held.

15 CONCLUSION

- 15.1.1 This statement sets out why compulsory powers have been sought and explains why Highways England considers such powers to be necessary, proportionate and justified.
- 15.1.2 In determining the extent of the compulsory acquisition powers proposed, Highways England has had regard to the requirements of the relevant legislation and to the advice in the guidance. Highways England is content that the scope of the powers sought and the extent of the interests in the Order Land to be acquired by compulsory acquisition are required for the scheme and are the minimum necessary that will allow Highways England to construct, operate and maintain the scheme.
- 15.1.3 For the reasons set out above, Highways England considers that any infringement of the rights of those whose interests in the land might be affected by the exercise of powers of compulsory acquisition would be proportionate and legitimate, would be in the public interest and would be in accordance with national and European law. Highways England therefore considers that it would be appropriate and proportionate for the Secretary of State to confirm the Order.
- 15.1.4 Highways England has consulted all persons affected by the compulsory acquisition powers and persons who may have a claim for compensation arising from the scheme. Highways England has sought to acquire interests in the Order Land by agreement wherever practicable. The status of negotiations with affected landowners and occupiers for the acquisition of their land interests is set out in Appendix B to this statement.
- 15.1.5 Highways England has considered the human rights of the individuals affected by the compulsory acquisition powers. It is satisfied that there is a compelling public interest case for compulsory acquisition and that the public benefits arising from the scheme will outweigh the harm to those individuals.
- 15.1.6 Without the grant of compulsory acquisition powers, Highways England considers that it will not be possible to construct the scheme, or realise the public benefits arising from it.
- 15.1.7 Although it has extensive permitted development rights under the GPDO, the SRO is required for the scheme to be delivered.
- 15.1.8 There is a compelling case in the public interest for the compulsory acquisition powers sought by Highways England in the CPO. The exercise of the compulsory acquisition powers that are sought is shown throughout this statement to be necessary and proportionate to the extent that interference with private land and rights is required.

APPENDIX A

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

	plot size (sqm)	Current use	Proposed use	Temporary / permanent	Effect and justification
1-01	33061.31	Agricultural	Mitigation planting	Permanent acquisition of title for mitigation of adverse effects	Land required for mitigation planting as part of biodiversity net gain and offset for tree loss at Polegate Junction and Bypass
1-02	1.16	Agricultural	Grass verge	Permanent acquisition of title	Land required for permanent works as a grass verge adjacent to the shared use path as part of the landscape design as part of the highway improvements
1-03	1335.75	Grass verge	Improved highway and grass verge	Permanent acquisition of title	Land required for permanent works for the improvement of the highway to form a two lane approach to Berwick roundabout and signalised crossing point with grass verge and shared use path
1-04	107.30	Grass verge	Grass verge and shared use path	Permanent acquisition of title	Land required for permanent works for the improvement of the highway with grass verge and shared use path
1-05	124.01	Grass verge	Mitigation planting	Permanent acquisition of title for mitigation of adverse effects	Land required for mitigation planting as part of biodiversity net gain and offset for tree loss at Polegate Junction and Bypass and for landscape design as part of the highway improvements
1-06	1520.95	Agricultural	Mitigation planting	Permanent acquisition of title for mitigation of adverse effects	Land required for mitigation planting as part of biodiversity net gain and offset for tree loss at Polegate Junction and Bypass and for landscape design as part of the highway improvements
1-07	54.79	Grass verge	Grass verge	Permanent acquisition of title	Land required for permanent works for the improvement of the highway and landscape design to the north of the signalised crossing of the A27
1-08	3.01	Grass verge	Mitigation planting	Permanent acquisition of title for mitigation of adverse effects	Land required for mitigation planting as part of biodiversity net gain and offset for tree loss at Polegate Junction and Bypass and for landscape design as part of the highway improvements

