

A27 East of Lewes Improvements

Statement of reasons
accompanying the Made Orders

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The Project Manager is responsible for production of this document, based on the contributions made by his/her team existing at each Stage.

Document Title	PCF Stage 3: A27 East of Lewes Improvements: Statement of Reasons
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Distribution	Highways England Consultees, WSP Team
Document Status	Final Issue

Revision History

This document is updated at least every stage.

Version	Date	Description	Author
P01.0	23/08/2019	First Issue	Luke Atherton
P02.0	23/10/2019	Second Issue	Luke Atherton
P03.0	06/11/2019	Third Issue	Luke Atherton
P04.0	19/11/2019	Fourth Issue	Luke Atherton
P05.0	06/12/2019	Final Issue	Luke Atherton

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A27 EAST OF LEWES IMPROVEMENTS

STATEMENT OF REASONS: SHARED USE PATH

Highways England

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QUALITY MANAGEMENT

ISSUE/REVISION P05

Remarks	First Issue	Second Issue	Third Issue	Fourth Issue	Final Issue
Date	23/08/19	23/10/19	06/11/19	19/11/19	06/12/19
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Signature	CR	CR	CR	CR	CR
Project number	PIN: HE552988 WSP ref: 70035418				
Report number	HE552988-WSP-EGN-SWI-RP-ZC-00005				
File reference	\\uk.wspgroup.com\central data\Projects\700354xx\70035418 - A27EastOfLewes				

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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 13 December 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) (Shared Use Path) Compulsory Purchase Order 2019
 - b) The Highways England (A27 Trunk Road East of Lewes Improvement Scheme) (Shared Use Path) (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 a shared use path for walkers, cyclists and horse riders along the A27 East of Lewes between Beddingham 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 support sustainable modes of travel, reduce severance for local communities, provide opportunities for improved accessibility for all users into the South Downs National Park.
- 1.1.5 Highways England has had regard to the purposes of the National Park in designing the scheme and choosing between improvement options, in accordance with its duty set out in the National Parks and Access to the Countryside Act 1949 (amended by the Environment Act 1995).
- 1.1.6 It is part of the Department for Transport’s (DfT) Road Investment Strategy (RIS), covering the period 2015-2020.
- 1.1.7 Both a compulsory purchase order (CPO) and a side roads order (SRO) is needed to carry out the improvement scheme. The land required is in a variety of ownerships and East Sussex County Council (ESCC) are the highways authority for the side roads.
- 1.1.8 The scheme falls across the boundaries of two local authorities and one National Park authority. Wealden District Council, Lewes District Council and the South Downs National Park Authority (SDNPA). The SDNPA is responsible for development and planning within the South Downs National Park (SDNP).
- 1.1.9 The CPO is made pursuant to Sections 239, 240, 246, 250 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 1980 Act.

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 1980 Act is the enabling Act under which Highways England may exercise powers of compulsory purchase.

2.1.2

Guidance published in July 2019 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 1980 Act 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 1980 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 14 confers powers on highways authorities in relation to roads that cross or join trunk roads or classified roads. Amongst other things it provides that an order may be made to authorise the highway authority for the road to stop up, divert, improve, raise or 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. The order may also authorise the construction of new highway for purposes concerned with such alteration, or for any other purpose connected with the road or its construction. Section 14(1)(b) confirms that an order may make provision for the transferring to another highway authority of a highway constructed under this order.

- g) 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.
- h) As the scheme is being progressed under the 1980 Act, the permitted development rights under Schedule 2 Part 9 Class B of the Town and Country Planning (General Permitted Development) Order 2015 are applicable.

2.1.4 The CPO Guidance assists 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 scheme extends approximately 12km along the A27 from Beddingham to Polegate, predominantly through open rural areas and several smaller settlements, integrating with proposed junction improvements at Berwick roundabout and joining the junction of the A27 with the A2270 at Polegate.
- 3.1.2** 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 on or near to the A27 between Lewes and Polegate, include Berwick, Alfriston, Milton Street, Wilmington, Folkington and Filching.
- 3.1.3** To the western end of the scheme lies Firle, a small hamlet in the SDNP serviced by the A27 and an existing shared use path in the direction of Lewes. Travelling east, the scheme would pass through open countryside and several small settlements including Selveston and Alciston, again serviced by the existing A27.
- 3.1.4** Further east, the A27 runs to the north of the small village of Berwick before reaching Berwick roundabout, connecting Drusillas Park and the SDNP to Berwick station on Station Road to the north. The scheme then passes over the Cuckmere River going eastwards through Wilmington before reaching the western extent of Polegate and the outer suburbs of Eastbourne.
- 3.1.5** The South Downs National Park is to the south of the A27. Glynde railway station is at the western end of the scheme, to the north of Firle, followed by Berwick railway station to the north of Berwick and Polegate railway station to the east of Polegate Junction. The line runs east/west parallel to the north of the A27.
- 3.1.6** The scheme area is 34.2 hectares. This includes all land required permanently for the scheme, land required for exchange and land needed temporarily. Land required temporarily is 0.12 hectares.

3.2 SCHEME DESCRIPTION

- 3.2.1 A new shared use path would be constructed between Beddingham in the west to Polegate in the east, where it will connect with existing footpaths and cycleways at either end. The shared use path is being created as a bridleway to allow use by cyclists, horse riders and pedestrians only. Cyclists have the right to ride bicycles which are not mechanically propelled vehicles on bridleways but are required to give way to pedestrians and cyclists.
- 3.2.2 Travelling eastwards, a section of the path at the western end of the scheme will direct cyclists and horse riders to join Wick Street and Firle Bostal, whilst pedestrians will follow an existing footway to the north of the A27 towards Beddingham.
- 3.2.3 The path will be located to the south of the existing A27 within the SDNP. A variable distance will be retained between the new shared use path and the live carriageway, creating a separation from the road. Where this is not possible due to existing features, the path will be located along the northern edge of the fields to the south of the A27.
- 3.2.4 Where the shared use path runs along field boundaries to the south of the A27, the scheme has been designed where possible to retain the existing hedgerow boundary between the A27 and the new shared use path, reinforcing the separation of the shared use path from the live carriageway.
- 3.2.5 All the proposed new sections of the path will be a shared cycleway, footpath and will be open to equestrian users.
- 3.2.6 A new section of the shared use path will be built from Berwick roundabout to connect a pre-existing cycle path on Station Road. This then connects to Berwick railway station to the north.
- 3.2.7 The shared use path will connect to the new or improved paths at the junctions that formed part of separate orders, The Highways England (A27 Trunk Road East of Lewes Improvement Scheme) (Berwick and Polegate Junctions) (Side Roads) Order 2019 and The Highways England (A27 Trunk Road East of Lewes Improvement Scheme) (Berwick and Polegate Junctions) Compulsory Purchase Order 2019, published on the 3rd May 2019 by Highways England.
- 3.2.8 The following works form part of the shared use path:

WALKERS, CYCLISTS AND HORSE RIDERS AT BERWICK ROUNDABOUT

- Improving the existing signalised crossing to the west to cater for walkers, cyclists and equestrian users
- Improving existing uncontrolled crossing facilities for walkers, cyclists and equestrian users
- Construction of a new shared use path on the eastern side of Station Road, to connect to Berwick railway station approximately 400m to the north via an uncontrolled crossing

- 3.2.9 As part of the shared use path at Berwick roundabout, a Pegasus crossing alongside a Toucan crossing is proposed on the western arm of the junction. This would provide an improvement to the existing crossings by providing a grassed holding area for horse-riders of 10m long by 5m wide in the verge in accordance with guidance in Section 3 of Volume 6 of the Design Manual for Roads and Bridges (DMRB). Pedestrian and cycle refuge islands will be provided giving a minimum width of 3m.
- 3.2.10 The shared use path will continue along the south side of the roundabout to improve the cycle connection between Lewes and Polegate, with a northern extension being provided on the eastern side of Station Road on the northern arm of the junction. This will connect to the existing shared path from Berwick railway station and Berwick village on the western side of Station Road approximately 400m to the north.

WALKERS, CYCLISTS AND HORSE RIDERS AT WILMINGTON

→ A proposed signalised Pegasus crossing alongside a Toucan crossing on the western arm of the junction

- 3.2.11 Similar to the proposed signalised crossings at Berwick roundabout, the shared use path at Wilmington includes proposed Pegasus and Toucan crossings.
- 3.2.12 The Pegasus crossing comprises of a grassed holding area in the verge for horse riders, which will be 10m in length and 5m in width, in accordance with guidance. The non-signalised crossing points will be on 'raised tables' to highlight the presence of cyclists and pedestrians to other road users.

WALKERS CYCLISTS AND HORSE RIDERS AT THE RIVER CUCKMERE

- 3.2.13 A new bridge for pedestrians and cyclists will be provided over the River Cuckmere, running parallel with the existing A27 at Sherman Bridge. The bridge will be 3m wide and will have a minimum height of 6m above the ordnance datum to account for flood events. Preliminary designs indicate a steel structure on concrete piles with railings 1.4m above the level of the bridge.
- 3.2.14 Separate orders under Section 106 of the 1980 Act will not be required as the River Cuckmere is not considered to be a 'navigable water' according to the Canal and River Trust online mapping tool.

BOARDWALKS

- 3.2.15 The shared use path will cross narrow drainage ditches via 13 boardwalks. This will avoid extending existing culverts or building new ones. The boardwalks will be timber on steel screw piles, 2m wide with a railing height of 1.4m above the boardwalk.

CROSSINGS

- 3.2.16 The scheme would include 4 new controlled crossings across the A27 at Firle Bostal, Wilmington, Berwick and Polegate Bypass/Cophall Roundabout at the eastern end of the scheme.
- 3.2.17 The new Toucan crossing at Firle will connect the shared use path to the existing pedestrian and cyclist facilities on the northern side of the A27. This will provide an improved alternative to the existing island based, non-controlled crossing.
- 3.2.18 The crossing at Polegate Bypass/Cophall Roundabout will be moved to the south as part of the Polegate Bypass works.

4 DESCRIPTION OF THE ORDER LAND

- 4.1.1 The Order Land includes land needed for construction, replacement land, drainage, landscaping, mitigation planting and exchange land. 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. For land that is already within the ownership of Highways England, we have included that land within the compulsory purchase order to ensure there are no remaining subsidiary rights that would cause an impediment to the scheme.
- 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 34.2 hectares. This comprises 34.08 hectares for which title to the Order Land is required, 0.12 hectares for which land is required temporarily are required for construction purposes and 0.08 hectares of exchange land.
- 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 there is a compelling case in the public interest that justifies interfering with the rights of those with an interest in the land.
- 5.1.2 The public interest case for the compulsory purchase of land derives from there being an identified need for sustainable modes of travel and increased accessibility into the SDNP along this section of the A27, which the scheme will provide. The identified need is set out in paragraphs 5.3.4-5.3.16 of this Statement of Reasons.
- 5.1.3 The issues from which the need for the scheme arises along with how the improvements will address these issues is set out in paragraph 5.3 of this Statement of Reasons.
- 5.1.4 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.
- 5.1.5 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. Details of engagement with landowners is set out in Appendix B to this Statement of Reasons.
- 5.1.6 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.
- 5.1.7 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 construct new highway, which will be classified as a bridleway allowing for use by horse riders, cyclists and pedestrians, to make necessary alterations and additions to the local highway network and to stop up private means of access and highways where this is considered necessary. The shared use path will be limited to use by those on foot, horseback and cyclists.
- 5.2.2 The side roads order will also 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.
- New highways to be created within the scheme are:
- A length of new bridleway from a point 39 metres east of the junction of the A27 and Wick Street, in an easterly direction to a point 73 metres west of the junction of the A27 and

