



Report to the Secretary of State for Transport

by D J Board BSc (Hons) MA MRTPI
an Inspector appointed by the Secretary of State

Date: 10 February 2020

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

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

Inquiry Held on 26 -28 November 2019
Inspections were carried out on 27 November 2019.

File Ref: NATTRAN/E/LAO/196

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CASE DETAILS

The Compulsory Purchase Order (CPO)

- The CPO is made under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980. It is known as the **West Sussex County Council (A259 Littlehampton Corridor Improvement) Compulsory Purchase Order 2019**.
 - The CPO is dated 14 May 2019.
 - The Council submitted the CPO for confirmation to the Secretary of State for Transport.
 - If confirmed, the CPO would authorise the Council to compulsorily purchase land and the rights over land in order to construct the A259 Littlehampton Corridor Improvement with its associated works and mitigation measures.

Summary of Recommendation: that the CPO be confirmed with modifications.

1. INTRODUCTION

- 1.1 The A259 is proposed to be improved. The order would facilitate this by allowing for the widening of the A259 from single to dual carriageway for 0.6km between Highdown Drive and Horsham Road, Littlehampton and for 1.4km between Station Road, Angmering and the A280 in Rustington; the provision of cycleways alongside the improved sections of road; adjustment of private accesses to tie in with the scheme; the installation of retaining walls, drainage features and acoustic fencing (including future access to maintain them); use by the Council in connection with the construction and improvement of the highway and the mitigation of adverse effects through landscaping and environmental mitigation to be provided for ecological and noise purposes.
- 1.2 Under provisions of the Highways Act 1980 the Council is authorised to exercise powers of compulsory purchase and to acquire land or rights over land where it is reasonably necessary for the construction, operation, maintenance or accommodation of a highway proposal. To this end West Sussex County Council (WSCC), acting as Acquiring Authority, made a CPO to enable the Scheme to be progressed¹. If confirmed, the Order would authorise the exercise of powers to enable the compulsory purchase of land and new rights to facilitate the provision of the scheme. The CPO was duly advertised and submitted to the Secretary of State for consideration on 17 May 2019. Objections received are detailed later in this Report.
- 1.3 Material submitted to support the scheme included a comprehensive Environmental Assessment Report² (EAR). Amongst other things this sets out the scope of the highway works and their likely impact on local communities and the natural habitat and provided a full assessment of the effects of the scheme. I have taken account of this in arriving at my recommendation.

¹ WSCC 1

² WSCC 33 & 34

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- 1.4 The Acquiring Authority confirmed at the Inquiry that it had complied with all necessary statutory formalities and has provided evidence to show that the required notification of the Inquiry has been carried out³. This compliance was not disputed.
 - 1.5 I issued a pre-Inquiry note⁴ for distribution to all parties. This set out the administrative and practical arrangements for the inquiry. The Inquiry was subsequently opened at 10am on 26 November 2019. It sat on 3 days and closed on 28 November 2019. I carried out unaccompanied site inspections to the areas affected by the scheme on 25 November 2019. I undertook a further inspection of the route of the scheme and surrounding area on 27 November 2019, accompanied by representatives of the Council.

Number of Objectors

- 1.6 A total of 8 objections were lodged during the formal objection period. The Council continued to discuss and negotiate with objectors up to and during the course of the inquiry. The result of this was that at the point the inquiry opened 3 objections had been withdrawn with a further two withdrawn during the inquiry. Therefore, by the close of the inquiry there remained three objections.
- 1.7 Therefore, the proceedings at the Inquiry focused on presentation of the Council's case. Mr and Mrs Lawrence attended to ask questions of the Council's witnesses. There was no evidence heard specific to the outstanding objections which were being pursued through written representations.

Main Grounds for Objection

- 1.8 The outstanding statutory objections relate to matters associated with the need for planning permission; the extent of the acquisition; funding; the roundabout at junction 5; air quality, noise and light pollution for properties in Toddington Park and the provision of an acoustic fence. These topics are discussed in detail later in this Report.

Scope of this Report

- 1.9 This Report contains a brief description of the site and its surroundings, the gist of the evidence presented and my conclusions and recommendations. Lists of Inquiry appearances and documents are attached. These include details of the submitted Proofs of Evidence and Rebuttal Proofs, which may have been added to or otherwise extended at the Inquiry, either during examination in chief or during cross examination. Where appropriate, references to submitted documents are given in parentheses or footnotes.