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

1-09	646.43	Agricultural and hedgerow	Improved highway, maintenance bay, grass verge and shared use path	Permanent acquisition of title	Land required for permanent works for the improvement of the highway including the shared use path, grass verge and part of a maintenance bay on the Berwick roundabout island
1-10	290.30	Highway and grass verge	Improved highway, maintenance bay and central reserve	Permanent acquisition of title	Land required for permanent works for the improvement of the highway including part of a maintenance bay on the Berwick roundabout island and a central reserve on the approach from Station Road
1-11	771.96	Highway and grass verge	Improved highway, grass verge, central reserve and shared use path	Permanent acquisition of title	Land required for permanent works for the improvement of the highway including grass verge and shared use path
1-12	5634.57	Highway forming part of the existing A27	Improved highway, maintenance bay, grass verge and central reserves	Permanent acquisition of title	Land required for permanent works for the improvement of the highway, the reconfiguration of Berwick roundabout to facilitate vehicular movements and the provision of two lane approaches from the east and west of the A27
1-13	1665.75	Highway forming part of A27 Berwick roundabout and footpath	Improved highway, shared use path and central reserve	Permanent acquisition of title	Land required for permanent works for the improvement of the highway including shared use path and grass verges
1-15	98.88	Grass verge	Grass verge and shared use path	Permanent acquisition of title	Land required for permanent works for the improvement of the highway and provision of grass verge and shared use path
1-20	370.00	Highway and verge forming part of the existing A27	Improved highway and central reserve	Permanent acquisition of title	Land required for permanent works for the improvement of the highway and the addition of a second lane exit from Berwick roundabout

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

1-21	8086.97	Agricultural land	Improved highway, grass verge, shared use path, mitigation planting and attenuation pond	Permanent acquisition of title	Land required for permanent works for the improvement of the highway, mitigation planting as part of biodiversity net gain and offset for tree loss at Polegate Junction and Bypass and attenuation pond as part of upgraded drainage due to associated highway improvements
1-22	881.67	Agricultural land	Temporary construction compound	Essential Licence	Land required for a temporary construction compound to enable the construction of the A27 highway improvements and attenuation pond
2-01	7368.89	Agricultural land	Mitigation planting	Permanent acquisition of title for mitigation of adverse effects	Land required for mitigation planting as part of biodiversity net gain and offset for tree loss at Polegate Junction and Bypass
3-01	14662.75	Highway and verge forming part of the existing A27	Improved highway, grass verges, central reserves and shared use path	Permanent acquisition of title	Land required for permanent works for the improvement of the highway at Polegate Junction with the A2270
3-02	124.33	Grass verge at the entrance of Gainsborough Lane	Improved highway, verge and shared use path	Permanent acquisition of title	Land required for permanent works for the improvement of the highway at Gainsborough Lane and the provision of a shared use path with associated drainage
3-03	477.33	Highway forming part of Gainsborough Lane	Improved highway	Permanent acquisition of title	Land required for permanent works for the improvement of the highway and signalisation at Gainsborough Lane with associated drainage
3-04	16.66	Grass verge	Improved highway and shared use path	Permanent acquisition of title	Land required for permanent works for the improvement of the highway and shared use path at Gainsborough Lane Junction
3-05	39.16	Grass verge	Improved highway, shared use path and replacement of a bus stop eastbound on the A27	Permanent acquisition of title	Land required for permanent works for the improvement of the highway and shared use path, and the replacement of a bus stop on the A27 with associated earthworks

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

3-06	114.16	Footpath	Improved highway and grass verge forming new access to Polegate Compound	Essential Licence	Land required temporarily for the improvement of the highway and the creation of a new private means of access to Polegate Compound
3-07	1796.35	Woodland	Private means of access to Polegate Compound	Essential Licence	Land required temporarily to form new private means of access and hard standing for Polegate Compound to facilitate all vehicular movements
3-08	88.48	Grass verge	Improved highway and grass verge	Permanent acquisition of title	Land required for permanent works to form grass verge, highway and retaining wall adjacent to the highway improvements on the A27
3-09	26.02	Grass verge	Grass verge	Permanent acquisition of title	Land required for permanent works to form improved grass verge and retaining wall adjacent to the highway improvements on the A27
3-10	11.76	Highway forming the access to Polegate Compound	Improved highway forming access to Polegate Compound	Permanent acquisition of title	Land required for permanent works to improve the highway and access to Polegate Compound from the A27
3-12	794.45	Grass verge	Grass verge, shared use path and maintenance bay	Permanent acquisition of title	Land required for permanent works to improve the highway and the provision of a maintenance bay and shared use path with associated landscaping
3-13	568.22	Grass verge	Improved highway and grass verge	Permanent acquisition of title	Land required for permanent works to improve the highway and access to Bernhard Baron Cottage Homes, with associated earthworks and noise barriers
3-14	91.72	Highway	Improved highway access to Bernhard Baron Cottage Homes	Permanent acquisition of title	Land required for permanent works to improve the highway and access to Bernhard Baron Cottage Homes

