

To the owner, lessee or occupier of the land described in column 2 of the Schedule attached and delineated and shown edged red and coloured pink on the attached plan

Highways England
Bridge House,
1 Walnut Tree Close,
Guildford
GU1 4LZ

Tel: 0300 123 5000
Date: 17 March 2020

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR LAND

Dear Sirs/Madam

Plot numbers: 4-14, 4-15, 4-16, 4-17, 4-18 (in respect of rights reserved by Conveyance dated 7 February 1975)

THE HIGHWAYS ENGLAND (A27 TRUNK ROAD EAST OF LEWES IMPROVEMENT SCHEME) (BERWICK AND POLEGATE JUNCTIONS) COMPULSORY PURCHASE ORDER 2019 ("THE ORDER")

GENERAL VESTING DECLARATION NO. 5

COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

I write in respect of the Order which was made under the Highways Act 1980 and the Acquisition of Land Act 1981 by the Secretary of State for Transport on 27 January 2020 and came into force on 28 February 2020 .

The Order authorises Highways England Company Limited ("**Highways England**") to purchase compulsorily land for the purposes of:

- (a) the improvement of the A27 Trunk Road;
- (b) the improvement of highways and the provision of new means of access to premises in pursuance of The Highways England (A27 Trunk Road East of Lewes Improvement Scheme) (Berwick and Polegate Junctions) (Side Roads) Order 2019;
- (c) use by Highways England in connection with the improvement of highways and the provision of private means of access to premises as aforesaid; and

- (d) mitigating the adverse effect which the existence or use of the highways proposed to be improved will have on the surroundings thereof.

The land in the Parish of Berwick and Polegate, in the District of Wealden in the County East Sussex, is described in the Schedule to the general vesting declaration.

The Order also authorises Highways England to acquire land, and interests in or rights over land, which is subject to the Order, for the purposes of the scheme.

Highways England has served notice of confirmation of the compulsory acquisition in respect of land in which we understand you have an interest, in accordance with section 15 of the Acquisition of Land Act 1981 ("the 1981 Act"). The confirmation contained a Statement of the effect of Parts 2 and 3 of the 1981 Act which provides an explanation of the process for and the effect of a general vesting declaration ("**GVD**"). The notice of confirmation was published in the Eastbourne Herald on 28 February 2020, and the same was served on you.

I am now writing to inform you that on 16 March 2020 pursuant to section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981, Highways England executed a GVD and, on the vesting date, the land specified in the GVD will vest in Highways England.

Also displayed by way of service is a statutory notice specifying the land subject to the executed GVD and explaining the effect of the general vesting declaration ("the **Notice**").

A copy of the GVD and plans for this scheme can otherwise be inspected between the times specified at:

- (1) Highways England, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ (Monday - Friday 7.00am to 7.00pm);
- (2) East Sussex County Council, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE (Monday - Friday 8.00am to 5.00pm);
- (3) Lewes District Council Southover House, Southover Rd, Lewes East Sussex, BN7 1AB (Monday - Friday 8.30am to 5.00pm);
- (4) Wealden District Council, Vicarage Lane, Hailsham, East Sussex, BN27 2AX (Monday, Tuesday, Thursday and Friday 8.30am to 5.00pm and Wednesday 9.00am – 5.00pm)
- (5) Lewes Library Styles Field, Friars Walk, Lewes, East Sussex, BN7 2LZ (Monday 10.00am to 2.00pm, Tuesday, Friday, Saturday 10.00am to 5.00pm and Thursday 10.00am to 6.00pm);
- (6) Berwick Post Office Station Road, Berwick, Polegate, East Sussex BN26 6SZ (Monday, Tuesday, Thursday and Friday 9.00am – 1.00pm, 2.15pm – 5.30pm and Wednesday, Saturday 9.00am to 12.30pm);

(7) Polegate Town Council, Council Offices, 49 High Street Polegate, East Sussex BN26 6AL (Monday - Friday 8.00am to 6.00pm)

The GVD will automatically vest the land specified in it, in Highways England after the expiry of 3 months from the date on which Highways England completes the process of serving notice of its having executed the GVD ("**Vesting Date**"). We estimate that this will be on or around 22 June 2020 but we will write to you again shortly, to confirm the exact Vesting Date.

