



Department
for Transport

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Your Ref: CC803.11854
Our Ref: NATTRAN/SE/LAO/196
Date: 04 March 2020

Dear Mrs Rowley,

THE WEST SUSSEX COUNTY COUNCIL (A259 LITTLEHAMPTON CORRIDOR IMPROVEMENT) COMPULSORY PURCHASE ORDER 2019

SECRETARY OF STATE'S DECISION – ORDER TO BE CONFIRMED WITH MODIFICATIONS

1. I refer to your application, submitted on behalf of West Sussex County Council (“the Council”), for confirmation of the above-named Compulsory Purchase Order (“the Order”). The Secretary of State for Transport (“the Secretary of State”) has decided to confirm the Order, as modified by him, and this letter constitutes his decision to that effect.

2. The confirmed Order will authorise the Council to compulsorily purchase land and the rights over land in order to improve the A259 ‘Littlehampton Corridor’ between Littlehampton and Angmering, with its associated works and mitigation measures.

CONSIDERATIONS FOR DECISION

3. As the Order received objections, it was decided that a Public Inquiry should be held for the purposes of hearing those objections. Such an Inquiry was held between 26 and 28 November 2019 at Littlehampton Town Council, before Inspector D J Board BSc (Hons) MA MRTPI, an independent Inspector appointed by the Secretary of State. The Inspector considered all representations and objections about the Order and subsequently submitted a report to the Secretary of State, a copy of which is enclosed with this letter.

4. The Secretary of State has given careful consideration to the Inspector's report and also to a number of relevant issues, as set out in *Guidance on Compulsory purchase process and The Criche Down Rules* and *The Highways Act 1980*, in reaching his decision on the Order. Namely that:

- (i) there should be a compelling case in the public interest to acquire all the land and that this should sufficiently justify interfering with the human rights of those with an interest in the land affected;
- (ii) the acquiring authority should have a clear idea of how it intends to use the land that it wishes to acquire;
- (iii) sufficient resources should be available to complete the compulsory acquisition within the statutory period following the confirmation of the Order, and to implement the scheme; and
- (iv) there should be a reasonable prospect of the scheme being implemented and it should be unlikely to be blocked by any impediment.

CONCLUSION

5. The Secretary of State has considered carefully the objections to, and representations about, the Order. He has also given thorough consideration to the provision of Article 1 of The First Protocol to the European Convention on Human Rights. In this respect the Secretary of State agrees with the Inspector's conclusion at paragraphs 8.28 and 8.33 of her report and considers that the benefits of the Compulsory Purchase Order sufficiently justify the interference with the human rights.

6. The Secretary of State is satisfied that the scheme is covered by the provisions of the Town and Country Planning Act (General Permitted Development) (England) Order 2015 (and Schedule 2, Part 9 thereof) and that the Order has been made in accordance with the relevant sections of the legislation, namely sections 239, 240, 246, 250 and 260 of the Highways Act 1980.

7. Furthermore, he is satisfied that there are clear descriptions of why the Order land is required and how it will be used. No land and rights beyond those necessary to implement the scheme have been included. The Council has confirmed that funding is available for the delivery of the scheme and the Secretary of State is satisfied that there are no anticipated impediments to the scheme going ahead. This is further supported by the Inspector's findings at paragraphs 8.30 to 8.32 of her report.

8. Having considered all aspects of the scheme, the Secretary of State is satisfied that there are no compelling reasons which would justify not confirming the Order. The Secretary of State agrees with the Inspector's recommendations and has decided to confirm, as modified by him, 'The West Sussex County Council (A259 Littlehampton Corridor Improvement) Compulsory Purchase Order 2019'.

9. In confirming the Order, the Secretary of State has relied on the information that the Council and others have provided, as contained in the Order and any related plans, diagrams, statements or correspondence, as being factually correct. Confirmation is given on this basis.

MODIFICATIONS

10. The Secretary of State will make the following modifications to the Compulsory Purchase Order as agreed with the Council prior to the Inquiry (and as referenced at paragraphs 8.29 and Appendix 3 of the Inspector's report). He does not consider that any of the modifications would materially alter anyone's understanding of the Order and is satisfied the modifications do not result in the acquisition of any additional land.