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

3-15	645.49	Grass verge	Improved highway and grass verge	Permanent acquisition of title	Land required for permanent works to improve the highway and access to Bernhard Baron Cottage Homes, with associated earthworks and noise barriers
3-16	2730.87	Existing highway forming part of the A2270 Eastbourne Road	Improved highway, grass verge and shared use path	Permanent acquisition of title	Land required for permanent works to improve the highway on the A2270 Eastbourne Road
3-17	32.99	Woodland adjacent to the A27 at Polegate Junction	Landscaping	Permanent acquisition of title	Land required for permanent works to improve the highway and the provision of a gabion retaining wall
3-18	109.68	Part of Polegate Compound	Temporary construction compound	Essential Licence	Land required temporarily for the construction of the widened railway bridge at Polegate Bypass
3-19	28.14	Airspace above the existing railway line	Widened highway and footway	Permanent acquisition of rights	Land required for permanent rights to improve the highway at Polegate Bypass and widening the A27 over the railway to facilitate an extra lane
3-19a	28.12	Airspace above the existing railway line	Widened highway and footway and bridge supporting structure	Permanent acquisition of rights	Land required for permanent rights to improve the highway at Polegate Bypass and widening the A27 over the railway to facilitate an extra lane with associated bridge supports
3-19b	26.86	Airspace above the existing railway line	Widened highway and footway and bridge supporting structure	Permanent acquisition of rights	Land required for permanent rights to improve the highway at Polegate Bypass and widening the A27 over the railway to facilitate an extra lane with associated bridge supports
3-20	399.25	Existing highway forming part of the A27 at Polegate Bypass and railway overbridge	Improved highway	Permanent acquisition of rights	Land required for permanent rights to improve the highway at Polegate Bypass and widening the A27 to facilitate an extra lane

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

3-21	409.24	Woodland	Temporary construction compound	Essential Licence	Land required temporarily for a construction compound to facilitate the works associated with junction improvements
3-22	2948.02	Agricultural	Temporary construction compound	Essential Licence	Land required temporarily for a construction compound to facilitate the works associated with junction improvements
3-23	78.36	Woodland	Mitigation planting	Permanent acquisition of title for mitigation of adverse effects	Land required for mitigation planting as part of biodiversity net gain and offset for tree loss at Polegate Junction and Bypass and for landscape design as part of the highway improvements
3-24	2878.38	Agricultural	Mitigation planting	Permanent acquisition of title for mitigation of adverse effects	Land required for mitigation planting as part of biodiversity net gain and offset for tree loss at Polegate Junction and Bypass and for landscape design as part of the highway improvements
3-25	1856.78	Agricultural	Flood mitigation area	Acquisition of title for mitigation of adverse effects	Land required for mitigation of adverse effects for flooding and flood storage
3-26	24.94	Part of the Langney Sewer watercourse	Flood mitigation area	Acquisition of title for mitigation of adverse effects	Land required for mitigation of adverse effects for flooding and flood storage
3-27	35.09	Woodland and embankment	Flood mitigation area	Acquisition of title for mitigation of adverse effects	Land required for mitigation of adverse effects for flooding and flood storage
3-28	221.21	Woodland	Flood mitigation area	Acquisition of title for mitigation of adverse effects	Land required for mitigation of adverse effects for flooding and flood storage
3-29	912.12	Woodland	Attenuation pond	Permanent acquisition of title	Land required for permanent works for the construction of a pond as part of landscaping for the scheme