Please contact the Project Team at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ, if you require a copy of the Ministry of Housing Communities and Local Government's Model Claim Form and guidance notes. This must be completed and returned within 21 days of the date this notice was posted.

Highways England recommends that you appoint a professional advisor (usually a RICS-qualified surveyor) with compulsory purchase experience to advise you in relation to any compensation you may be due.

If you do decide to instruct an advisor please send the enclosed notice and forms to them for review. If you have a valid claim, Highways England will usually repay your advisors reasonable and proper fees for completing the form and advising you on your claim.

Please note that the service of the enclosed Notice does not imply acceptance by Highways England that you have an interest in the land identified in the Schedule to the Notice. For the purposes of claiming compensation, it will be necessary in due course for you to demonstrate that you do own or have an interest in the relevant land.

If there is a dispute as to the amount of compensation to be paid, either party may refer the matter to the Upper Tribunal (Lands Chamber). In this situation, consideration will be given as to whether it would be appropriate to employ alternative dispute resolution techniques.

Please be mindful that, after the Vesting Date, you are required to give Highways England vacant possession of the land in the GVD. If you prevent Highways England from entering and taking possession of the land on the Vesting Date, Highways England may issue a warrant to a High Court Enforcement Officer to enforce possession. Highways England has the discretion to recover the costs of such enforcement from any compensation that may be payable to you.

If you require any further information about this notice, the CPO process or about the works to be carried out on the A27 pursuant to the Order, please contact the A27 Project Team at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ or email A27EastofLewes@highwaysengland.co.uk

Tel: 0300 123 5000
Email: A27EastofLewes@highwaysengland.co.uk



Yours faithfully

A handwritten signature in blue ink, appearing to read "Chris Welby-Everard", written over a faint, light blue circular stamp.

Chris Welby-Everard
Divisional Director
Highways England Company Limited
Enclosures:

Notice After Making of the GVD

HIGHWAYS ENGLAND COMPANY LIMITED

**NOTICE SPECIFYING LAND AND STATING EFFECT OF
GENERAL VESTING DECLARATION**

**THE HIGHWAYS ENGLAND (A27 TRUNK ROAD EAST OF LEWES
IMPROVEMENT SCHEME) (BERWICK AND POLEGATE JUNCTIONS)
COMPULSORY PURCHASE ORDER 2019**

To: The owner, lessee or occupier of the land described in column 2 of the Schedule below and delineated and shown edged red and coloured pink on the attached plan

NOTICE IS HEREBY GIVEN that Highways England Company Limited (Company Number 09346363) ("**the Authority**") on 16 March 2020 made a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("**the Act**") vesting the land described in the Schedule to this notice ("**the land**") in themselves as from the end of the period of 3 months from the date on which the service of the notices required by section 6 of the Act is completed.

The Authority will in due course tell you the date on which the service of the notices was completed.

The effect of the general vesting declaration is as follows:-

On the first day after the end of the period referred to in the first paragraph of this notice ("**the vesting date**") the land, together with the right to enter upon and take possession of it, will vest in the Authority.

Also, on the vesting date the Acts providing for compensation will apply as if, on the date on which the general vesting declaration was made (namely, 16 March 2020), a notice to treat had been served on every person on whom the Authority could have served such a notice (other than any person entitled to an interest in the land in respect of which such a notice had actually been served before the vesting date and any person entitled to a "minor tenancy" or a "long tenancy which is about to expire". These expressions are defined in Appendix A to this notice).

If the land includes any land in which there is a minor tenancy or a long tenancy which is about to expire, the right of entry will not be exercisable in respect of that land unless, after serving a notice to treat in respect of that tenancy, the Authority having served on every occupier of any of the land in which the tenancy subsists a notice stating that, at the end of a specified period (at least 14 days from the date of the service of the notice) they intend to enter upon and take possession of the land specified in the notice, and that period has expired: the vesting of the land will then be subject to the tenancy until that period expires, or the tenancy comes to an end, whichever happens first.