Heighton Street, a distance of 725 metres

- A length of new bridleway from a point opposite the exit from Middle Farm, in a generally easterly direction, to a point 10 metres west of the junction of the A27 and the private access to Charleston, a distance of 822 metres
- A length of new bridleway from a point 9 metres east of the junction of the A27 and the private access to Charleston, in a generally south-easterly direction, to a point 24 metres north of the junction of the A27 and Bopeep Lane, a distance of 1,751 metres
- A length of new footpath from a point 148 metres north-west of the junction of the A27 and The Street, in a generally south-easterly direction, to a point 111 metres west of the junction of the A27 and The Street, a distance of 51 metres
- A length of new cycle track (with a right of way on foot) from a point 60 metres south of the junction of the A27 and The Street, in a generally northerly direction, to a point 20 metres south of the junction of the A27 and The Street, a distance of 40 metres
- A length of new bridleway from a point 41 metres south of the junction of the A27 and Bopeep Lane, in a generally southerly direction, to a point 10 metres west of the junction of the A27 and The Village (Alciston), a distance of 369 metres
- A length of new bridleway from a point 61 metres south-east of the junction of the A27 and The Village (Alciston), in a generally south-easterly direction, to a point 137 metres north-west of the junction of the A27 and The Village (Berwick), a distance of 1,267 metres
- A length of new bridleway from a point 73 metres north of the centre of Berwick roundabout, in a generally northerly direction, to a point 106 metres south of the junction of Station Road C39 and Pound Lane, a distance of 97 metres
- A length of new bridleway from a point 138 metres north of the junction of Station Road C39 and Pound Lane, in a generally northerly direction, to a point 249 metres north of the junction of Station Road C39 and Pound Lane, a distance of 115 metres
- A length of new bridleway from a point 257 metres south-east of the centre of Berwick roundabout, in a generally south-easterly direction, to a point 73 metres south-west of the junction of the A27 and Milton Street, a distance of 1,147 metres
- A length of new bridleway from a point 60 metres south-east of the junction of the A27 and Milton Street, in a generally easterly direction, to a point 192 metres west of the junction of the A27 and The Street C210, a distance of 626 metres
- A length of new bridleway from a point 55 metres north-west of the junction of the A27 and Thornwell Road C210, in a generally easterly direction, to a point 8 metres north of the junction of the A27 and Thornwell Road C210, a distance of 54 metres
- A length of new bridleway from a point 65 metres south-west of the junction of the A27 and Thornwell Road C210, in a generally easterly direction, to a point 30 metres south of the junction of the A27 and Thornwell Road C210, a distance of 48 metres
- A length of new bridleway from a point 118 metres east of the junction of the A27 and The Street C210, in a generally easterly direction, to a point 10 metres west of the junction of the A27 and Folkington Lane, a distance of 2,031 metres
- A length of new bridleway from a point 35 metres east of the junction of the A27 and Folkington Lane, in a generally easterly direction, to a point 229 metres east of the junction of the junction of the A27 and Folkington Lane, a distance of 195 metres

Highways to be improved under the side roads order include:

- Firle Bostal
- Wick Street
- The Street
- The Village (Alciston)
- Pound Lane
- The Village (Berwick)
- Station Road C39
- Thornwell Road C210
- The Street C210
- Folkington Lane

Highways to be stopped up are:

- Footpath Alciston 2 - a length from its intersection with the southern boundary of the existing A27 in a south-westerly direction, for a distance of 25 metres
- Footpath Alciston 14 - a length from its intersection with the southern boundary of the existing A27 in a southerly direction, for a distance of 40 metres
- A length of The Village (Alciston) - a length from its intersection with the southern boundary of the existing A27 in a southerly direction for a distance of 15 metres
- Footpath Alciston 7 - a length from its intersection with the southern boundary of the existing A27 in a westerly direction for a distance of 17 metres
- Footpath Alciston 8 - a length from its intersection with the southern boundary of the existing A27 in a westerly direction for a distance of 11 metres
- Footpath Long Man 24a - a length from its intersection with the southern boundary of the existing A27 in a southerly direction for a distance of 48 metres
- Footpath Long Man 22 - a length from its intersection with the southern boundary of the existing A27 in an easterly direction for a distance of 40 metres
- Footpath Long Man 10 - a length from its intersection with the southern boundary of the existing A27 in a southerly direction for a distance of 25 metres
- Footpath Long Man 14 - a length from its intersection with the northern boundary of the existing A27 in a northerly direction for a distance of 10 metres
- Footpath Long Man 8 - a length from its intersection with the southern boundary of the existing A27 in a southerly direction for a distance of 3 metres
- A length of The Street C210 from its junction with the southern boundary of the A27, southwards for a distance of 15 metres
- A length of Thornwell Road C210 from its junction with the northern boundary of the A27 northwards for a distance of 15 metres
- A length of the Folkington Lane from its junction with the southern boundary of the A27, southwards for a distance of 8 metres

Private means of access to be stopped up are:

- (4/a) Access to field on the south side of the existing A27, opposite the existing exit from Middle Farm on the north side of the existing A27
- (4/b) Access to field from the south side of the existing A27, 305 metres south-east of the existing exit from Middle Farm, located on the north side of the existing A27
- (5/a) Access to field from the south side of the existing A27, 145 metres west of the junction of the A27 with the access road to Swingate Cottages
- (5/b) Access to field from the south side of the existing A27, 746 metres east of the junction of the A27 with the access road to Charleston
- (6/a) Access to field from the south side of the existing A27, 460 metres west of the junction of the A27 with The Street, Selmeston
- (6/b) Access to property and garage on the south side of the A27, 20m south of the junction of the A27 and The Street, Selmeston, southwards for a distance of 30 metres
- (8/a) Access to field from the south side of the existing A27, 456 metres north-west of the junction of the A27 with Pound Lane
- (10/a) Access to field from the east side of the existing Station Road, 133 metres north of the junction of the Station Road with Pound Lane
- (11/a) Access to field from the south side of the existing A27, 273 metres east of the existing Berwick roundabout
- (11/b) Access to field from the south side of the existing A27, 511 metres west of the junction of the A27 with Milton Street
- (12/a) Access to field from the south side of the existing A27, 340 metres west of the junction of the A27 with Milton Street
- (12/b) Access to Longman Nursery from the south side of the existing A27, 245 metres east of the junction of the A27 with the Milton Street
- (13/a) Access to field from the south side of the existing A27, 252 metres west of the junction of the A27 with The Street
- (13/b) Access to The Wishing Well and Wishing Well Cottage from the south side of the existing A27, 60 metres east of the junction of the A27 with The Street
- (13/c) Access to Apple Tree Cottage from the south side of the existing A27, 135 metres east of the junction of the A27 with The Street
- (14/a) Access to field from the south side of the existing A27, opposite the junction of the A27 with the access road to new New Barn Farm
- (14/b) Access to field from the south side of the existing A27, 698 metres east of the junction of the A27 with the access road to New Barn Farm
- (15/a) Access to Folkington Manor Farm from the south side of the existing A27, 600 metres west of the junction of the A27 with the Folkington Lane
- (16/a) Existing temporary access to the rear of No. 58 Hyperion Avenue on the south side of the existing A27, 234 metres east of the junction of the A27 with Folkington Lane

New private means of access to be created are:

- (4/1) New private means of access to field (which is subject to vehicular rights over the new

shared use path) in the same location as stopped up access Reference 4/a but relocated at the southern boundary of the new shared use path

- (4/2) New private means of access to field (and subject to vehicular rights over new bridleway) on the south side of the existing A27 in the same location as stopped up access Reference 4/b but relocated at the southern boundary of the new bridleway
- (4/3) New private means of access on the south side of the existing A27 for maintenance purposes only
- (5/1) New private means of access to field in the same location as stopped up access Reference 5/a
- (5/2) New private means of access to field (and subject to vehicular rights over new bridleway) in the same location as stopped up access Reference 5/a but relocated at the southern boundary of the new bridleway
- (6/1) New private means of access to field (and subject to vehicular rights over new bridleway) on the south side of the new bridleway, 520m to the west of the existing junction of the A27 and The Street
- (6/2) New private means of access to property and garage (and subject to vehicular rights over part of new cycle track, (with a right of way on foot) from a point 20m south of the junction of the A27 and The Street, Selveston, southwards for a distance of 30 metres
- (7/1) New private means of access to field (and subject to vehicular rights over new bridleway) from the south side of the existing A27 to field on the south side of the new bridleway
- (7/2) New private means of access on the south side of the existing A27 for maintenance purposes only
- (8/1) New private means of access to field (and subject to vehicular rights over new bridleway) in the same location as stopped up access Reference 8/a but relocated at the southern boundary of the new bridleway
- (10/1) New private means of access to field (and subject to vehicular rights over new shared use path) in the same location as stopped up access Reference 10/a but relocated at the southern boundary of the new shared use path
- (11/1) New private means of access to field (and subject to vehicular rights over new bridleway) on the south side of the new bridleway, 140m to the east of the existing access Reference 11/a
- (11/2) New private means of access on the south side of the existing A27 for maintenance purposes only
- (11/3) New private means of access to field (and subject to vehicular rights over new bridleway) in the same location as stopped up access Reference 11/b but relocated at the southern boundary of the new bridleway
- (12/1) New private means of access to field (and subject to vehicular rights over new bridleway) on the south side of the existing A27 to land on the south side of the new bridleway
- (12/2) New private means of access on the south side of the existing A27 for maintenance purposes only
- (12/3) New private means of access to Longman Nursery (and subject to vehicular rights over new bridleway) in the same location as stopped up access Reference 12/b but relocated at the southern boundary of the new bridleway
- (13/1) New private means of access to field (and subject to vehicular rights over new bridleway) in the same location as stopped up access Reference 13/a but relocated at the southern boundary of the new bridleway

- (13/2) New private means of access to The Wishing Well and Wishing Well Cottage (and subject to vehicular rights over new shared use path) in the same location as stopped up access Reference 13/b but relocated at the southern boundary of the new shared use path
- (13/3) New private means of access to Apple Tree Cottage (which is subject to vehicular rights over new bridleway) in the same location as stopped up access Reference 13/c but relocated at the southern boundary of the new bridleway
- (14/1) New private means of access to field (and subject to vehicular rights over new bridleway) at the southern boundary of the new bridleway, 44 metres to the east of the existing access Reference 14/a
- (14/2) New private means of access (which is subject to vehicular rights over new bridleway) at the southern boundary of the new bridleway, 15m to the west to the existing access Reference 14/b
- (15/1) New private means of access on the south side of the existing A27, a distance of 953 metres east of the existing access road to New Barn Farm, for maintenance purposes only
- (15/2) New private means of access to Folkington Manor Farm (and subject to vehicular rights over new bridleway) in the same location as stopped up access Reference 15/a but relocated at the southern boundary of the new bridleway

5.3 THE NEED FOR AND BENEFITS OF THE SCHEME

- 5.3.1 The public interest case for the compulsory purchase of land for the shared use path derives from there being an identified need for improvements along this section of the A27, which the scheme will provide. The basis of the identified need is set out at paragraphs 5.3.4-5.3.16.
- 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 shared use path supports an improved environment for users of the path between Lewes and Polegate, and to and from the National Park. A more accessible and integrated sustainable transport network would be created, allowing more journeys to be made via non-motorised methods.
- 5.3.5 A **Cycling and walking investment strategy** published by the Department for Transport in April 2017 aims to make cycling and walking the natural choices for shorter journeys, or as part of a longer journey. It states the Department will continue to work closely with Highways England to provide for cycle-proofing of the strategic road network and enhance access for a variety of users including pedestrians and horse riders.
- 5.3.6 The Highways England **Cycle Strategy** (2016) identifies that cycling has many advantages over other types of transport, especially its environmental benefits; it causes negligible climate change, air pollution and noise. Increased levels of cycling can deliver a wide range of benefits to society, the economy and the environment.
- 5.3.7 The strategy builds upon this whereby '*cycling can play an important role in achieving our overall ambitions for the road network. Providing more attractive, safe, accessible and integrated cycling facilities will encourage cycling participation and remove some local motor vehicle journeys from our network. This will support the development of a more free-flowing network with fewer delays and better journey reliability, reduced environmental impacts, improved public health and greater sustainability*'.
- 5.3.8 The Highways England **Cycle Strategy** builds upon their overall aim which is to deliver a high performing strategic road network and the best possible services to road users. In particular, Highways England want to '*contribute to a connected, comfortable, attractive and high-quality cycling network, suitable and safe for use by people of all ages and abilities*'.
- 5.3.9 This is further emphasised in national and local policy, whereby a separate **Sustainable Development Strategy** has been prepared to support integrated schemes which improve cycling facilities.
- 5.3.10 Policies in the emerging **Wealden District Council Local Plan** (submission version) and due for adoption in 2019 support increased accessibility. **Spatial Objective 19** seeks to implement '*wider walking and cycling strategies to help improve connectivity within towns and villages but also to connect villages with external facilities*'.
- 5.3.11 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.
- 5.3.12 The **SoCoMMS** strategy also identifies opportunities to assist the SDNP by improving stations, such as Lewes and Polegate, which can act as a gateway to the park and providing better walking and cycling connections. It was also identified that the A27 between Lewes and Polegate suffers from a poor safety record, also acting as a barrier for pedestrians and cyclists, causing severance between both villages and towns along the A27.
- 5.3.13 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

5.3.14 One of the 'hotspots' identified using these objectives was the stretch of A27 between Lewes and Polegate.

5.3.15 **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.