- (i) Addition of the date '14 May 2019' to all 3 maps, under the seal.
- (ii) Removal of the words "except those owned by the Acquiring Authority" from descriptions of plots 8a, 9a, 11a, 12a, and 21a.
- (iii) Revise descriptions at plots 8a, 9b, 10a, 11a, 12a, 12b, 13a, 14a, 15a, 16a, 17a and 13a (Table 2) to read 'A259 Worthing Road' instead of "A259 Littlehampton Road".
- (iv) Revise descriptions at plots 1b, 2b, 3b, 4b, 5b, 6b and 18b to clarify the works in relation to the installation of acoustic barrier and retaining wall, to place and maintain footing of acoustic barrier and retaining wall, and to inspect and maintain acoustic barrier and retaining wall post construction.
- (v) Revise description at plot 8a to read 'Cornfield School' instead of "Cornfeld School".
- (vi) Revise description at plot 9a to add the words 'north of Cornfield School' following "Littlehampton Academy grounds".
- (vii) Revise address details of owners at plot 16a (Table 1, column 3) to read 'WINDROOS DEVELOPMENTS LIMITED (incorporated in Isle of Man) (Co Regn no 132377C) of Dandara Group Head Office, Isle Of Man Business Park, Cooil Road, Braddan, Isle Of Man, IM2 2SA' instead of "Store Property Developments Limited....".
- (viii) Revise measurements of plot 17a so description now reads '775.98 square metres. Part of "Windroos", north of the A259 Worthing Road'.
- (ix) Addition of a new rights plot 17b, to read 'The right to enter upon 186.60 square metres of "Windroos", north of the A259 Worthing Road, to allow the land to be used to facilitate the construction of the improvement and on completion to regrade the land'
- (x) Addition of a new rights plot 17c, to read 'The right to enter upon 22.37 square metres of "Windroos", north of the A259 Worthing Road, to allow the land to be used

to facilitate the construction of the improvement and on completion to regrade the land'

- (xi) Replace original Order plan (Sheet 1 of 3) with a new plan, drawing reference C117083-TG-LLO-S1-DR-ZL-2040 Rev P08 to reflect the above changes at plot 17.
- (xii) Revise description at plot 19a to read '32.919 square meters. Wooded area of land north of the A259 Worthing Road and west of Junction 6 Body Shop roundabout.'
- (xiii) Removal of plots 26a, 26b and 27 from the schedule completely.
- (xiv) Replace original Order plan (Sheet 3 of 3) with a new plan, drawing reference C117083-TG-LLO-S2-DR-ZL-2042 Rev P06, to reflect the removal of the above plots.

AVAILABILITY OF DOCUMENTS

11. A copy of this letter, together with a copy of the Inspector's report, has been sent to other parties who appeared at the Inquiry, outstanding objectors, other potential interested parties and relevant Members of Parliament. Additional copies are available upon request to this office.

12. Please arrange for a copy of the Inspector's report and of this letter, to be made available for inspection at the offices of the Council and at all other places used to deposit the Order for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report. Those documents, photographs or plans, are retained by this office, and will be made available at a local place of inspection.

RIGHT OF CHALLENGE

13. Notice is to be published of confirmation of the Order. Any person who wishes to question the validity of the confirmed Order, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded his powers or has not complied with the relevant statutory requirements in confirming them may, under the provisions of Schedule 2 to the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such an application must be made within six weeks of publication of the notice that the Order has been confirmed. The High Court cannot entertain an application under Schedule 2 or section 23 before publication of the notice that the Secretary of State has confirmed the Order.

COMPENSATION

14. Details of compensation arising as a consequence of confirmation of a Compulsory Purchase Order are a matter for negotiation with the acquiring authority and not the Secretary of State. Accordingly, qualifying persons in relation to the land included in the Compulsory Purchase Order will need to be approached by the Council about the amount of compensation

payable to them in respect of their interests in the land. If the amount cannot be agreed, the matter may be referred for determination by the Upper Tribunal (Lands Chamber) under the Lands Tribunal Act 1949 and the Land Compensation Act 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Dave Candlish", with a long horizontal stroke extending to the right.

DAVE CANDLISH

Authorised by the Secretary of State for Transport
to sign in that behalf