Schedules A1 and 1 to the Act contain supplementary provisions as to general vesting declarations. If a counter-notice is served under paragraph 2 of Schedule A1 within the period referred to in the first paragraph of this notice, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with that Schedule.

The provisions of Schedules A1 and 1 are set out. These provisions are set out in Appendix B to this notice.

A copy of the general vesting declaration to which this notice refers and of the plan annexed to the declaration are attached and can also be inspected at:

- (1) Highways England, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ (Monday - Friday 7.00am to 7.00pm);
- (2) East Sussex County Council, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE (Monday - Friday 8.00am to 5.00pm);
- (3) Lewes District Council Southover House, Southover Rd, Lewes East Sussex, BN7 1AB (Monday - Friday 8.30am to 5.00pm);
- (4) Wealden District Council, Vicarage Lane, Hailsham, East Sussex, BN27 2AX (Monday, Tuesday, Thursday and Friday 8.30am to 5.00pm and Wednesday 9.00am – 5.00pm)
- (5) Lewes Library Styles Field, Friars Walk, Lewes, East Sussex, BN7 2LZ (Monday 10.00am to 2.00pm, Tuesday, Friday, Saturday 10.00am to 5.00pm and Thursday 10.00am to 6.00pm);
- (6) Berwick Post Office Station Road, Berwick, Polegate, East Sussex BN26 6SZ (Monday, Tuesday, Thursday and Friday 9.00am – 1.00pm, 2.15pm – 5.30pm and Wednesday, Saturday 9.00am to 12.30pm);
- (7) Polegate Town Council, Council Offices, 49 High Street Polegate, East Sussex BN26 6AL (Monday - Friday 8.00am to 6.00pm)

or can be obtained by contacting
A27EastofLewes@highwaysengland.co.uk

SCHEDULE

LAND COMPRISED IN THE GENERAL VESTING DECLARATION

Plot number	Land to be acquired
4-14	All interests in respect of 5.51 metres squared of grassland and woodland (north of Polegate Bypass, A27) except those owned by the acquiring authority
4-15	All interests in respect of 42.67 metres squared of grassland and woodland (north of Polegate Bypass, A27) except those owned by the acquiring authority
4-16	All interests in respect of 234.54 metres squared of woodland and verge (west of A27 road)
4-17	All interests in respect of 169.59 metres squared of access track (west of Polegate Bypass, A27)
4-18	All interests in respect of 1126.31 metres squared of woodland (west of Polegate Bypass, A27)

The plot numbers above relate to the plot numbers shown on map 5 of 5 accompanying this Declaration.

APPENDIX A

DEFINITIONS OF "MINOR TENANCY" AND "LONG TENANCY WHICH IS ABOUT TO EXPIRE"

Definitions of "minor tenancy" and "long tenancy about to expire" - section 2(1) and (2) of the Act:

“**minor tenancy**” means a tenancy for a year or from year to year, or any lesser interest;

"long tenancy which is about to expire", in relation to a general vesting declaration, means a tenancy granted for an interest greater than a minor tenancy, but having on the vesting date a period still to run which is not more than the specified period (that is to say, such period, longer than one year, as may for the purposes of this definition be specified in the declaration in relation to the land in which the tenancy subsists).

In determining for the purposes of subsection (2) of section 2 of the Act what period a tenancy still has to run on the vesting date it shall be assumed-

(a) that the tenant will exercise any option to renew the tenancy, and will not exercise any option to terminate the tenancy, then or thereafter available to him,

(b) that the landlord will exercise any option to terminate the tenancy then or thereafter available to him.”

APPENDIX B

SUPPLEMENTARY PROVISIONS AS TO VESTING DECLARATIONS

COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

**SCHEDULE A1 COUNTER -NOTICE REQUIRING PURCHASE OF LAND NOT IN
GENERAL VESTING DECLARATION**

PART 1

COUNTER-NOTICE REQUIRING PURCHASE OF ADDITIONAL LAND

1.

(1) This Schedule applies where an acquiring authority have executed a general vesting declaration in respect of part only of a house, building or factory.