2. DESCRIPTION OF THE A259, ROUTE AND ORDER LANDS

- 2.1 The Order Lands are shown on the plans of the CPO, which comprises three sheets⁵. The plans were amended at the Inquiry⁶ to correspond with the list of modifications to the order⁷. The project would involve the widening of approximately 2km of the existing single carriageway on the A259 to dual

³ ID7

⁴ ID18

⁵ C117083-TG-LLO-S1-DR-ZL-2040 P08; C117083-TG-LLO-S1-DR-ZL-2041 P07; C117083-TG-LLO-S1-DR-ZL-2042 P06

⁶ ID6

⁷ ID3

carriageway. This would comprise two sections. The first section would be from the new Junction 5 near Highdown Drive to the east of the Wick roundabout. At this point the new Lyminster bypass and Fitzlan Link Road would join the A259 from the north and south⁸. This section will terminate at the Body Shop roundabout (Junction 6). This section would include the installation of a new pedestrian and cycle path segregated from the road by a verge along much of the route. Minor alterations would be made to the Body Shop roundabout to take account of the wider approach. The existing controlled crossing point would be upgraded to a Toucan crossing and a new Toucan crossing installed to the west of the Body Shop roundabout. It is proposed that right turns across the carriageway would be closed using traffic regulation orders.

- 2.2 The second section would be from Junction 9, the Station Road roundabout, in Angmering to the A280 roundabout at Junction 11. This would include the Roundstone roundabout at Junction 10. This section would also include a new pedestrian and cycle route. The existing controlled crossing connecting Angmering School and Downs Way would be upgraded to a Toucan crossing. In addition, new Toucan crossings would be provided near the Station Road footbridge and near to Haskins Garden Centre. Right turns across the carriageway, such as the garden centre, would be closed using traffic regulation orders.
- 2.3 Further a small section of grass verge at the junction of the A259 and Cornfield Close would be used to continue the cycling and pedestrian route across the junction of the road. The scheme would also require the removal of some trees. Landscaping proposals are intended to form part of the scheme mitigation.
- 2.4 The land to be acquired is shown on the plans which accompany the Order in plots coloured pink and suffixed 'a'. Plots where rights are sought are shown in blue with a suffix 'b'. The plots are numbered 1-27. The modified plans show a reduction in the area of plot 17a in green. The plots fall within a number of different ownerships. Subject to the submitted modifications to the original Order as submitted for confirmation, all plots are required for the road widening and provision and construction of a footpath and cycleway. The rights plots (blue/b) are required for the construction and long-term maintenance of the Scheme.

3. PROPOSED MODIFICATIONS

- 3.1 The proposed modifications to the Order are set out in a schedule⁹. These modifications follow correspondence with the Department for Transport¹⁰. They are of a minor nature to improve clarity and precision and may be made without prejudice or injustice.

4. THE CASE FOR WEST SUSSEX COUNTY COUNCIL AS ACQUIRING AUTHORITY

Background

- 4.1 Proposals for the improvement of the A259 corridor have been identified within policy for some time. Nearby sections were improved in the 1990s. The result of this was that the existing Roundstone bypass from Station Road to Old Worthing Road was left as an isolated section of single carriageway. In 1993 the

⁸ ID17, Document 6, West Sussex County Council Statement of Case Figure 3.1, page 16

⁹ ID3

¹⁰ ID4 & ID5

Angmering Bypass was approved and subsequently completed in 2003, connecting to the A259 at Old Worthing Road (Junction 11).

- 4.2 In terms of strategic importance, the A259 forms a principal access to Littlehampton, Rustington and East Preston. There is further through traffic from Bognor Regis, Yapton and Barnham. It provides onward connection to the A24, A27 and A29 and also provides access to numerous residential, employment and retail sites within Littlehampton, Angmering and the surrounding area.
- 4.3 A detailed description of the strategic importance of the route can be found in the written evidence of the Council's witness¹¹. In particular the A259 Route Improvement Study 2013¹² sets out a package of improvements to the A259. This scheme forms part of those improvements identified as the best solution to manage the implication of growth on this road.