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

3-30	9783.76	Woodland, private access tracks	Mitigation planting and embankment to the A27 Polegate Bypass and improved accesses	Permanent acquisition of title	Land required for permanent works for the highway improvements, to facilitate access to the attenuation pond, allotment gardens and mitigation planting as part of biodiversity net gain for the loss of trees to construct the embankment and for landscape design as part of the highway improvements
3-31	16381.97	Existing highway forming the A27 Polegate Bypass	Improved highway	Permanent acquisition of title	Land required for permanent works for the highway improvements at Polegate Bypass
3-32	1876.78	Grass verge	Improved highway	Permanent acquisition of title	Land required for permanent works for the highway improvements and grass verge at Polegate Bypass with noise barriers and links to existing drainage ditches
3-33	18.63	Grass verge	Grass verge	Permanent acquisition of title	Land required for permanent works to form improved grass verge and retaining wall adjacent to the highway improvements on the A27
3-34	9.39	Grass verge	Grass verge	Permanent acquisition of title	Land required for permanent works to form improved grass verge and retaining wall adjacent to the highway improvements on the A27
3-35	197.94	Part of Polegate Compound	Private means of access to Polegate Compound	Essential Licence	Land required temporarily to form new private means of access to Polegate Compound to facilitate all vehicular movements
3-36	32.45	Part of Polegate Compound	Temporary construction compound	Essential Licence	Land required temporarily for the construction of the widened railway bridge at Polegate Bypass
3-38	169.24	Grass verge/woodland	Private means of access	Permanent acquisition of title	Land required for permanent works to form a private means of access to the rear of No. 1 Gainsborough Lane
4-01	26.83	Woodland embankment	Improved highway	Permanent acquisition of title	Land required for permanent works and earthworks for the highway improvements at the entrance to Honey Pot Farm

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

4-02	71.48	Highway	Improved highway	Permanent acquisition of title	Land required for permanent works for the highway improvements at the entrance to Honey Pot Farm
4-03	159.06	Highway	Improved highway	Permanent acquisition of title	Land required for permanent works for the highway improvements at the entrance to Honey Pot Farm and earthworks with planting as mitigation for tree loss
4-04	5070.13	Woodland and agricultural	Habitat island	Permanent acquisition of title for mitigation of adverse effects	Land required for mitigation planting of a habitat island as biodiversity net gain for the loss of trees needed for the widening of Polegate Bypass and for landscape design as part of the highway improvements
4-05	4310.25	Agricultural	Temporary construction compound and mitigation planting	Permanent acquisition of title for mitigation of adverse effects	Land required for a construction compound to facilitate the works associated with the junction improvements and mitigation planting as biodiversity net gain for the loss of trees needed for the widening of Polegate Bypass and for landscape design as part of the highway improvements
4-06	102.39	Private access track	Improved highway	Permanent acquisition of title	Land required for permanent works and earthworks for the highway improvements to the private access track on Polegate Bypass to form a left-in, left-out arrangement
4-07	54.15	Woodland	Landscaping and drainage	Permanent acquisition of title	Land required for permanent works for improved drainage as part of the highway improvements
4-08	156.34	Grass verge	Landscaping and drainage	Permanent acquisition of title	Land required for permanent works for improved drainage as part of the highway improvements
4-09	105.75	Footpath and grass verge	Landscaping and drainage	Permanent acquisition of title	Land required for permanent works for improved drainage as part of the highway improvements
4-10	192.55	Highway forming part of Cophall roundabout	Improved highway	Permanent acquisition of title	Land required for permanent works for the highway improvements at Cophall roundabout

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

4-11	261.01	Highway forming part of Cophall roundabout	Improved highway	Permanent acquisition of title	Land required for permanent works for the highway improvements at Cophall roundabout and provision of a central reserve
4-12	252.86	Highway forming part of Cophall roundabout	Improved highway	Permanent acquisition of title	Land required for permanent works for the highway improvements at Cophall roundabout
4-13	260.49	Grass verge	Mitigation planting	Permanent acquisition of title for mitigation of adverse effects	Land required for mitigation planting as part of biodiversity net gain for the loss of trees at Polegate Bypass and for landscape design as part of the highway improvements
4-14	5.52	Grass verge	Mitigation planting	Permanent acquisition of title for mitigation of adverse effects	Land required for mitigation planting as part of biodiversity net gain for the loss of trees at Polegate Bypass and for landscape design as part of the highway improvements
4-15	42.68	Grass verge	Mitigation planting	Permanent acquisition of title for mitigation of adverse effects	Land required for mitigation planting as part of biodiversity net gain for the loss of trees at Polegate Bypass and for landscape design as part of the highway improvements
4-16	234.55	Grass verge	Landscaping	Permanent acquisition of title	Land required for permanent works for landscaping and earthworks as part of the highway improvements at Polegate Bypass
4-17	169.60	Access to allotment gardens	Improved highway	Permanent acquisition of title	Land required for permanent works to improve the access to the allotment gardens and for earthworks and landscaping purposes
4-18	1126.31	Woodland	Landscaping	Permanent acquisition of title	Land required for permanent works, earthworks and landscaping for the highway improvements at Polegate Bypass