(2) But see section 2A of the Acquisition of Land Act 1981 (under which a compulsory purchase order can exclude from this Schedule land that is 9 metres or more below the surface).

2.

A person able to sell the whole of the house, building or factory ("the owner") may serve a counter-notice requiring the authority to purchase the owner's interest in the whole.

3.

A counter-notice under paragraph 2 must be served before the end of the period of 28 days beginning with the day the owner first had knowledge of the general vesting declaration.

4.

In a case where this Schedule applies by virtue of a general vesting declaration executed after a counter-notice has been served under paragraph 4 or 17 of Schedule 2A to the Compulsory Purchase Act 1965, that counter-notice is to have effect as a counter-notice served under this Schedule.

5.

In this Schedule—

"additional land" means the part of the house, building or factory not specified in the general vesting declaration;

"house" includes any park or garden belonging to a house;

"land proposed to be acquired" means the part of the house, building or factory specified in the general vesting declaration;

“notice to treat” means a notice to treat deemed to have been served under section 7(1);

“original vesting date” is the first day after the end of the period specified in the general vesting declaration in accordance with section 4(1).

PART 2

CONSEQUENCES OF COUNTER-NOTICE

Acquiring authority must respond to counter-notice within three months

6.

- (1) On receiving a counter-notice the acquiring authority must decide whether to—
- (a) withdraw the notice to treat in relation to the land proposed to be acquired,
 - (b) accept the counter-notice, or
 - (c) refer the counter-notice to the Upper Tribunal.

(2) But the acquiring authority may not decide to withdraw the notice to treat if the counter-notice was served on or after the original vesting date.

7.

The authority must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).

8.

If the authority decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period.

9.

(1) This paragraph applies if the acquiring authority do not serve notice of a decision within the decision period.

(2) If the counter-notice was served before the original vesting date, the authority are to be treated as if they had served notice of a decision to withdraw the notice to treat in relation to the land proposed to be acquired.

(3) If the counter-notice was served on or after the original vesting date, they are to be treated as if they had served notice of a decision to accept it.

No vesting if notice to treat withdrawn

10.

If the acquiring authority serve notice of a decision to withdraw the notice to treat in relation to the land proposed to be acquired the general vesting declaration is to have effect as if it did not include that land.

Effects of accepting counter-notice

11.

(1) This paragraph applies where the acquiring authority serve notice of a decision to accept the counter-notice.

(2) The general vesting declaration and the notice to treat (and, where applicable, the compulsory purchase order) are to have effect as if they included the owner's interest in the additional land as well as in the land proposed to be acquired.

(3) The authority must serve on the owner a notice specifying the vesting date or dates for—

- (a) the land proposed to be acquired (if the counter-notice was served before the original vesting date), and
- (b) the additional land.

(4) The new vesting date for the land proposed to be acquired must not be before the original vesting date.

(5) The vesting date for the additional land must be after the period of 3 months beginning with the day on which the notice under subparagraph (3) is served.

Effects of referring counter-notice to the Upper Tribunal

12.

(1) This paragraph applies where—

- (a) the acquiring authority refer the counter-notice to the Upper Tribunal, and
- (b) the counter-notice was served before the original vesting date.

(2) At any time before the Upper Tribunal make a determination under paragraph 14, the acquiring authority may serve notice on the owner specifying a new vesting date for the land proposed to be acquired.

(3) The new vesting date for the land proposed to be acquired must not be before the original vesting date.

PART 3

DETERMINATION BY THE UPPER TRIBUNAL

Introduction

13.

This Part applies where, in accordance with paragraph 8, the acquiring authority refer a counter-notice to the Upper Tribunal.

Role of the Upper Tribunal

14.

(1) The Upper Tribunal must determine whether the severance of the land proposed to be acquired would—

- (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or
- (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

(2) In making its determination, the Upper Tribunal must take into account—

- (a) the effect of the severance,
- (b) the proposed use of the land proposed to be acquired, and
- (c) if that land is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.

15.

If the Upper Tribunal determines that the severance of the land proposed to be acquired would have either of the consequences described in paragraph 14(1) it must determine how much of the additional land the acquiring authority ought to be required to take in addition to the land proposed to be acquired.