Overview

- 4.4 The Acquiring Authority's purpose in seeking to make the CPO is to secure the completion of the A259 Corridor Improvement Scheme (the "Scheme"). by assembling the land and associated rights required to facilitate this. It considers the Scheme to be of significant importance due to the location of Arun District on a strategic coastal transport corridor. The existing infrastructure deficit is considered to contribute to poor economic performance in Arun. As such, the A259 is considered to be important for providing access to residential, employment and retail sites in Littlehampton, Angmering and surrounding areas. In addition, there is an important linkage with the A27 via the A284 and A280.
- 4.5 On the 14 May 2019, pursuant to resolutions made by the Council's cabinet member for Highways and Infrastructure on 2 February 2018¹³ and 7 August 2019¹⁴ and by the Director of Law and Assurance on 8 March 2019¹⁵, the Council authorised the making of the CPO. In reaching its decision the Council had regard to the Human Rights Act 1998 and considered there was a compelling public interest for making the proposed Order and for compulsorily acquiring the required land interests.

Route Description and Design¹⁶

- 4.6 Arun District lies on a strategic coastal transport corridor. The A27 trunk road, A259 and A29 pass through the district. The A284 and A280 are important links between the A259 and A27. Littlehampton, Rustington, East Preston, Kingston and Angmering make up an urban area to the east of the River Arun.
- 4.7 The project would widen about 2km of existing single carriage way along the A259 to dual carriageway. This is made up from two sections and is detailed within the Council's statement of case¹⁷. The scheme would include new pedestrian and cycle pathways, provision of new and upgrade of crossings as appropriate. It would be constructed in accordance with the Council's standard design for highway schemes. Pedestrians would join and leave the footpaths as

¹¹ ID10 & ID11

¹² WSCC 21

¹³ WSCC 2

¹⁴ WSCC 50

¹⁵ WSCC 3

¹⁶ Scheme Drawings WSCC 28-32

¹⁷ ID17 document 6 paras 4.1-4.3

they did before. The private access for Haskins Garden Centre would be adjusted to fit in with the new road scheme.

- 4.8 The scheme proposes the provision of new street lighting constructed to highway standard along the route¹⁸, which would be aligned with the developer scheme¹⁹ in place at Junction 5. The land proposed to be compulsorily acquired under the CPO covers areas of land adjacent to the existing A259. They are made up of residential gardens, land owned by housing developers without planning consent, playing fields, open areas of land with grass and vegetation, private planted areas adjacent to the highway and land fronting retail premises. They would have a total area of about 2.05ha.

Need for the Scheme, Scheme Objectives and Benefits

- 4.9 Littlehampton and Rustington lie to the south and west of the A259 with Angmering primarily to the north. Collectively these areas within the District promote housing, economic and employment growth.
- 4.10 Some of the schemes have been consented whilst others are due to come forward. Overall, development close to the Scheme and within the wider District means that there is and will be an increase in the number of people wishing to access these locations and take advantage of the jobs and services on offer.
- 4.11 The Transport Business Case²⁰ sets out the benefits of the scheme in accordance with the requirements of Department for Transport guidance.
- 4.12 The wider strategic objectives of the scheme are to:
- Provide motorists with a less congested route and journey times;
 - Reduce queue lengths at key junctions within the scheme;
 - Support directly the delivery of the Angmering development allocation of 600 new homes and 3ha employment space;
 - Indirectly contribute to creation of 4695 jobs, 2600 homes and 27370 sqm of net employment floorspace (estimated in 2014); and
 - Provide good value for money for the taxpayer.
- 4.13 More specifically the A259 is of strategic importance in West Sussex as an important east-west corridor providing access to residential, employment and retail sites. This strategic importance makes the current issues with the route particularly significant. In addition, alongside alleviating current issues it would also future proof the network.
- 4.14 There is a long-standing recognition of the need for the scheme. Nonetheless, significant option testing was undertaken to identify the optimum solution for the route and to address the identified issues. More specifically, a dedicated strategic transport model with results set out in the A259 Corridor Improvement Traffic Forecasting Report²¹ identified that, within the A259 corridor, the links and junction at J5-6 and J9-11 particularly needed improvement. These elements are part of the Scheme. Therefore, the Scheme became the preferred option.