5.3.16 Challenges and issues that the scheme will address are:

- Poor access to the national park due to severance caused by the A27
- Pedestrians, cyclists and horse riders are not fully catered for with insufficient crossing points
- 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 businesses

5.3.17 In summary, there is an identified need for improving provision for non-motorised users along the A27 between Lewes and Polegate. The benefits show how the shared use path will contribute towards the development of an integrated, comprehensive and high-quality cycle network and as such meets a stated aim in the Highways England Strategic Business Plan.

5.4 SCHEME OBJECTIVES

5.4.1 The following objectives were formed to address the need for the scheme. The scheme objectives also relate to junction improvements at Berwick and Polegate on the A27 between Lewes and Polegate, part of a separate compulsory purchase order and side roads order published on the 3rd May 2019.

- **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 objectives specifically for the shared use path are achieved by the scheme as follows:

IMPROVE SAFETY FOR ALL ROAD USERS

- 5.4.3 12km of a new shared use path will be constructed between existing footpaths and cycleways at Beddingham and Polegate, improving safety for all road users along the A27 to the east of Lewes.
- 5.4.4 The introduction of the shared use path route will reduce pedestrian and cyclist casualties on the A27. This is quantified through a scheme contribution of 30 accidents saved and 14 killed or seriously injured (KSI) incidents saved.
- 5.4.5 This will be achieved through providing a separation between users of the shared use path and other road users whilst also introducing new and improved signalised and non-signalised crossing points across the A27, specifically at Firle, Berwick roundabout, Wilmington and Polegate. 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.

SUPPORT SUSTAINABLE MODES OF TRAVEL AND BEHAVIOURS

- 5.4.6 The provision of crossing facilities will encourage the use of sustainable travel. The shared use path will link with the shared use path at Firle and Polegate, improving safety for all road users by separating cyclists from vehicular traffic and linking Lewes in the west to Polegate in the east.
- 5.4.7 The shared use path also provides a link to Berwick railway station to the north of the A27, supporting sustainable travel links to and from the A27 and to the SDNP, creating a more integrated sustainable travel network through connecting new modes of transport to existing infrastructure.

REDUCE SEVERANCE FOR LOCAL COMMUNITIES

- 5.4.8 The provision of signalised crossing facilities at Firle, Berwick, Wilmington and Polegate will allow the A27 to be safely crossed, reducing identified community severance at a number of locations.

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

- 5.4.9 The land required for a new shared use path, along with the junction improvement scheme being brought forward by a separate compulsory purchase order and side roads order will provide significantly improved opportunities for all users to access the park. The scheme has been designed to DMRB standards to allow for inclusive access.
- 5.4.10 As identified in the SDNPA Local Plan, Lewes is identified as a 'key settlement and hub' and Polegate is identified as a 'gateway' to the National Park. Consultation with the SDNPA also identified that Berwick can be considered as a gateway, due to the rail link to the north of the A27.
- 5.4.11 Gateways are classed as '*settlements outside the South Downs with good bus, ferry or rail links to the wider region and beyond, and bus and cycle links into the National Park*'.
- 5.4.12 The scheme provides and enhances new sustainable travel links from Lewes to Polegate along the A27, linking into railway stations to the north of the trunk road (Glynde and Berwick railways stations), providing increased accessibility to the National Park.

HAVE REGARD TO THE NATIONAL PARK PURPOSES AND THE SPECIAL QUALITIES

- 5.4.13 **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.

5.4.14 **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. The Act states:

(2) In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act and, if it appears that there is a conflict between these purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.

5.4.15 All public bodies, when undertaking any activity which may have an impact on the designated area, have a duty to have regard to the purposes outline above.

5.4.16 The scheme helps Highways England, as the relevant authority, to fulfil their duty with regards to the purposes for which National Parks are designated, to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and to promote opportunities for the understanding and enjoyment of the special qualities of the National park by the public.

CONCLUSION

5.4.17 Overall, Highways England are satisfied that there is a public interest case in acquiring land for these improvements, and the public benefits of the scheme outweigh any private disbenefits.

5.4.18 The scheme addresses identified issues between Lewes and Polegate. The proposals will reduce severance for local communities, including vulnerable road users and provide better access to local services and facilities.

5.4.19 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 for both the junction improvements and the shared use path.
- 5.5.2 The benefit-cost ratio (BCR) for the scheme, inclusive of the junction improvements is 7.26. The BCR summarises the overall value for money for a scheme and indicates the ratio of the benefits of a project or proposal relative to its costs.
- 5.5.3 According to the Value for Money Framework from the Department for Transport, when a BCR is greater than or equal to 4, the scheme is considered to be very high value for money. This is where the proposal generates benefits to wider society and 'pays for itself' in the long-run since outlays are less than revenues and cost-savings combined.
- 5.5.4 More specifically, the benefits of the shared use path were assessed using the Highways England cycling, safety and integration (CSI) scheme assessment report (SAR) spreadsheet which applies the principles of the WebTAG Active Modes toolkit to estimate the impacts of increased cycling and walking.
- 5.5.5 The spreadsheet estimates safety impacts and the health and economic impacts associated with improved physical activity, including reduced mortality and reduced absenteeism. More minor impacts captured include improved journey quality resulting from improved facilities for walking and cycling. The decongestion benefits associated with assumed reduction in highway vehicle kilometres as people switch to walking and cycling are also included, covering reduced delay for remaining car users and reduced emissions.
- 5.5.6 The assessment for the shared use path largely used default assumptions which relate primarily to estimates of the numbers and length of walking and cycling journeys likely to be undertaken with the path in place.
- Current cycling levels along the corridor were assumed to be, on average, 50 trips per day across the year, based on local Department for Transport counts of pedal cyclists, supported by the local counts undertaken for this study and estimates of seasonal patterns of activity
 - Cycling with the scheme in place was assumed to reach an average of 115 trips per day (13% increase) based on the levels of cycling seen on other comparable routes in the area (most notably the A22 and the recent segregated Lewes Ringmer cycle lane caused a 132% increase in cycling and already has usage levels of 100 cyclists per day)
- 5.5.7 The assessment of the shared use path completed during PCF Stage 2 taken from the Highways England CSI SAR showed that the scheme is likely to generate benefits of £8.4 million.
- 5.5.8 Of this total, £4.6 million, or over 60% relates to accident benefits whereby 85% of current cyclists would switch to use the new segregated shared use path rather than the live carriageway.
- 5.5.9 The second most important contributor to benefits is the fitness impact of increased physical activity, followed by the benefits of decongestion due to mode switch and journey quality improvements associated with the improved environment.

5.6 ALTERNATIVES EXCLUDING LAND TAKE

- 5.6.1 The development of options follows Highways England's Project Control Framework (PCF).
- 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 section below sets out the options considered to minimise or exclude land take, and the reasons for the chosen strategy for the shared use path to be located to the south of the A27.

5.6.4 In addition to identifying alternative scheme options, we have also considered the alternative to having to use compulsory purchase powers, which is to acquire land by agreement. This is explained further in section 7.1.9 of this Statement of Reasons and Planning Statement.

SHARED USE PATH

5.6.5 The shared use path is located to the south of the A27, apart from a slight deviation to the north of the A27 along Station Road leading to Berwick railway station and at Firle where a part of the path follows Wick Street and Firle Bostal before reconnecting with the A27.

5.6.6 As part of the assessment of alternatives for the shared use path prior to PCF Stage 3, upgrades to the existing footpath and construction of a new footpath along the northern side of the A27 were considered. This was discounted due to the following issues.

- A lack of space at Selmeston - the shared use path could require the demolition of listed buildings and the relocation of the war memorial (or significantly affect its setting). Alternatively, a substantial detour to the north of the A27 would be required. This would likely result in an unacceptable deviation from the desire line resulting in cyclists leaving the path and using the road instead.
- The northern route would duplicate the northern footpath in many areas which could result in confusion for users.
- The petrol station at Selmeston is located immediately on the existing pavement (with pumps on the pavement side). This could result in safety issues or could require deviation to the north of the petrol station.
- A substantial length of retaining wall would be required to the south of the railway near Polegate.
- There are more villages to the south which would benefit more from the shared use path. If located to the north, users would have to cross the A27 which increases risk of accidents and the existing issues associated with severance would remain, as users would still have to cross the A27.
- There are numerous private properties along the northern boundary which would require land acquisition and changes to their accesses.
- The benefits to the SDNP, in the form of sustainable access into the park would not be fully realised if the shared use path was to the north. It would also require more crossings of the A27 which would impact traffic flow, safety and would require additional street lighting.

5.6.7 Further justification is provided in Appendix A on a plot-by-plot basis to determine specific land take requirements for the shared use path to the south of the A27 and the reason for acquisition.

6

POLICY, LEGISLATION AND GUIDANCE

6.1 LIST OF RELEVANT POLICY, LEGISLATION AND GUIDANCE

RELEVANT LEGISLATION

- Highways Act 1980
- Acquisition of Land Act 1981
- The Town and Country Planning (General Permitted Development) (England) Order 2015
- National Parks and Access to the Countryside Act 1949
- Environment Act 1995
- Highways (Environmental Impact Assessment) Regulations 2007

RELEVANT PLANS AND POLICY

The National Planning Policy Framework (NPPF)

- 6.1.1 A revised NPPF was published on the 19 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.
- 6.1.2 The NPPF interprets the planning system as having three overarching objectives to achieve sustainable development which are interdependent and need to be pursued in mutually supportive ways. These are **economic**, **social** and **environmental** objectives.
- 6.1.3 These three objectives help to achieve sustainable development whereby development should be guided towards helping to build a strong, responsive and competitive economy by identifying and coordinating the provision of infrastructure, supporting communities' health, social and cultural well-being and making effective use of land, helping to improve biodiversity and minimising pollution.

National Planning Practice Guidance (NPPG)

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

Lewes District Council Core Strategy: Local Plan Part 1 (Adopted May 2016)

- 6.1.5 The Core Strategy sets out the long term spatial vision for the district and will guide development and change up to 2030. The Core Strategy was adopted by Lewes District Council on the 11th May 2016.

Relevant policies:

- Core Policy 5 – The Visitor Economy
- Core Policy 7 – Infrastructure
- Core Policy 8 – Green Infrastructure
- Core Policy 9 – Air Quality

- Core Policy 10 – Natural Environment and Landscape Character
- Core Policy 11 – Built and Historic Environment and High-Quality Design
- Core Policy 13 – Sustainable Travel

6.1.6 Lewes District Council are also preparing a Core Strategy: Part 2 which will allocate land for housing and employment whilst also setting out detailed planning policies to guide development and change.

Wealden District Council Core Strategy (Adopted February 2013)

6.1.7 The Core Strategy comprises a long-term spatial vision and strategic objectives for the Wealden District for the period 2013 to 2027. The Core Strategy was adopted in February 2013.

Relevant policies:

- SPO2 (Historic Environment)
- SPO7 (Transport Opportunities)
- SPO8 (Rural Communities)
- SPO11 (Green Infrastructure)
- SPO13 (High Quality Environments)
- SPO15 (Spatial Strategy)
- WCS7 (Effective Provision of Infrastructure)
- WCS12 (Biodiversity)
- WCS13 (Green Infrastructure)
- WCS14 (Presumption in Favour of Sustainable Development)

Wealden District Council Local Plan (Submission version January 2019)

6.1.8 Wealden District Council submitted the Submission Wealden Local Plan for independent examination on 18 January 2019. Stage 1 of the examination resumed in July 2019.

6.1.9 According to the most recent Local Development Scheme published by Wealden District Council in March 2019, the Local Plan is anticipated for adoption in 2019, therefore some amount of weight must be given to any relevant emerging policies.

Relevant policies:

- SPO7 – Natural Environment
- SPO8 – Built Environment
- SPO9 – Accessibility
- SPO12 – Health, Wellbeing and Communities
- SPO13 – Infrastructure
- SPO14 – Climate Change and Flood Risk
- Policy AF2 – Air Quality Mitigation
- Policy INF 3 – Transport Infrastructure

- Policy EA 1 – Biodiversity
- Policy EA 3 – Green Infrastructure
- Policy EA 4 – Wealden's Landscape Character
- Policy EA 6 – Setting of the South Downs National Park
- Policy SWGA 3 – Strategic Transport Infrastructure
- Policy SWGA 4 – A27 Improvements between Lewes and Polegate
- Policy NE 1 – Noise Pollution
- Policy NE 2 – Air Pollution
- Policy HE 1 – Historic Environment

South Downs National Park Authority Local Plan (Adopted July 2019)

6.1.10

The 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 covers the period from 2014 – 2033. The Local Plan was adopted on 2nd July 2019.