Effect of determination that more land should be acquired

16.

(1) This paragraph applies where the Upper Tribunal specifies in its determination that the acquiring authority ought to be required to take the whole or part of the additional land (“the specified land”).

(2) The general vesting declaration and any notice to treat (and, where applicable, the compulsory purchase order) are to have effect as if they included the owner's interest in the specified land.

(3) The Upper Tribunal must order a vesting date for— (a) the specified land, and

(b) any land proposed to be acquired which has not vested in the authority and for which no vesting date has been specified under paragraph 12.

(4) If the vesting date for the specified land is after the vesting date for any land proposed to be acquired, the Upper Tribunal's power to award compensation under section 7 of the Compulsory Purchase Act 1965 includes power to award compensation for any loss suffered by the owner by reason of the temporary severance of the land proposed to be acquired from the specified land.

Withdrawal of notice to treat following determination

17.

(1) This paragraph applies where—

- (a) the Upper Tribunal has specified in its determination that the acquiring authority ought to be required to take the whole or part of the additional land ("the specified land"), and
- (b) the vesting date in relation to the land proposed to be acquired has not passed, and
- (c) the vesting date in relation to the specified land has not passed.

(2) The acquiring authority may, within the period of 6 weeks beginning with the day on which the Upper Tribunal made its determination, withdraw the notice to treat in relation to the land proposed to be acquired together with the specified land.

(3) If the acquiring authority withdraws the notice to treat, the general vesting declaration is to have effect as if it did not include that land.

(4) If the acquiring authority withdraws the notice to treat under this paragraph they must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawal of the notice.

(5) Any dispute as to the compensation is to be determined by the Upper Tribunal.

SCHEDULE 1

DIVIDED LAND

PART 2

RENT CHARGES AND TENANCIES

11.

- (1) Where land specified in a general vesting declaration is, together with other land not so specified, charged with a rentcharge, such proportion of the rentcharge as may be apportioned under section 18 of the Compulsory Purchase Act 1965 to the first-mentioned land shall, subject to sub-paragraph (3) below, be treated as having been extinguished by

virtue of Part III of this Act on the vesting of that land in an acquiring authority under that Part.

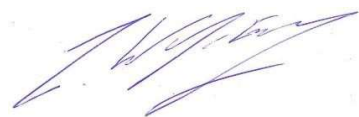
- (2) Where by virtue of sub-paragraph (1) above, a portion of the rentcharge is treated as having been extinguished, the provisions of section 18 of the Compulsory Purchase Act 1965 shall have effect as if the extinguishment had taken place under that section.
- (3) If, in the circumstances described in sub-paragraph (1) above, the person entitled to the rentcharge and the owner of the land subject thereto enter into an agreement to that effect, the said section 18 shall have effect as if, at the time of the vesting of the land in the acquiring authority under Part III of this Act, the person entitled to the rentcharge had released that land from the rentcharge on the condition mentioned in sub-section (2) of that section; and in that case no part of the rentcharge shall be treated as having been extinguished as regards the remaining part of the land charged therewith.
- (4) In this paragraph "*rentcharge*" has the same meaning as in section 18 of the Compulsory Purchase Act 1965.

12.

Where land specified in a general vesting declaration is, together with other land not so specified, comprised in a tenancy for a term of years unexpired, section 19 of the Compulsory Purchase Act 1965 shall have effect in relation thereto as if for references to the time of the apportionment of rent therein mentioned there were substituted references to the time of vesting of the tenancy in the acquiring authority.