¹⁸WSCC 65

¹⁹ WSCC 66

²⁰ WSCC 17

²¹ ID10 Appendix G

4.15 Further local level modelling has been undertaken for junctions 9-11²². This highlights key issues as follows:

- Congestion at principal junctions²³ – with the Scheme in place that in peak hours in 2033 that junctions would generally be not congested or only suffering from moderate congestion. The Scheme would therefore significantly improve the situation;
- Peak hour journey times²⁴. The Scheme would see journey times eastbound and westbound drop;
- Average delay²⁵. The Council's witness explained that the improvements from the Scheme would lead to a good proportion of the delay being removed. This would be true for both the AM and PM peaks;
- Average speeds²⁶. The Scheme would increase average speeds compared to the existing situation.
- Traffic flow changes with the Scheme²⁷. The Scheme would not entirely eliminate congestion. Nonetheless, the Council's transport planning witness set out that, with the scheme in place, traffic flow on minor roads would be relieved. This would benefit pedestrians, cyclists and other residents.

4.16 The Council also submit that, whilst it is for a road, the Scheme would give rise to benefits in terms of sustainable transport. In respect of pedestrians and cyclists this would be by reducing traffic on minor roads nearby, the provision of a new pedestrian and cycle pathway to the south of the dual carriageway and the provision of new Toucan crossings. Bus routes would be made more attractive as reduced congestion would improve journey times.

Ecology

4.17 An extended phase 1 habitat survey and preliminary bat roost assessment have been undertaken. These informed the EAR and the assessment of whether the Scheme would have any impact on protected species or habitats, and whether further survey work or mitigation would be needed. The findings of the EAR for the Scheme conclude that the provision of the scheme would have no significant effect on the land adjacent to the A259 corridor, nor on any non-statutory designated sites within 2.0km of the Scheme. No further surveys are proposed.

Hedgerows

4.18 The Scheme would require the removal of some hedgerows as part of the construction process. It is concluded that, in this case, the hedgerows can be removed on the basis that replacement would be on a minimum of 1:1 basis. The Scheme would include a landscaping programme to re-plant new hedgerow. Prior to construction of the Scheme, an application for a Hedgerow Removal Notice will be made to the Local Planning Authority in accordance with The Environment Act 1995 and The Hedgerows Regulations 1997, for consent to remove the hedgerow. It is not foreseen that there would be any issue with this consent being given.

²² ID10 Appendix I – A259 East of Arun Local Model Development & Option Assessment Report

²³ ID10, Table 5.1, p.22

²⁴ ID10, Table 5.2, p.23

²⁵ ID10, para 5.14, p.25 & para 5.16, p.26

²⁶ ID10, para 5.14, p.25 & para 5.16, p.26

²⁷ ID10, para 5.11, p.23

Planning

- 4.19 The Council's evidence identifies that the need for improvements to the A259 corridor has been identified in policy for at least 30 years.
- 4.20 The Scheme is supported by both national and local planning policy (including within the National Planning Policy Framework, the Arun District Local Plan and Arun District Council Infrastructure Delivery Plan), and national and local transport policy (including the West Sussex Transport Plan).
- 4.21 The West Sussex Transport Plan 2011-2026²⁸ acknowledges that *'The existing infrastructure deficit along the coast is widely considered by local businesses to contribute to poor economic performance in Arun and the need for regeneration'*. It is submitted that issues with the A259 are part of this. This is picked up in the Arun District Council Infrastructure Delivery Plan²⁹ which picks out the regularity of congestion as a consequence of high traffic volumes interacting with local junctions and bottlenecks at lane merges where dual carriageway becomes single.
- 4.22 Under Schedule 2, Part 9 of the Town and Country Planning (General Permitted Development (England) Order 2015 ("the GPDO") the proposed works required to deliver the Scheme meet the criteria for Class A permitted development. Class A prescribes that development will be permitted where it constitutes development carried out by a highway authority
- (a) on land within the boundaries of a road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b) of the Act; or
 - (b) on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway."
- 4.23 The Council is the Local Highway Authority for the District of Arun. The A259 is an existing highway and the improvements adjoin the existing highway boundary. The Scheme is to extend and improve the existing highway in order to incorporate a dual carriageway and the provision of footway and cycleway routes. Consequently, the Scheme falls within the provisions of the GPDO.
- 4.24 The permitted development rights only apply if the development is not EIA development³⁰. The Council has adopted a screening opinion³¹ which complies with the EIA regulations. In particular that the scheme would be Schedule 2 development but that, having significant regard to Schedule 3, the opinion concludes that it is not likely to have significant effects. The screening opinion was not challenged.