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)
- SD11 (Trees, Woodland and Hedgerows)
- SD12 (Historic Environment)
- SD13 (Listed Buildings)
- SD15 (Conservation Areas)
- SD16 (Archaeology)
- SD17 (Protection of the Water Environment)
- SD19 (Transport and Accessibility)
- SD20 (Walking, Cycling and Equestrian Routes)
- SD21 (Public Realm, Highway Design and Public Art)
- SD23 (Sustainable Tourism)
- SD25 (Development Strategy)
- SD42 (Infrastructure)

- SD45 (Green Infrastructure)
- SD46 (Provision and Protection of Open Space, Sport and Recreational Facilities)
- SD49 (Flood Risk Management)
- 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 2019-20
- 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)

6.2 CONFORMITY WITH RELEVANT PLANNING POLICY

6.2.1 The main material planning considerations for the proposed scheme are the following:

- Sustainable transport
- Living conditions, including; privacy, noise and air quality
- Design quality
- Historic environment
- Landscape and views
- Ecology and biodiversity
- Flood risk and climate change
- Waste management

6.3 SUSTAINABLE TRANSPORT

- 6.3.1 Policies promoting sustainable transport and particularly the provision of cycling infrastructure appear consistently across both national and local policy documents. These are detailed below.
- 6.3.2 **Paragraph 9** of the **NPPF** directly highlights transport issues should be considered from the earliest stages of plan-making and development proposals so that *'opportunities to promote walking, cycling and public transport use are identified and pursued'*.
- 6.3.3 **Paragraph 102** of the **NPPF** states transport issues should be considered from the earliest stages of plan-making and development proposals, so that *'opportunities to promote walking, cycling and public transport use are identified and pursued'*.
- 6.3.4 **Paragraph 103** also states the planning system should *'actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce emissions, and improve air quality and public health'*.
- 6.3.5 **Paragraph 104** of the **NPPF** reinforces this by stating planning policies should provide for *'high quality walking and cycling networks'*.
- 6.3.6 **Core Policy 5** of the **Lewes District Core Strategy** aims to provide opportunities for the sustainable development of the visitor economy through *'supporting the improvement of sustainable transport opportunities for visitors and encourage the use of sustainable transport modes to the reduce the impact of visitors on the highway network'*.
- 6.3.7 **Core Policy 8** states the local planning authority will promote a connected network of multi-functional green infrastructure. This will be achieved by *'working in partnership with other organisations to increase walking, cycling and public transport access to the countryside'*.
- 6.3.8 **Core Policy 13** reiterates the inclusion of cycling facilities where it states the local planning authority will promote and support development that encourages travel by *'walking, cycling and public transport, and reduces the proportion of journeys made by car, in order to help achieve a rebalancing of transport in favour of sustainable modes'*.
- 6.3.9 **Strategic Policy SD19** of the **SDNP Local Plan** intends development proposals to be designed to *'minimise the need to travel and promote the use of sustainable modes of transport'*.
- 6.3.10 This is emphasised further whereby **Strategic Policy SD20** seeks to ensure development contributes to a network of *'attractive and functional non-motorised travel routes, with appropriate signage, throughout the National Park'*.
- 6.3.11 Additionally, **Policy SD20** seeks to *'protect and enhance existing crossings provided for non-motorised travel routes across major roads, railways and watercourses. Proposals for sensitively designed new crossings, and proposals to upgrade the safety of existing crossings, will be supported'*.
- 6.3.12 Such proposals will be supported through *'incorporating attractive, accessible public links through the site, which are suitable for pedestrians, cyclists, mobility scooters and equestrians as appropriate, which connect to the nearest convenient point on the public rights of way network and/or local footway network'*.
- 6.3.13 **Strategic Policy Objective 7** of the **Wealden District Core Strategy** promotes travel by sustainable modes of transport, where the council want to see *'noticeable improvements in journey quality for those people making trips on foot, bicycle or by public transport'*.

- 6.3.14 **Strategic Policy Objective 9** of the emerging **Wealden Local Plan** states *‘the majority of development will be located near to necessary facilities and public transport provision, in order to enhance the sustainability of settlements and improve overall accessibility to residents.’*
- 6.3.15 This extends further to Wealden Council committing to working with Highways England *‘to secure, safeguard, and construct a new route for the A27 and other necessary transport improvements in order to meet the needs of future growth’*. The Council will also *‘support East Sussex County Council in implementing wider walking and cycling strategies to help improve connectivity within towns and villages but also to connect villages with external facilities’*.
- 6.3.16 **Policy INF 3 (Transport Infrastructure)** of the emerging **Wealden Local Plan** states the Council will work with strategic transport providers to enable the funding and delivery of infrastructure including *‘enhancing existing and delivering a new strategic cycle infrastructure networks, to improve accessibility between settlements to key local services, alongside integration with other transport modes, i.e. rail’*. This includes *‘delivering highway improvements to relieve local congestion and accommodate the needs of pedestrians, cyclists and public transport users’*.
- 6.3.17 The shared use path from Beddingham to Polegate offers a genuine sustainable alternative transport choice, connecting with existing non-motorised user networks towards Lewes in the west and Polegate in the east.
- 6.3.18 Emerging policies in the Local Plan for Wealden District Council refer to ambitions to work directly with Highways England to secure improvements to the A27 corridor. These policies must be afforded certain weight as the Local Plan is scheduled for adoption later this year.
- 6.3.19 The path will support desires of the SDNPA to increase connectivity and accessibility into the National Park through sustainable modes of transport, whereby there will be an improvement of existing crossings and an introduction of signalised crossings at Firle, Berwick and Wilmington.
- 6.3.20 This includes provision for equestrian users being able to cross the A27 at Berwick and Wilmington via a Pegasus crossing alongside a Toucan crossing for cyclists and pedestrians.
- 6.3.21 The shared use path will also link in with an existing path to the north of Berwick village connecting Berwick station to the National Park via the A27 for non-motorised users.
- 6.3.22 The scheme would help to achieve all policies outlined above with regards to sustainable transport. This is echoed at both national and local level.

6.4 LIVING CONDITIONS

- 6.4.1 The A27 is close to several rural communities and isolated dwellings where living conditions can be affected by privacy, noise, air quality and views from residential dwellings or by a combination of these issues. Living conditions are considered in the below policy context.
- 6.4.2 **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’*.
- 6.4.3 **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’* and seeks to ensure development is appropriate for its location taking into account the likely effects from noise from new development.
- 6.4.4 **Policy SD54** of the **SDNP Local 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’.

PRIVACY

- 6.4.5 One of the main issues for living conditions as part of the shared use path is the loss of privacy from residential receptors along the A27. This is reflected above in **Paragraph 180** of the **NPPF** where development should be *‘appropriate for its location taking into account the likely effects on living conditions’*.
- 6.4.6 The design of the shared use path is not considered to be of a nature that would be overbearing or so close to dwellings that it would result in a loss of privacy. However, where the shared use path is aligned close to residential receptors, consideration has been given to occupants through engagement to retain existing physical boundaries, or where this is not possible, to include replacement planting, close board fencing or additional natural barriers.
- 6.4.7 Consideration has been given to residents of Hyperion Avenue whereby locating the path on the south side of the A27 may have a small impact on the trees to the north of Hyperion Avenue, dependent on the root structure of the trees under the proposed shared use path.
- 6.4.8 Highways England has considered that a minimal loss of trees may still reduce the natural screening of the A27. However, as part of detailed design, Highways England are considering options to mitigate this which could include a closed board fence alongside the length of the path adjacent to Hyperion Avenue or vegetation planting. This would help to protect the privacy of the occupants of Hyperion Avenue if any trees are removed.

NOISE

- 6.4.9 **Policy SD54 (Pollution and Air Quality)** of the **SDNPA Local Plan** seeks to ensure 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.’*
- 6.4.10 **Policy NE 1 (Noise Pollution)** of the emerging **Wealden Local Plan** seeks to ensure *‘areas of tranquillity and nationally designated landscapes as well as residential amenity will be protected from unacceptable levels of noise and light pollution’*.
- 6.4.11 There may be noise generated by the construction of the shared use path, however to minimise the risk of adverse impacts during construction, industry best practice measures will be employed. Appropriate measures will be specified in a Construction Environmental Management Plan (CEMP).

AIR QUALITY

- 6.4.12 **Core Policy 9 (Air Quality)** of the **Lewes District Core Strategy** states a key strategic objective to reduce the need for travel and to promote a sustainable system of transport and land use for people who live in, work in, study in and visit the district.
- 6.4.13 In addition, it states development will be required to *‘promote opportunities for walking, cycling and public transport and congestion management to reduce traffic levels in areas of reduced air quality, particularly in town centre locations, and to promote the opportunity for cycling through the provision of cycleways’*.
- 6.4.14 **Policy SD54 (Pollution and Air Quality)** of the **SDNPA Local Plan** seeks to ensure 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'.

6.4.15 **Policy NE 2 (Air Pollution)** of the emerging **Wealden Local Plan** seeks to '*restrict development that causes unacceptable levels of air pollution to human health, taking into account mitigation measures*'.

6.4.16 The scheme increases the provision of sustainable transport methods, ultimately benefitting air quality by enabling journeys to be made on foot or by bicycle and encouraging journeys that do not generate pollution.

6.4.17 To minimise the risk of adverse impacts from dust during construction, industry best practice measures will be employed. Appropriate measures will be specified in the Construction Environmental Management Plan (CEMP).

VIEWS FROM RESIDENTIAL DWELLINGS

6.4.18 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.

6.4.19 Since the shared use path is close to residential areas, views from some dwellings will change. However, the path is not of a nature that would be overbearing, unattractive or so close to these dwellings that they would create unacceptable living conditions for the occupants.

6.5 DESIGN QUALITY

6.5.1 **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.

6.5.2 **Core Policy 11: Built and Historic Environment and High Quality Design** of the **Lewes District Local Plan** states the local planning authority will seek to secure '*high quality design in all new development. Development will respect and, where appropriate, positively contribute to the character and distinctiveness of the district's unique built and natural heritage*'.

6.5.3 Where development is within the SDNP, it should be in accordance with National Park purposes and when outside the SDNP, have regard to the setting of the National Park taking account of these purposes. It should also respond sympathetically to the site and its local context and be well integrated in terms of access and functionality with the surrounding area.

6.5.4 **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*'.

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

6.5.6 **Strategic Policy SD5: Design** of the **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*'.

6.5.7 **Development Management Policy SD21: Public Realm, Highway Design and Public Art** seeks to ensure development protects and enhances highway safety and follows 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.

- 6.5.8 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.
- 6.5.9 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 where possible. Where there has been a requirement to depart from standards outlined in DMRB, such departures have been applied to reduce land take for the scheme and to take account of place-based qualities whilst also resolving design conflicts.
- 6.5.10 **Paragraph 8.5.3 of Chapter 8, Volume 6, Section 3 of DMRB** provides guidance where new cycle tracks should provide a smooth regular surface, as cyclists are more sensitive to uneven or broken surfaces than motorists.
- 6.5.11 Since the setting is sensitive (being adjacent and sometimes within the SDNP), especially at Berwick, the design of the scheme is proposed so that it would integrate the shared use path into the surrounding character of the landscape. Where possible, the shared use path is located to the south of the A27 between two hedgerows, screening the shared use path from both agricultural fields to the south and the existing A27 to the north, therefore providing a sensitive demarcation.
- 6.5.12 The proposed scheme has therefore been designed to accord with the local and national policy, with particular reference to good design.

6.6 LANDSCAPE AND VIEWS

- 6.6.1 **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.
- 6.6.2 **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.
- 6.6.3 **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.
- 6.6.4 **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.
- 6.6.5 **Spatial Objective 7 – Natural Environment** of the emerging **Wealden Local Plan** states the planning authority will help to manage the countryside by '*protecting and enhancing sensitive and valued landscapes including the setting of the South Downs National Park*'.
- 6.6.6 The first Local Plan objective of the **SDNPA Local Plan** is to conserve and enhance the landscapes of the National Park.
- 6.6.7 **Core Policy SD1: Sustainable Development** of the **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.

- 6.6.8 **Strategic Policy SD7** of the **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.
- 6.6.9 **Strategic Policy SD4: Landscape Character** of the **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.
- 6.6.10 The above policy should be read alongside **Strategic Policy SD5: Design** of the **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.
- 6.6.11 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.
- 6.6.12 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.
- 6.6.13 **Strategic Policy SD6: Safeguarding Views** of the **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
- 6.6.14 The A27 corridor runs broadly east-west, following the National Park boundary. Generally, within this rural section of the scheme, the A27 is well integrated into the landscape. North-south views from the A27 road corridor are limited by dense hedgerows, particularly where the historic field pattern has remained more intact. Generally, the presence of woodlands, small coppices, trees and extensive stretches of semi-mature linear road side vegetation screens the A27 route from surrounding visual receptors.