APPENDIX B

APPENDIX B - STATUS OF NEGOTIATIONS WITH LANDOWNERS

Plot number	Landowner negotiation	Status of negotiation
1-01	Firle Estate Firle Estate Manager – Alistair Deighton	HE representatives have met the Firle Estate Manager, Alistair Deighton at a landowner meeting at Berwick Village Hall on 13 th December 2018. It was explained by HE that preference would be for an Option to Purchase agreement, alongside the CPO being made. This approach was considered sensible by the Firle Estate Manager. Discussions are ongoing.
1-02	Unknown	Continued exercises to determine land interests.
1-03	Highways England	Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.
1-04	Diocese of Chichester	Discussions with the Diocese confirm they are content with the approach of signing up to an Options Agreement but would need to review this with their agent.
1-05	Highways England	Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.
1-06	Diocese of Chichester	Discussions with the Diocese confirm they are content with the approach of signing up to an Options Agreement but would need to review this with their agent.
1-07	Diocese of Chichester	Discussions with the Diocese confirm they are content with the approach of signing up to an Options Agreement but would need to review this with their agent.
1-08	Highways England	Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.
1-09	Diocese of Chichester	Discussions with the Diocese confirm they are content with the approach of signing up to an Options Agreement but would need to review this with their agent.
1-10	Highways England	Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.
1-11	Occupied by East Sussex County Council (ESCC) and Firle Estate	Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.
1-12	Highways England	Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.

APPENDIX B - STATUS OF NEGOTIATIONS WITH LANDOWNERS

1-13	Occupied by ESCC and Highways England	<p>Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.</p> <p>Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.</p>
1-15	ESCC	Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.
1-20	Highways England	Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.
1-21	Firle Estate Tenant – Paul Lewis	HE representatives have met Paul Lewis at a landowner meeting at Berwick Court Farm on 13 th December 2018. It was explained that alongside the CPO, HE would prefer to negotiate the land under an Option to Purchase, under CPO compensation terms.
1-22	Firle Estate Tenant – Paul Lewis	HE representatives have met Paul Lewis at a landowner meeting at Berwick Court Farm on 13 th December 2018. It was explained that alongside the CPO, HE would prefer to negotiate the land under an Option to Purchase, under CPO compensation terms.
2-01	Agent for Sabrina Jane Harcourt-Smith	The agent attended a landowner event in March 2019. Communication is ongoing.
3-01	Occupied by ESCC and Highways England	<p>Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.</p> <p>Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.</p>
3-02	ESCC	Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.
3-03	Occupied by ESCC	Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.
3-04	Unknown & Caution held by South Eastern Power Networks plc	Continued exercises to determine land interests.
3-05	ESCC	Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.
3-06	Occupied by ESCC and Highways England	<p>Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.</p> <p>Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.</p>

APPENDIX B - STATUS OF NEGOTIATIONS WITH LANDOWNERS

3-07	ESCC	Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.
3-08	ESCC	Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.
3-09	Occupied by ESCC	Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.
3-10	Occupied by ESCC	Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.
3-12	Occupied by ESCC	Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.
3-13	Occupied by ESCC and Bernhard Baron Cottage Homes	Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.
3-14	Occupied by ESCC and Bernhard Baron Cottage Homes	Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.
3-15	Occupied by ESCC and Bernhard Baron Cottage Homes	Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.
3-16	Occupied by ESCC	Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.
3-17	Occupied by ESCC	Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.
3-18	ESCC, Highways England and interests in Polegate Compound	HE representatives presented proposals for the scheme to A1+, discussions are ongoing and engagement to continue through detailed design.
3-19	Network Rail	HE and WSP representatives met with Network Rail on 18 th February 2019 to discuss the widening of Polegate Bypass and agreements to be made to facilitate the highway improvements. Discussions are ongoing.
3-19a	Network Rail	HE and WSP representatives met with Network Rail on 18 th February 2019 to discuss the widening of Polegate Bypass and agreements to be made to facilitate the highway improvements. Discussions are ongoing.