Dated this 17 day of March 2020

Signed:



Authorised signatory for

Chris Welby-Everard
Divisional Director
Highways England Company Limited

**THE HIGHWAYS ENGLAND (A27 TRUNK ROAD EAST OF LEWES IMPROVEMENT
SCHEME) (BERWICK AND POLEGATE JUNCTIONS) COMPULSORY PURCHASE
ORDER 2019 ("CPO")**

GENERAL VESTING DECLARATION No. 5

THIS GENERAL VESTING DECLARATION is made the 16th day of March 2020
by **HIGHWAYS ENGLAND COMPANY LIMITED** (the "**Authority**")

WHEREAS:

1. On 27 January 2020 an order entitled The Highways England (A27 Trunk Road East of Lewes Improvement Scheme)(Berwick and Polegate Junctions) Compulsory Purchase Order 2019 ("the Order") was confirmed by the Secretary of State for Transport under the powers conferred on him by the Highways Act 1980 and the Acquisition of Land Act 1981 authorising the Authority to acquire all interests in the land specified in Schedule 1.
2. Notice of the confirmation of the Order was first published in accordance with section 15 of the Acquisition of Land Act 1981 on 28 February 2020.
3. That notice included the statement and form prescribed under section 15(4)(e) and (f) of the Acquisition of Land Act 1981.
4. The notice referred to in 3 above specified the period of not less than three months beginning with the date of its first publication as the period before the end of which this general vesting declaration could not be executed.

NOW THIS DEED WITNESSES that, in exercise of the powers conferred on them by section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("Act"), the Authority hereby declare:-

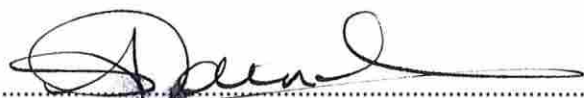
1. The land described in Schedule 1 hereto (being part of the land authorised to be acquired by the Order) and more particularly coloured pink on the plan annexed hereto, together with the right to enter upon and take possession of the land, shall vest in the Authority as from the end of the period of 3 months from the date on which the service of notices required by section 6 of the 1981 Act is completed ("Vesting Date").
2. For the purposes of section 2(2) of the 1981 Act, the specified period in relation to the land comprised in this Declaration is one year and one day.

SCHEDULE

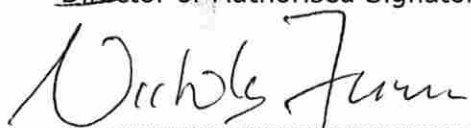
Plot Number	Description
4-14	All interests in respect of 5.51 metres squared of grassland and woodland (north of Polegate Bypass, A27) except those owned by the acquiring authority
4-15	All interests in respect of 42.67 metres squared of grassland and woodland (north of Polegate Bypass, A27) except those owned by the acquiring authority
4-16	All interests in respect of 234.54 metres squared of woodland and verge (west of A27 road)
4-17	All interests in respect of 169.59 metres squared of access track (west of Polegate Bypass, A27)
4-18	All interests in respect of 1126.31 metres squared of woodland (west of Polegate Bypass, A27)

The plot numbers above relate to the plot numbers shown on map 5 of 5 accompanying this Declaration.

EXECUTED as a DEED
By affixing the common seal of
HIGHWAYS ENGLAND COMPANY LIMITED



Director or Authorised Signatory



Director or Company Secretary or Authorised Signatory



2020
No 435

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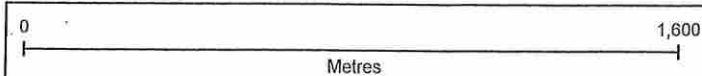
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MAP REFERRED TO IN
HIGHWAYS ENGLAND (A27 TRUNK ROAD
EAST OF LEWES IMPROVEMENT SCHEME)
(BERWICK AND POLEGATE JUNCTIONS)
GENERAL VESTING DECLARATION -
KEY PLAN

THE COMMON SEAL OF HIGHWAYS
ENGLAND COMPANY LIMITED hereunto affixed
in the presence of -

A. Ballance
Authorised Signatory
Dated 16.3.2020

Authorised Signatory



MAP REFERRED TO IN
HIGHWAYS ENGLAND (A27 TRUNK ROAD
EAST OF LEWES IMPROVEMENT SCHEME)
(BERWICK AND POLEGATE JUNCTIONS)
GENERAL VESTING DECLARATION - PLAN FOR
GENERAL VESTING DECLARATION NO. 5
Map 5 of 5

Authorised Signatory _____ Authorised Signatory _____
 Dated 16.3 2020

A horizontal number line with tick marks at 0, 100, and 200. The word "Metres" is written below the line, centered between 0 and 200.



2024
No 135