- 6.6.15 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.
- 6.6.16 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.
- 6.6.17 Overall, the scheme will result in a low level of change to the receiving landscape and there will be no long term significant adverse landscape effects on the wider landscape. Planting is provided at various locations along the route to screen aspects of the scheme, for example, providing planting to screen a lay-by on the A27. Site specific justifications for planting are referred to in Appendix A of this Statement of Reasons and Planning Statement.

VIEWS

- 6.6.18 The operational effects of the scheme will offer substantially enhanced visual amenity for walkers and cyclists, both visitors and locals, due to increased connectivity with the National Park and through separation from A27 traffic over most of the route as far as Polegate.
- 6.6.19 Footpath and rights of way users within the National Park will have intermittent and glimpsed views of the shared use path, however the impact of this after several years will lessen as the planting mitigation establishes.
- 6.6.20 Filtered views of the shared use path and its users will be intermittently visible to motorists and other users of the A27. While generally the hedgerow is thick and well established, supplementary planting will close these occasional breaks.

LIGHTING

- 6.6.21 Improved lighting is proposed at the junction improvements and road widening and for a crossing at Firle. The remaining elements of the shared use path outside of these locations is not being lit.
- 6.6.22 Any lighting proposed 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, meaning where lighting is used, accessories will be used to avoid light spillage that would be to the detriment of the National Park and Dark Sky Reserve and species such as bats.
- 6.6.23 This accords with **Policy SD8 Dark Night Skies** of the **SDNPA Local Plan** whereby it is demonstrated that all opportunities to reduce light pollution have been taken, and observed sky quality in the surrounding area is not affected.
- 6.6.24 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

6.7 HISTORIC ENVIRONMENT

- 6.7.1 **Paragraph 189** of the **NPPF** states that proposals affecting heritage assets '*should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no*

more than is sufficient to understand the potential impact of the proposal on their significance’.

- 6.7.2 **SPO 2** of the **Wealden Core Strategy** seeks to ensure the *‘intrinsic quality of the historic environment is protected and that Wealden’s environmental, heritage and cultural assets are used appropriately to encourage sustainable tourism development and support inward investment’.*
- 6.7.3 **Policy HE 1** of the emerging **Wealden Local Plan** includes a target to protect and enhance statutory heritage assets, such as Listed Buildings, within Conservation Areas.
- 6.7.4 **Core Policy 11** of the **Lewes Core Strategy** states the local planning authority seeks to secure high quality design in all new development in order to assist in creating sustainable places and communities. This will be achieved by ensuring the *‘design of the development respects, and where appropriate, positively contributes to the character and distinctiveness of the district’s unique built and natural heritage’.*
- 6.7.5 **Strategic Policy SD12** of the **SDNP Local Plan** seeks to ensure development proposals *‘conserve and enhance the historic environment, including through the safeguarding of heritage assets and their setting’.*
- 6.7.6 A Historic Environment Setting Assessment has been completed as part of the Environmental Assessment Report, published alongside the orders. An assessment of the importance of the settings of the heritage assets was undertaken for designated heritage assets within the 1km wider study area in accordance with DMRB and by professional judgement. Site visits were made during the winter and therefore are largely indicative of the worst-case scenario, where minimal screening is provided by existing vegetation.
- 6.7.7 The assessment considered the scheme will impact on the settings of 23 heritage assets: one Scheduled Monument, 19 Grade II Listed Buildings and 3 Conservation Areas (CA).

CONSERVATION AREAS

- 6.7.8 The shared use path passes through three conservation areas: Selmeston Conservation Area within Wealden District, Berwick Conservation Area and Wilmington Conservation Area, both within the South Downs National Park.
- 6.7.9 It is considered that the scheme could potentially impact the southern extent of Selmeston Conservation Area and northern extent of Wilmington Conservation Area, due to increased noise levels, movement and activity associated with the temporary construction of the shared use path on the opposite side of the A27. There will be negligible impacts on the setting during the operational phase due to existing traffic activity and noise levels already experienced by the A27.
- 6.7.10 Similarly, the shared use path could potentially impact upon the setting of Berwick Conservation Area, due to increased noise levels, movement and activity during the construction phase of the path, habitat creation and areas of new land take. There is considered to be minor impacts on the setting during the operational phase due to the implementation of habitat creation, which as the potential to screen the A27 from any viewpoints towards the CA.
- 6.7.11 Three other Conservation Areas lie within the vicinity of the shared use path, Glynde Conservation Area, Firlie Conservation Area and Alciston Conservation Area; however, the scheme is not considered to impact the setting of the designation, due to the enclosed nature of the CA’s, distance from the A27 and limited views from the A27 towards the assets.

LISTED BUILDINGS

- 6.7.12 At Glynde, the Grade II Listed Tollgate Cottage (DES1661) is located on the corner of an unnamed country lane situated off the the A27. The cottage is front facing towards the busy A27 and as a result, experiences high levels of movement, activity and traffic noise. There will be negligible impacts on the Listed Building due to the distance from the shared use path at Firle and the existing traffic activity and noise levels already experienced on the A27.
- 6.7.13 Listed Buildings close to, but lying outside of Firle Conservation Area are the Grade II Listed Remains of Wayside Cross (DES2253) and the Grade II Listed Middle Farmhouse. Both assets experience constant movement and activity from visitors and the A27 in the wider setting.
- 6.7.14 Within and adjacent to Selveston Conservation Area, Grade II Listed Flint House (DES5033), War Memorial (DES10798), Corner Cottage (DES6307) and Forge Cottage (DES5220) are adjacent to the A27. The listed assets share the wider setting of Selveston CA, experiencing some traffic noise, movement and activity deriving from local residential and agricultural traffic, including traffic from the A27.
- 6.7.15 Grade II Listed New Barn Farmhouse is located off a private access road from the A27, opposite Alciston village. The 18th century farmhouse is confined within its immediate farmyard comprising associated agricultural buildings.
- 6.7.16 Within Berwick CA, Grade II Listed Thatched Cottage (DES6731) and Frensham Cottage (DES5168) are located on a downward slope off The Village. The 17th century assets are partitioned from the road by dense hedging and front-facing gardens which act as their immediate settings. Grade II Listed House at Nos. 13 & 14 (DES5835) and Grade II Stables, Cart-Shed and Granary at Court Farmhouse (DES5167) are enclosed within its original farmyard and share a functional relationship with the agricultural landscape and are likely to experience traffic noise from the A27.
- 6.7.17 Grade II Listed Elm House (DES5836) and Cricketers Arms Inn (DES6414) and Nos. 4 & 5 (DES5171) share the same wider setting of the South Downs landscape and Berwick CA.
- 6.7.18 Grade II Listed Buildings at Wilmington include Grade II Crossways Hotel (DES4954) Nos. 1 & 2 The Green (DES6539) and Old Forge (DES5583). Despite the elements of the semi-rural setting, the assets experience traffic noise, light spill, movement and activity associated with the A27.
- 6.7.19 The scheme could cause minor adverse impacts to the listed buildings referred to above; however, the overall appreciation of the significance of the assets within its historic setting would not be diminished by the proposed scheme. There will be negligible impacts on the setting during the operation phase due to existing activity and noise levels experienced by the assets derived from the A27, which has somewhat altered the agricultural setting over time.

REGISTERED PARK AND GARDEN

- 6.7.20 Habitat creation and associated landscaping of the shared use path will create temporary changes and impacts on the setting of the Grade II Registered Park and Garden at Firle (DES305), however the magnitude of impact, after mitigation, is considered to be minor.

SCHEDULED MONUMENT

- 6.7.21 The Scheduled site of the Deserted Medieval Settlement north of Church Farm (DES8329) is located within an enclosed agricultural field and grass bank in the northern extent of Berwick Conservation Area. The shared use path is also located within an Archaeological Notification Area (DES8603) at this location.

- 6.7.21 The shared use path could potentially impact upon the setting of the Scheduled site, due to increased noise levels, movement and activity during the construction phase of the scheme. This could cause adverse impacts on the setting of the asset during construction, however, during operation, the magnitude of impact following mitigation is considered to be minor.
- 6.7.22 The shared use path and associated drainage has been aligned to avoid entering the field boundary in which the majority of deserted medieval settlement is located. Additionally, works in this location will be limited to the road verge and no new planting will be located within the Scheduled Monument.
- 6.7.23 The overall appreciation of the asset within its agricultural setting would not be diminished. The shared use path will increase access to the Scheduled site and offers the opportunity for the asset to be appreciated by the public as they travel along the path.

MITIGATION

- 6.7.24 For development affecting the setting of a historic asset, the design of a development may not be capable of sufficient adjustment to avoid or significantly reduce the harm, for example where impacts are caused by fundamental issues such as the proximity, location, scale, prominence or noisiness of a development.
- 6.7.25 Design quality is an important consideration in determining the balance of harm and benefit. In some instances, the location and positioning of the shared use path across the landscape will not accommodate suitable mitigation and the adverse effect will remain unchanged. Here, the opportunity to enhance the affected assets will be explored, such as the addition of interpretation panels at suitable locations and opening up lost key views from effected assets.
- 6.7.26 The preferred option for the mitigation of effects on settings is enhancement and this may be achieved by actions including:
- Restoring or revealing a lost historic feature or view
 - Introducing a wholly new feature that adds to the public appreciation of the asset
 - Introducing new views (including glimpses or better framed views) that add to the public experience of the asset
 - Improving public access to, or interpretation of, the asset including the setting
- 6.7.27 During the detailed design stage, opportunities will be sought to reduce the areas of habitat creation within designated and non-designated heritage assets. Where the shared use path passes through Conservation Areas and is immediately adjacent to statutory designated assets, it will be designed in consultation with the Conservation Officer and regional representative of Historic England. The design will be consulted on with the SDNPA.
- 6.7.28 The scheme is therefore in compliance with relevant local and national policy with regards to the historic environment.

6.8 ECOLOGY AND BIODIVERSITY

- 6.8.1 **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.
- 6.8.2 **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.

- 6.8.3 This is supported by the Department for Environment, Food & Rural Affairs. A consultation recently concluded in July 2019 on updating planning requirements to make biodiversity net gain necessary for developments. At Spring Statement this year, government announced it would mandate net gains for biodiversity in the forthcoming Environment (Principles and Governance) Bill.
- 6.8.4 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.
- 6.8.5 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.
- 6.8.6 **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.
- 6.8.7 **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.*'
- 6.8.8 **Policy EA 1** of the emerging **Wealden Local Plan** states development proposals '*should not result in a net loss of biodiversity and will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate*'.
- 6.8.9 Sections of the shared use path run through 'Biodiversity Opportunity Areas' (BOA) in Wealden, identified in the emerging **Wealden Local Plan**. The Sussex Biodiversity Partnership identifies these areas as for '*maintaining, restoring and creating Biodiversity Action Plan Habitats and as a result can be considered as part of a mitigation or compensation strategy. Where mitigation or compensation is proposed inside or outside BOA's, particular regard should be had to Habitats and Species of Principal Importance*'.
- 6.8.10 **Strategic Policy SD9: Biodiversity and Geodiversity** of the **SDNPA Local Plan** seeks to ensure development proposals '*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*'.
- 6.8.11 **Development Management Policy SD11: Trees, Woodland and Hedgerows** of the **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.*'

- 6.8.12 **Core Policy 10** of the **Lewes Core Strategy** aims to ‘*maintain and where possible enhance local biodiversity resources including through maintaining and improving wildlife corridors, ecological networks and avoiding habitat fragmentation in both rural and urban areas*’.
- 6.8.13 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:
- 9.7 hectares of new woodland will be planted. The landscape design seeks to enhance habitat connectivity between parcels of existing retained woodland
 - Over 10 hectares of grassland and scrub across the scheme
 - 11.5 kilometres of new hedgerows
- 6.8.14 Ecological mitigation and compensation is being provided as part of the A27 for a shared use 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.
- 6.8.15 Although encouraged in national and local policy, achieving biodiversity net gain is not yet a requirement of either policy or legislation. Overall, the scheme has been assessed as claiming a net loss to biodiversity.
- 6.8.16 Despite this, the scheme can claim a biodiversity net gain for area-based habitats, due to planting on land in the ownership of Highways England. Even without this planting, the scheme would still achieve a net gain to area based habitats. There would be more linear habitat (hedgerow) and more area based habitats (mainly woodland and shrub) replaced than lost, however, for hedgerow, this is not at the ratio required by Natural England.
- 6.8.17 The scheme will result in a net loss of hedgerows of 8%, however as stated it should be noted that more hedgerow is being replaced than lost, just not at the ratio required by the Natural England metric.
- 6.8.18 The net increase in length of hedgerow is 4627m (48% increase in hedgerow length scheme-wide, inclusive of the shared use path element of the scheme). The current linear metric does not have any weighting for habitat condition when hedges are created post-development and the assessment for hedgerows created does not account for different levels of species richness, for example. This metric is under review by Natural England.
- 6.8.19 Further information can be found in Chapter 8 (Biodiversity) of the EAR and relevant appendices, published online alongside the orders.
- 6.8.20 Created habitats will be subject to appropriate management to maintain and enhance ecological value. Such measures would be outlined within a detailed management plan which forms part of the detailed design and will be updated later in PCF Stages 6 and 7. These will be managed to maximise ecological value, excepting requirements or for health and safety.