APPENDIX B - STATUS OF NEGOTIATIONS WITH LANDOWNERS

3-19b	Network Rail	HE and WSP representatives met with Network Rail on 18 th February 2019 to discuss the widening of Polegate Bypass and agreements to be made to facilitate the highway improvements. Discussions are ongoing.
3-20	Highways England	Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.
3-21	Unknown	Continued exercises to determine land interests.
3-22	Eastbourne College Tenant - Ron Popham	HE and WSP representatives met with Nick Chapman, bursar and Alex Brown, trustee on Thursday 25th April 2019. Discussions are ongoing however they are aware of the process to negotiate land by agreement and will be appointing an agent. Communication is ongoing with the tenant farmer.
3-23	Unknown	Continued exercises to determine land interests.
3-24	Eastbourne College Tenant - Ron Popham	HE and WSP representatives met with Nick Chapman, bursar and Alex Brown, trustee on Thursday 25th April 2019. Discussions are ongoing however they are aware of the process to negotiate land by agreement and will be appointing an agent. Communication is ongoing with the tenant farmer.
3-25	Eastbourne College Tenant - Ron Popham	HE and WSP representatives met with Nick Chapman, bursar and Alex Brown, trustee on Thursday 25th April 2019. Discussions are ongoing however they are aware of the process to negotiate land by agreement and will be appointing an agent. Communication is ongoing with the tenant farmer.
3-26	Jacqueline Kilbey & Michael Kilbey	Communication sent and invitation to landowner events, however no response received.
3-27	Jacqueline Kilbey & Michael Kilbey	Communication sent and invitation to landowner events, however no response received.
3-28	Unknown	Continued exercises to determine land interests.
3-29	Jacqueline Kilbey & Michael Kilbey	Communication sent and invitation to landowner events, however no response received.
3-30	Unknown	Continued exercises to determine land interests.
3-31	Occupied by Highways England	Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.

APPENDIX B - STATUS OF NEGOTIATIONS WITH LANDOWNERS

3-33	ESCC, Highways England and interests in Polegate Compound	HE representatives presented proposals for the scheme to A1+, discussions are ongoing and engagement to continue through detailed design.
3-34	ESCC, Highways England and interests in Polegate Compound	HE representatives presented proposals for the scheme to A1+, discussions are ongoing and engagement to continue through detailed design.
3-35	ESCC, Highways England and interests in Polegate Compound	HE representatives presented proposals for the scheme to A1+, discussions are ongoing and engagement to continue through detailed design.
3-36	ESCC, Highways England and interests in Polegate Compound	HE representatives presented proposals for the scheme to A1+, discussions are ongoing and engagement to continue through detailed design.
3-38	ESCC	HE and WSP representatives presented proposals for the scheme to the owners of No.1 Gainsborough Lane with a meeting held at the property on 22th March 2019. Communications with the landowner are ongoing.
4-01	Jacqueline Kilbey & Michael Kilbey	Communication sent and invitation to landowner events, however no response received.
4-02	Unknown	Continued exercises to determine land interests.
4-03	Clive Day and Philip Rutland	Communication sent and invitation to landowner events, however no response received.
4-04	John Tompkins, Duncan Ellis tenant	Landowner events, and meeting attended.
4-05	John Tompkins, Duncan Ellis tenant	Landowner events, and meeting attended.
4-06	John Tompkins Tenant - Duncan Ellis	HE representatives met with John and Brenda Tompkins on 10 th December 2018. Landowners indicated they would be willing to negotiate by agreement for an Option to Purchase.
4-07	Occupied by ESCC	Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.
4-08	Occupied by ESCC	Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.
4-09	Highways England	Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.

APPENDIX B - STATUS OF NEGOTIATIONS WITH LANDOWNERS

4-10	Highways England	Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.
4-11	Highways England	Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.
4-12	Highways England	Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.
4-13	Highways England	Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.
4-14	Highways England	Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.
4-15	Occupied by ESCC and Highways England	<p>Attempted engagement and invitations for meetings send to ESCC. Communication is ongoing.</p> <p>Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.</p>
4-16	Highways England	Highways England have confirmed that they have no issue with the compulsory acquisition of their interests.
4-17	HE / Polegate Council	Communications ongoing with Polegate Town Council.
4-18	John Tompkins Tenant - Duncan Ellis	HE representatives met with John and Brenda Tompkins on 10 th December 2018. Landowners indicated they would be willing to negotiate by agreement for an Option to Purchase.