6.9 FLOOD RISK AND CLIMATE CHANGE

- 6.9.1 **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*’.

- 6.9.2 **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’.
- 6.9.3 **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.’
- 6.9.4 **Policy NE 4** of the emerging **Wealden Local Plan** seeks to ensure development ‘will not be supported in the functional flood plain (Flood Zone 3b) except water-compatible uses and essential infrastructure where the Exceptions Test has been met.’
- 6.9.5 **Core Policy SD2: Ecosystem Services** of the **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.’
- 6.9.6 **Strategic Policy SD49: Flood Risk Management** of the **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.’
- 6.9.7 **Development Management Policy SD50: Sustainable Drainage Systems** of the **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.
- 6.9.8 There are two Environment Agency Main Rivers within close proximity of the proposed scheme boundary. These being Glynde Reach and Cuckmere River.
- 6.9.9 The scheme lies largely within Flood Zone 1 but is in close proximity to Flood Zones 2 and 3, associated with the tributary of the Glynde Reach and is located within Flood Zones 2, 3a and 3b associated with the Cuckmere River. The majority of the proposed scheme alignment has a low risk of flooding from rivers, however, the sections of the proposed scheme which cross the Cuckmere River are considered as being at a high risk of fluvial flooding.
- 6.9.10 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.
- 6.9.11 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 Strategic Flood Risk Assessment (SFRA) referenced in the Flood Risk Assessment (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

- 6.9.12 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.
- 6.9.13 Flood mitigation areas will be revised and finalised at the detailed design stage following consultation with the Environment Agency (EA).
- 6.9.14 It is recommended to continue liaison with the EA to determine the extent of compensatory storage at the River Cuckmere. Formal comment has not yet been received from the EA for the River Cuckmere at the time of writing the FRA, submitted as part of the Environmental Assessment Report alongside the orders.
- 6.9.15 The effects of climate change have been taken into account for the scheme drainage design. As per the current climate change allowances stated in the NPPF, and also the likely recommendations in the forthcoming update to the DMRB, a 40% increase in rainfall intensities has been applied to all calculations to account for climate change.

6.10 WASTE MANAGEMENT

- 6.10.1 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.
- 6.10.2 **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'.
- 6.10.3 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.
- 6.10.4 **Core Policy SD3: Major Development** of the **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'.
- 6.10.5 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.
- 6.10.6 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. This included erecting unknown site notices on or near as practicable to unregistered land to determine land interests. It also included multiple contact attempts when initially unsuccessful.
- 7.1.4 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.
- 7.1.5 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.
- 7.1.6 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.
- 7.1.7 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.
- 7.1.8 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

- 7.1.9 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.

- 7.1.10 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.
- 7.1.11 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 15, 16, 19, 20 and 27 July 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.
- 7.1.12 Whilst negotiations are ongoing, 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.
- 7.1.13 A schedule of the status of negotiations with landowners is provided in Appendix B.

CONSULTATION

- 7.1.14 Consultation with several cycling groups was undertaken at the design stage to discuss the proposals. A meeting was held with SCATE (South Coast Alliance for Transport and the Environment), Cycle Seahaven, Cycle Lewes and Bricycles on 7 August 2019.
- 7.1.15 The outcome of the meeting was positive whereby Highways England have proposed further engagement with the user groups as the design progresses.

8 PLANNING POSITION

- 8.1.1 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.
- 8.1.2 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 1980 Act or works in connection with, or incidental to, the exercise of those functions is considered permitted development.

THE SRO

- 8.1.3 Section 14 of the 1980 Act confers powers on highway authorities in relation to roads that cross or join trunk roads or classified roads.

- 8.1.4 Section (1)(a)(ii) provides for a highway authority to construct a new highway for purposes concerned with any such alteration as aforesaid or for any other purpose connected with the road or its construction, and to close after such period as may be specified in the order any new highway so constructed for temporary purposes;
- 8.1.5 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.
- 8.1.6 In the case of the scheme, the 'road' for the purposes of section 14 is considered to be the A27 trunk road.
- 8.1.7 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.
- 8.1.8 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 1980 Act. 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.
- 8.1.9 Section 125 of the 1980 Act 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

COMMON LAND

- 9.1.1 The Order Land includes an area of common land, namely Wilmington Green Common. 0.08 hectares of common land is included within the order, with the same area of land being given in exchange, shown green on the compulsory purchase order plans, published alongside this Statement of Reasons and Planning Statement.
- 9.1.2 Following negotiations with Wealden District Council and an adjacent landowner, exchange land was identified. The exchange land will be not less in area and will be equally advantageous to the persons entitled to rights of the common, as it will enable the existing grazing and access rights of the common to be exercised. The exchange land is directly connected to the east of the existing common.
- 9.1.3 Whenever a compulsory purchase order authorises the purchase of land which forms part of a common, open space or fuel or field garden allotment, or of new rights over such land, it is subject to special parliamentary procedure unless a certificate is obtained from the Secretary of State under section 19 and/or 28 of the Acquisition of Land Act 1981 (the Act).
- 9.1.4 A separate Section 19 Certificate will be made alongside the orders and the application will be submitted to the Department for Transport (for information) and the Planning Inspectorate Common Land Casework Team (who will determine it on behalf of the Department for Environment, Food and Rural Affairs).

OTHER CONSIDERATIONS

- 9.1.5 The Order Land does include ecclesiastical land. It can be confirmed that for all ecclesiastical land included in the order, notice of the effect of the order was served on the Diocesan Board of Finance for the diocese in which the land is situated.
- 9.1.6 There are no listed buildings within the Order Land. The Order Land does not form part of any public open space, village green or burial ground 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
 - Section 61 of the Control of Pollution Act 1974 consent if requested by the local authority
 - Use of pesticides within 8m of a watercourse (for invasive species)
 - Amending agreement to vary a Section 106 agreement for land at Milton Gate Farm
 - Scheduled Monument consent
- 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 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 the scheme from Beddingham to Polegate. 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 The latest cost estimate for the whole East of Lewes scheme is £52.4 million at November 2019. The source of funding is direct from the Department for Transport.
- 13.1.6 The shared use path and the junction improvements together form this estimate of £52.4 million. It includes all scheme costs, from the Options Stages through to the opening for traffic. The figure is combined and there has been no separate cost estimate for the shared use path.
- 13.1.7 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.
- 13.1.8 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.
- 13.1.9 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.

13.1.10 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.

13.1.11 A programme is provided below outlining key stages of the whole East of Lewes scheme:

→ Start of construction – March 2020

→ Open for use – February 2022

14 CONCLUSION

- 14.1.1 This statement sets out why compulsory powers have been sought and explains why Highways England considers such powers to be necessary, proportionate and justified.
- 14.1.2 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.
- 14.1.3 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.
- 14.1.4 Highways England has consulted with 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.
- 14.1.5 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.
- 14.1.6 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.
- 14.1.7 Although it has extensive permitted development rights under the GPDO, the SRO is required for the scheme to be delivered.
- 14.1.8 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.

15 OTHER INFORMATION

- 15.1.1 Anyone who considers that they are affected by the order can contact Thomas Beasley by telephone on 0300 470 1077 during normal office hours.
- 15.1.2 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.
- 15.1.3 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/>.
- 15.1.4 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.

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	38.43	Footway, verge, hedgerow and bus stop	Improved footway and crossing	Permanent acquisition of title	Land required for permanent works for the improvement of the footpath to tie into the existing shared use path to Lewes and for the uncontrolled crossing at Firle
1-02	6329.41	Highway, verge and footway	Improved footway, crossing, street lighting and landscaping	Permanent acquisition of title	Land required for permanent works for the improvement of the footpath for an uncontrolled crossing at Firle as well as lighting of the carriageway and landscaping
1-03	3822.84	Highway, verge, footway and bus stop	Improved footway, crossing, street lighting and landscaping	Permanent acquisition of title	Land required for permanent works for the improvement of the footpath for an uncontrolled crossing at Firle as well as lighting of the carriageway and landscaping
1-04	4835.89	Verge	Mitigation planting and landscaping	Permanent acquisition of title	Land required for mitigation planting and for landscape design as part of the shared use path
1-05	206.38	Highway, verge and footway	Signage	Permanent acquisition of title	Land required for permanent works for signage for the shared use path at the junction of Firle Bostal and the A27
1-06	127.97	Hedgerow	Signage	Permanent acquisition of title	Land required for permanent works for signage for the shared use path at the junction of Firle Bostal and Wick Street
1-07	132.92	Highway and verge	Signage	Permanent acquisition of title	Land required for permanent works for signage for the shared use path at the junction of Firle Bostal and Wick Street
1-08	154.02	Highway and verge	Signage	Permanent acquisition of title	Land required for permanent works for signage for the shared use path at Wick Street

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

2-01	1646.1	Highway, verge and grassland	Improved highway, verge and shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path, drainage and an uncontrolled crossing at the junction of Wick Street and Burgh Lane with the A27
2-02	745.6	Highway and verge	Improved highway, verge and shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path, drainage and an uncontrolled crossing at the junction of Wick Street and Burgh Lane with the A27
2-03	168.55	Highway and verge	Improved highway, verge and shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path and an uncontrolled crossing at the junction of Wick Street and Burgh Lane with the A27
2-04	29445.8	Highway and verge	Shared use path, habitat island and landscaping	Permanent acquisition of title	Land required for permanent works for the shared use path, habitat island, landscape design and crossing of the side road at the junction of Heighton Street with the A27
2-05	11099.55	Agricultural, woodland and hedgerow	Shared use path and landscaping	Permanent acquisition of title	Land required for permanent works for the shared use path, drainage and landscaping
3-01	2737.14	Highway and verge	Shared use path, habitat island and field access	Permanent acquisition of title	Land required for permanent works for the shared use path, habitat island to the south of the A27 and field access
3-02	3751.85	Agricultural and woodland	Shared use path, habitat island and private access	Permanent acquisition of title	Land required for permanent works for the shared use path, drainage and habitat island to the south of the A27 and field access
4-01	51546.1	Agricultural, highway and woodland	Shared use path, habitat island, woodland planting, scrub planting and boardwalk	Permanent acquisition of title	Land required for permanent works for the shared use path, habitat island, woodland planting, scrub planting, field access and boardwalk where there is an existing drainage ditch

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

4-02	1164.67	Woodland and private access road	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path
4-03	21.08	Woodland and grass verge	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path
4-04	1115.06	Agricultural, woodland and verge	Shared use path and habitat island	Permanent acquisition of title	Land required for permanent works for the shared use path and habitat island
4-05	11058.09	Agricultural, woodland, verge, highway, hedgerow and hardstanding	Shared use path, habitat island and field access	Permanent acquisition of title	Land required for permanent works for the shared use path, habitat island and field access
6-01	215.75	Grassland and grass verge	Improved footway	Permanent acquisition of title	Land required for permanent works for the improvement of the footway and to provide a footpath connection to the shared use path from The Barley Mow pub and Selmeston
6-02	18.7	Hardstanding	Improved footway	Permanent acquisition of title	Land required for permanent works for the improvement of the footway and to provide a footpath connection to the shared use path from The Barley Mow pub and Selmeston
6-03	46.06	Hardstanding	Improved footway	Permanent acquisition of title	Land required for permanent works for the improvement of the footway and to provide a footpath connection to the shared use path from The Barley Mow pub and Selmeston
6-04	4.06	Highway	Improved highway	Permanent acquisition of title	Land required for permanent works for the improvement of the highway and side road at the junction of The Street with the A27

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

6-05	1.12	Highway and footway	Improved highway and footway	Permanent acquisition of title	Land required for permanent works for the improvement of the highway and side road at the junction of The Street with the A27
6-06	33.54	Hardstanding and verge	Improved footway	Permanent acquisition of title	Land required for permanent works for the improvement of the footway and to provide a footpath connection to the shared use path from The Barley Mow pub and Selmeston
6-08	6834.21	Field, agricultural, woodland and hedgerow	Shared use path, woodland planting, habitat island	Permanent acquisition of title	Land required for permanent works for the shared use path, boardwalk crossing, woodland planting, planting for habitat creation and landscaping
7-01	537.54	Highway, verge and footway	Shared use path, side road crossing and habitat island	Permanent acquisition of title	Land required for permanent works for the shared use path and side road crossing at the junction of The Village with the A27
7-02	271.51	Highway, verge and bus stop	Shared use path, side road crossing and habitat island	Permanent acquisition of title	Land required for permanent works for the shared use path and side road crossing at the junction of The Village with the A27
7-03	189.91	Garden and verge	Shared use path and close boarded fencing	Permanent acquisition of title	Land required for permanent works for the shared use path and the erection of closed board fencing between the shared use path and the property at Alciston Corner
7-04	888.3	Highway and verge	Habitat island	Permanent acquisition of title	Land required for permanent works for the shared use path, habitat creation and landscaping

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

7-05	9024.92	Fields, agricultural land, hedgerow and drains	Shared use path, boardwalks, habitat island and field accesses	Permanent acquisition of title	Land required for permanent works for the shared use path with boardwalks, habitat creation, landscaping and field accesses. Turning heads are also provided for maintenance access to the boardwalks
8-02	6393.17	Fields, agricultural land and hedgerow	Shared use path, boardwalks and habitat island	Permanent acquisition of title	Land required for permanent works for the shared use path with boardwalks, habitat creation, landscaping and a field access
8-03	4215.63	Verge, highway and bus stop	Improved highway, habitat island and field access	Permanent acquisition of title	Land required for permanent works for the shared use path, widening of the A27 carriageway (at the western extent of the plot) and habitat creation as well as landscaping and a field access
8-04	78.56	Garden and verge	Shared use path and fencing	Permanent acquisition of title	Land required for permanent works for the shared use path and close boarded fence in between the shared use path and Giant's View
8-05	128.87	Grassland, footway and bus stop	Shared use path and fencing	Permanent acquisition of title	Land required for permanent works for the shared use path and close boarded fence in between the shared use path and Giant's View
8-06	18.48	Footway	Shared use path and uncontrolled crossing	Permanent acquisition of title	Land required for permanent works for the footway to the north of the A27 due to the widening of the kerb line and carriageway at the junction of Pound Lane and the A27
8-07	64.24	Highway, hedgerow and verge	Shared use path and uncontrolled crossing	Permanent acquisition of title	Land required for permanent works for the footway to the north of the A27 due to the widening of the kerb line and carriageway at the junction of Pound Lane and the A27
8-08	361.63	Verge	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path and associated earthworks

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

9-01	45.39	Verge	Improved highway	Permanent acquisition of title	Land required for permanent works for the footway to the north of the A27 due to the widening of the kerb line and carriageway of the A27
9-01a	403.18	Fields, agricultural land and hedgerow	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path
9-02	72.95	Verge and footway	Improved footway	Permanent acquisition of title	Land required for permanent works for the shared use path to tie into an existing footway on the north side of the A27
9-03	44.29	Highway and verge	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path to tie into the existing shared use path on Station Road
9-04	677.82	Verge and grassland	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path, associated earthworks and field access opposite Old Leylands Barn
9-05	565.41	Field and agricultural land	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path, associated earthworks and field access opposite Old Leylands Barn
9-06	2208.35	Verge and grassland	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path, associated earthworks and field access opposite Old Leylands Barn
9-07	95.7	Verge and grassland	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path and associated earthworks
9-11	110.53	Highway	Improved highway	Permanent acquisition of title	Land required for permanent works for the improvement of the highway on the approach to Berwick roundabout on Station Road
9-12	932.16	Field and agricultural land	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path and landscaping

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

9-18	665.77	Field and agricultural	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path and landscaping
9-19	8684.74	Field, agricultural, hedgerow, drain, river, bed and banks thereof the River Cuckmere	Shared use path, field access and habitat island	Permanent acquisition of title	Land required for permanent works for the shared use path, field access, habitat creation and earthworks up to the River Cuckmere bridge crossing to the south of the A27
9-20	2924.95	Field and hedgerow	Shared use path, landscaping, earthworks and field access	Permanent acquisition of title	Land required for permanent works for the shared use path, field access, habitat creation and earthworks up to the River Cuckmere bridge crossing to the south of the A27
10.01	8015.17	Field and agricultural land	Flood mitigation	Permanent acquisition of title	Land required for permanent works for potential flood mitigation requirements subject to discussion with the Environment Agency
10-02	21.73	Field and agricultural land	Flood mitigation	Permanent acquisition of title	Land required for permanent works for potential flood mitigation requirements subject to discussion with the Environment Agency
10-03	2496.57	River, bed and banks thereof the River Cuckmere	Flood mitigation	Permanent acquisition of title	Land required for permanent works for potential flood mitigation requirements subject to discussion with the Environment Agency
10-04	671.01	River, bed and banks thereof the River Cuckmere	Flood mitigation	Permanent acquisition of title	Land required for permanent works for potential flood mitigation requirements subject to discussion with the Environment Agency
10-05	61558.1	Field, agricultural, hedgerow, river, bed and banks thereof the River Cuckmere	Flood mitigation and mitigation planting	Permanent acquisition of title	Land required for permanent works for potential flood mitigation requirements subject to discussion with the Environment Agency and mitigation planting on land owned by Highways England at Milton Gate Farm

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

10-06	11.42	River, bed and banks thereof the River Cuckmere	Shared use path	Permanent acquisition of title	Land required for permanent works for the bridge over the River Cuckmere
10-07	20.28	River, bed and banks thereof the River Cuckmere and bridge of the A27	Shared use path	Permanent acquisition of title	Land required for permanent works for the bridge over the River Cuckmere
10-08	395.77	Field, agricultural, river, bed and banks thereof the River Cuckmere	Shared use path	Permanent acquisition of title	Land required for permanent works for the bridge over the River Cuckmere
10-09	10866.5	Highway, footway and verges	Shared use path and embankment	Permanent acquisition of title	Land required for permanent works for the shared use path and earthworks up to Sherman Bridge and the side road crossing at Milton street. Also includes highway improvement works at Wilmington
10-10	3390.3	Field, agricultural and access splay	Shared use path and woodland planting	Permanent acquisition of title	Land required for permanent works for the shared use path and earthworks up to Sherman Bridge as well as woodland planting
10-11	4839.13	Grassland and woodland	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path and drainage culverts
10-12	377.02	Woodland	Shared use path and field access	Permanent acquisition of title	Land required for permanent works for the shared use path
10-13	10464.66	Field and agricultural	Shared use path and woodland planting	Permanent acquisition of title	Land required for permanent works for the shared use path and woodland planting
11-01	51.28	Verge and grassland	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path and side road crossing at Milton Street

APPENDIX A - PURPOSE FOR WHICH COMPULSORY ACQUISITION POWERS ARE SOUGHT

11-02	2227.77	Field and agricultural	Shared use path and habitat island	Permanent acquisition of title	Land required for permanent works for the shared use path and habitat creation
11-03	110.38	Private road and verge	Shared use path and access to Longman Nursery	Permanent acquisition of title	Land required for permanent works for the shared use path and maintaining access to Longman Nursey to the south of the A27
11-04	1929	Woodland	Shared use path and woodland planting	Permanent acquisition of title	Land required for permanent works for the shared use path and woodland planting
11-05	3649.59	Field and agricultural	Shared use path and woodland planting	Permanent acquisition of title	Land required for permanent works for the shared use path and woodland planting
11-06	2948.18	Field, agricultural, woodland, hedgerow, pond and drain	Shared use path, field access, habitat creation and woodland planting	Permanent acquisition of title	Land required for permanent works for the shared use path, woodland planting, field access and associated earthworks
11-07	64.98	Garden and hedgerow	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path and close boarded fencing with the property boundary of Fairview. Planting is to be agreed with the landowner.
12-01	352.67	Common land at Wilmington Green Common	Shared use path, drainage works and signalised crossing	Permanent acquisition of title	Land required for permanent works for the shared use path and provision of a signalised crossing facility
12-01a	261.06	Common land at Wilmington Green Common	Drainage ditch	Essential licence	Land required for temporary works to the drainage ditch for reprofiling to allow for an increased volume of run off surface water

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12-02	337.94	Common land at Wilmington Green Common	Shared use path, drainage works and signalised crossing	Permanent acquisition of title	Land required for permanent works for the shared use path and provision of a signalised crossing facility
12-02a	346.57	Common land at Wilmington Green Common	Drainage ditch	Essential licence	Land required for temporary works to the drainage ditch for reprofiling to allow for an increased volume of run off surface water
12-03	51.11	Common land at Wilmington Green Common	Drainage ditch	Essential licence	Land required for temporary works to the drainage ditch for reprofiling to allow for an increased volume of run off surface water
12-04	142.83	Highway, footway and verges	Shared use path and improved highway	Permanent acquisition of title	Land required for permanent works for the shared use path and highway improvement works, widening of the kerb line and an uncontrolled crossing at the junction of The Street and the A27 at Wilmington
12-05	110.01	Highway, footway and verges	Improved highway	Permanent acquisition of title	Land required for permanent works for the shared use path and highway improvement works, widening of the kerb line and an uncontrolled crossing at the junction of Thornwell Road and the A27 at Wilmington
12-06	115.48	Common land at Wilmington Green Common	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path
12-07	78.71	Highway, footway and verge	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path
12-08	99.42	Highway, footway and verge	Improved highway	Permanent acquisition of title	Land required for permanent works for the widening of the carriageway at Wilmington

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12-09	17.75	Common land at Wilmington Green Common	Shared use path, drainage works and signalised crossing	Permanent acquisition of title	Land required for permanent works for the shared use path and highway improvements at Thornwell Road
12-09a	505.46	Common land at Wilmington Green Common	Drainage ditch	Essential licence	Land required for temporary works to the drainage ditch for reprofiling to allow for an increased volume of run off surface water
12-10	6943.22	Grassland	Mitigation planting	Permanent acquisition of title	Land required for permanent works for woodland planting
12-10a	823.78	Scrubland	Common exchange land	Replacement common land	Land required permanently for exchange common land at Wilmington Green Common
12-11	258.55	Woodland and grassland	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path and proposed pedestrian gate in the fence line to provide access to the Wishing Well Tea Rooms
12-12	63.03	Private road	Shared use path and access	Permanent acquisition of title	Land required for permanent works for the shared use path and providing an improved access to Apple Tree Cottage
12-13	6875.69	Field, agricultural and pond	Shared use path and woodland planting	Permanent acquisition of title	Land required for permanent works for the shared use path, associated earthworks and woodland planting
12-14	23561.73	Field, agricultural, stream, hedgerows, drain, access splay, private road and woodland	Shared use path, woodland planting and field accesses	Permanent acquisition of title	Land required for permanent works for the shared use path, field accesses, layby, associated earthworks, woodland planting and improved access to private road. Turning heads are also provided for maintenance access to the boardwalks

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13-01	281.53	Highway, footway and verge	New layby	Permanent acquisition of title	Land required for permanent works for the provision of a layby because of DMRB suggested spacing of laybys along trunk roads
13-02	281.17	Field and agricultural	New layby	Permanent acquisition of title	Land required for permanent works for the provision of a layby because of DMRB suggested spacing of laybys along trunk roads
13-03	5268.66	Field, agricultural, hedgerow, drain, access splay, private road and woodland	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path and improved access to private road
14-01	44.21	Woodland	Shared use path and woodland planting	Permanent acquisition of title	Land required for permanent works for the shared use path, boardwalk and woodland planting
14-02	874.29	Woodland	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path and a turning head for maintenance access to the boardwalks
14-03	605.17	Highway, footway, verge and grassland	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path and side road crossing at the junction of Folkington Road with the A27
14-04	35.82	Garden, overhead cables and stay	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path
14-05	16.99	Garden, overhead cables and stay	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path
14-06	63.94	Grassland and verge	Shared use path and habitat island	Permanent acquisition of title	Land required for permanent works for the shared use path and habitat creation

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14-07	1915.29	Field and agricultural	Shared use path and habitat island	Permanent acquisition of title	Land required for permanent works for the shared use path and habitat creation
14-08	530.55	Highway, access splay, woodland, verges and grains	Shared use path	Permanent acquisition of title	Land required for permanent works for the shared use path and habitat creation

APPENDIX B

APPENDIX B - STATUS OF NEGOTIATIONS WITH LANDOWNERS

Plot number	Land interest	Status of negotiation
1-01	Unknown	Continued exercises to determine land interests
1-02	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
1-03	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
1-04	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
1-05	Unknown	Continued exercises to determine land interests
1-06	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
1-07	Unknown	Continued exercises to determine land interests
1-08	Unknown	Continued exercises to determine land interests
2-01	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
2-02	Unknown	Continued exercises to determine land interests
2-03	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
2-04	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
2-05	Carola Godman Irvine DL and Jonathan Moreton Gage Tenants – Christopher Arnander, Firle Farms Limited and Tom Gribble	Highways England representatives met with Alistair Deighton, Firle Estate Manager, on 13 December 2018 at Berwick Village Hall. It was explained by Highways England that preference would be to purchase land by agreement in the first instance under the same compensation terms as the CPO. It was explained that the majority of the route over which the shared use path will run is on land owned by the Firle Estate and Alistair expressed general positivity towards the design, intent and scope of the scheme.

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3-01	Carola Godman Irvine DL and Jonathan Moreton Gage	See plot 2-05
3-02	Carola Godman Irvine DL and Jonathan Moreton Gage Lessees - Helen Marsh and John Pile Tenant – John S. Pile (Farms) Limited	See plot 2-05
4-01	Carola Godman Irvine DL and Jonathan Moreton Gage Tenants - Christopher Arnander, Firle Farms Limited and Tom Gribble	See plot 2-05
4-02	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
4-03	Unknown	Continued exercises to determine land interests
4-04	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
4-05	Unknown	Continued exercises to determine land interests
6-01	Carola Godman Irvine DL, Francis Nation-Dixon and Jonathan Moreton Gage Lessee – Willis and Son Limited (trading as The Barley Mow Inn Public House)	See plot 2-05
6-02	Unknown	Continued exercises to determine land interests
6-03	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests

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6-04	Unknown	Continued exercises to determine land interests
6-05	Unknown	Continued exercises to determine land interests
6-06	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
6-08	Carola Godman Irvine DL and Jonathan Moreton Gage Tenant – Miles Walton	See plot 2-05
7-01	Unknown	Continued exercises to determine land interests
7-02	Unknown	Continued exercises to determine land interests
7-03	Julia Lamprell and Neil Lamprell	Highways England representatives met with the Julia and Neil Lamprell on 22 May 2019 at Alciston Corner. It was explained by Highways England that preference would be to purchase land by agreement in the first instance under the same compensation terms as the CPO. Options for close boarded fencing and/or replacement hedges were discussed.
7-04	Unknown	Continued exercises to determine land interests.
7-05	Carola Godman Irvine DL and Jonathan Moreton Gage Tenant - Miles Walton	See plot 2-05
8-02	Francis Nation-Dixon and Robin Sanford Holden Illingworth Tenants - John R Hecks and William Hecks	Highways England representatives met with the agent for Mr Hecks, from Batcheller Monkhouse on 10 July 2019. It was explained by Highways England land is required from Mr Hecks in the CPO for the shared use path however this will not require large areas of land for woodland planting.
8-03	Unknown	Continued exercises to determine land interests

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8-04	Ann Simmonds and Norman Hayward	Highways England representatives met with Ann Simmonds and Norman Hayward at Giant's View on 9 May 2019. It was explained by Highways England that preference would be to seek to purchase by agreement in the first instance under the same compensation terms as the CPO. Options for the removal of the hedge was discussed.
8-05	Ann Simmonds and Norman Hayward	See plot 8-04
8-06	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
8-07	Unknown	Continued exercises to determine land interests
8-08	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
9-01	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
9-01a	Francis Nation-Dixon and Robin Sanford Holden Illingworth (as trustees of the Firle Estate) Tenants – John R Hecks and Williams Hecks	See plot 2-05 and 8-02
9-02	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
9-03	Unknown	Continued exercises to determine land interests
9-04	Francis Nation-Dixon and Robin Sanford Holden Illingworth Lessee – East Sussex County Council	See plot 2-05
9-05	Francis Nation-Dixon and Robin Sanford Holden Illingworth	See plot 2-05

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9-06	Unknown	Continued exercises to determine land interests
9-07	Unknown	Continued exercises to determine land interests
9-11	Unknown	Continued exercises to determine land interests
9-12	Carola Goodman Irvine DL and Jonathan Moreton Gage (as trustees for the Firle Estate) Tenants – David Lewis, Paul Lewis, Peter Boyse and Rosemary Beddows	See plot 2-05
9-18	Drusillas Zoo Park Limited	Highways England representatives met with Lawrence and Gareth at Drusillas on 22 October 2019. It was discussed that there was a preference for a feature on Berwick roundabout relating to Drusillas Zoo, with trees being less of a preference. Signage for the zoo was also discussed. Options for replacement land for the acquisition of plot 10-13 was also referenced. Discussions are ongoing.
9-19	David Lewis, Paul Lewis, Peter Boyse and Rosemary Beddows (as trustees for JC Lewis)	Communications are ongoing.
9-20	Unknown	Continued exercises to determine land interests
10.01	David Lewis, Paul Lewis, Peter Boyse and Rosemary Beddows (as trustees for JC Lewis)	See plot 9-19
10-02	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
10-03	David Lewis, Paul Lewis, Peter Boyse and Rosemary Beddows (as trustees for JC Lewis)	See plot 9-19

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10-04	Unknown	Continued exercises to determine land interests
10-05	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
10-06	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
10-07	Unknown	Continued exercises to determine land interests
10-08	Unknown	Continued exercises to determine land interests
10-09	Unknown	Continued exercises to determine land interests
10-10	Charles Ellis, Peter Ellis and Duncan Ellis Tenant – C.H. Ellis Limited	Highways England representatives met with Charles, Peter and Duncan Ellis at Lullington Farm on 9 May 2019. It was explained that Highways England would seek to purchase by agreement in the first instance under the same compensation terms as the CPO. It was discussed that hedged boundaries would be preferable to fencing where possible and it was requested that all existing accesses be maintained, and widened where practicable.
10-11	Drusillas Zoo Park Limited	See plot 9-18
10-12	James Osborne-Shaw, Lisa Osborne-Shaw, Martin Osborne-Shaw, Melissa Toleman, Stephen Rucklidge, Tanya Peatroy and Vanessa Rucklidge	Highways England representatives met with Ms Lisa Marie Osborne Shaw and other joint owners on 6 June 2019. It was explained that Highways England would seek to purchase by agreement in the first instance under the same compensation terms as the CPO. The landowners requested that an access be provided from the road and it was confirmed there is an existing access which can be cleared.
10-13	Drusillas Zoo Park Limited	See plot 9-18
11-01	Unknown	Continued exercises to determine land interests

APPENDIX B - STATUS OF NEGOTIATIONS WITH LANDOWNERS

11-02	Richard Brown	<p>Highways England representatives met with Richard Brown and others at Longman Nursery on 10 May 2019.</p> <p>It was explained that Highways England would seek to purchase by agreement in the first instance under the same compensation terms as the CPO.</p> <p>It was discussed that Highways England would have to replace existing boundary features via means of disturbance payment. Noise mitigation planting must also be retained or replaced for the property at Longman Nursery.</p> <p>The landowners also advised an access must be retained during and post scheme, and asked if it could be widened and resurfaced. Highways England suggested the entrance will form part of the highway boundary so will likely require resurfacing.</p>
11-03	Margaret Brown and Richard Brown	See plot 11-02
11-04	Margaret Brown and Richard Brown	See plot 11-02
11-05	Richard Brown	See plot 11-02
11-06	David Hayden	<p>Highways England representatives met with David Hayden at Trek End, Wilmington on 10 May 2019.</p> <p>It was explained that Highways England would seek to purchase by agreement in the first instance under the same compensation terms as the CPO.</p> <p>The landowner expressed broad support for the scheme and Highways England advised that the existing hedge would be retained, leaving the current sound mitigation as is.</p>
11-07	Patricia Forrest	<p>Highways England representatives met with Patricia Forrest at Fairview on 10 May 2019.</p> <p>It was explained that Highways England would seek to purchase by agreement in the first instance under the same compensation terms as the CPO.</p> <p>Landowner advised that they would like replacement hedges rather than trees on their retained land, and close boarded fencing should replace any removed existing fence.</p>

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12-01	Wealden District Council	<p>Highways England representatives met with Graham Kean and Jo Heading from Wealden District Council on 13 June 2019 at Wealden District Council, Hailsham.</p> <p>The preferred location for exchange common land was discussed, to the east of the common.</p> <p>Highways England discussed the timescales for the orders process and land will be sought by agreement where possible with a CPO backing.</p>
12-01a	Wealden District Council	See plot 12-01
12-02	Wealden District Council	See plot 12-01
12-02a	Wealden District Council	See plot 12-01
12-03	Wealden District Council	See plot 12-01
12-04	Unknown	Continued exercises to determine land interests
12-05	Unknown	Continued exercises to determine land interests
12-06	Wealden District Council	See plot 12-01
12-07	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
12-08	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
12-09	Wealden District Council	See plot 12-01
12-09a	Wealden District Council	See plot 12-01
12-10	Darren Stevens and Paul Stevens	<p>Highways England representatives met with Darren and Paul Stevens in Eastbourne on 10 July 2019.</p> <p>It was explained that Highways England would seek to purchase by agreement in the first instance under the same compensation terms as the CPO.</p>

APPENDIX B - STATUS OF NEGOTIATIONS WITH LANDOWNERS

12-10a	Darren Stevens and Paul Stevens	See plot 12-10
12-11	Clive James and David Stott Tenants – Gavin Last and Tina Bourne	Highways England representatives met with David Stott at Crossways Guest House/Wishing Well Tea Rooms on 10 May 2019. It was explained that Highways England would seek to purchase by agreement in the first instance under the same compensation terms as the CPO. David requested that an access from the shared use path into the north-east corner of the tea room is provided.
12-12	Peter Matthews and Rita Matthews	Highways England representatives met with Mr and Mrs Matthews at Apple Tree Cottage on 9 May 2019. It was explained that Highways England would seek to purchase by agreement in the first instance under the same compensation terms as the CPO. It was discussed that the entrance to the property, where the shared use path crosses will likely need to be resurfaced to maintain a consistent height to the shared use path and carriageway.
12-13	Tara Whitley Tenants – Richard Carr and Sally Carr	Highways England representatives met with Edward Whitley at The Old Vicarage on 17 May 2019. It was explained that Highways England would seek to purchase by agreement in the first instance under the same compensation terms as the CPO. It was discussed that he would be happier if the shared use path could be screened by suitable trees and also requested a field access is provided.
12-14	Sabrina Harcourt-Smith Tenants – C.H. Ellis Limited, Charles Ellis and Duncan Ellis	Highways England representatives met with Sabrina Harcourt-Smith and Oliver Harwood (Land Agent) at Wootton Manor on 9 May 2019. It was discussed that some of the land will be required for the shared use path and planting areas as part of a previous order will no longer be required.
13-01	Unknown	Continued exercises to determine land interests
13-02	Sabrina Harcourt-Smith	See plot 12-14
13-03	Unknown	Continued exercises to determine land interests

APPENDIX B - STATUS OF NEGOTIATIONS WITH LANDOWNERS

14-01	Unknown	Continued exercises to determine land interests
14-02	Dr Henry Brunjes and Jacqueline Brunjes	<p>Highways England representatives met with Dr Harry Brunjes and Jaqueline Brunjes at Folkington Manor on 10 May 2019.</p> <p>It was explained that Highways England would seek to purchase by agreement in the first instance under the same compensation terms as the CPO.</p>
14-03	Unknown	Continued exercises to determine land interests.
14-04	<p>David Horne and Patricia Horne</p> <p>Tenant – Alice Doherty</p>	<p>Highways England representatives met with Mr Horne at The Flint House on 6 June 2019.</p> <p>It was explained that Highways England would seek to purchase by agreement in the first instance under the same compensation terms as the CPO.</p> <p>Mr Horne advised he does not object to the current proposals.</p>
14-05	<p>David Horne and Patricia Horne</p> <p>Tenant – Alice Doherty</p>	See plot 14-04
14-06	Highways England Company Limited	Highways England have confirmed they have no issue with the compulsory acquisition of their interests
14-07	<p>Sabrina Harcourt-Smith</p> <p>Tenant – Stephen Carr</p>	See plot 12-14
14-08	Unknown	Continued exercises to determine land interests

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Highways England Creative GFD18_0266

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Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ
Highways England Company Limited registered in England and Wales number 09346363