Traffic Regulation Orders

- 4.25 Traffic Regulation Orders would be required to introduce turning bans at affected junctions on sections of road that would become dual carriageway, revoke the Cornfield Close U-turn band and introduce a clearway on the A259 from the 'Blue Star' Station Road Roundabout to the A280 roundabout. The Traffic Regulation

²⁸ WSCC 13

²⁹ WSCC 39

³⁰ Art 3(10) of the GPDO

³¹ WSCC 33

Orders would be made prior to construction and are not considered an impediment to the delivery of the Scheme.

Compliance processes

Construction and Delivery

4.26 The Council intends to make swift progress in advancing the Scheme. The most recent timetable was provided to the Inquiry³². The start of works would follow from contracts being secured and is shown as approximately September 2020 and completion by approximately March 2022.

Need for the CPO

5. The CPO comprises of 27 plots of land within a number of different ownerships. The full extent of the Order Land is set out in the Order Map, with interests to be acquired shown in pink shading. The Order Schedule³³ sets out the details of those interests.

Funding

5.1 The Council has assessed the total cost of the Scheme at £25.8m. This is broken down as follows:

- The Council is funding £14.63m;
- £7.49m is funded by the Coast to Coast Local Enterprise Partnership (LEP);
- The remaining £3.72m is to be funded from s106 contributions. Of this £2.93m has been paid or secured. Of this £1.858m has been received, £872,000 is due in 2019/20 and a further £199,000 is likely to become payable in the next five years;
- The remaining £0.79m is from developer s106 contributions identified from Local Plan development sites forecast to become available. The Council's witness confirmed that the Council undertakes to make up this amount in the event it is not secured.

5.2 As set out full funding for the Scheme has been identified by the Council from planning obligation payments and from the Local Enterprise Partnership³⁴. The decision to allocate funding was agreed by the Council Member for Highways and Infrastructure³⁵. The Scheme is considered to be high value for money. The Transport Business Case Addendum Report³⁶ gives the scheme a benefit to cost ratio of 6. The DfT Value for Money Framework rates this as 'very high value for money'.

Modifications

5.3 The Council reviewed the Scheme and has determined that it can deliver a viable Scheme, which achieves the intended objectives, by reducing the land take very slightly at Plot 17a (shown edged in green on the Revised Order Map³⁷) and creating a new Rights plot '17b'. In addition, Rights were clarified for plots 1b, 2b, 3b, 4b, 5b, 6b and 18b. Plots 26a, 26b and 27a are to be removed from the

³² ID12 page 18

³³ ID17, Doc 2

³⁴ WSCC 17

³⁵ WSCC 19, 60, 61

³⁶ WSCC 18

³⁷ This is shown in ID16 on page 6

Order. Other changes relate to clarification or correction of wording (8a, 9a, 19a) and cover the change in ownership of plot 16a.

Conclusions

- 5.4 The Council submits that, overall, there is a clear need for the scheme. It would bring substantial benefits and its limited adverse effects would be acceptable. There is no evidence to show that there are any legal or practical impediments to the delivery of the scheme.
- 5.5 The inevitable impact on private interests which are given qualified protection by Article 1 of the First Protocol to the European Convention on Human Rights would be proportionate and justified. There is a compelling case in the public interest for the CPO to be confirmed.
- 5.6 The Council invites the Secretary of State to determine that the Order should be confirmed with the identified minor modifications.

6. THE CASE FOR THE OBJECTORS

Mr and Mrs Steven Lawrence (The Lawrences) (OBJ 2)

- 6.1 The Lawrences are the freehold owner occupiers of 9 Toddington Park. Plot 2b is formed from part of this property and it is a Rights plot.
- 6.2 The Lawrences do not object to the principle of the scheme. The objections raised relate to the location of the roundabout at the junction of the A259/Fitzland Link Road/Lyminster Bypass; proximity of the scheme to their property and the resultant effect on living conditions, having particular regard to light and noise pollution; the acoustic fence scheme; clearance of existing vegetation and ongoing restrictions from maintenance of any fence.
- 6.3 Roundabout. The Lawrences consider that alternative locations for the roundabout should be considered. In addition, concern is raised about the impact on their property of the combination of the roundabout location and the widening of the A259.
- 6.4 Living conditions. Concerns are raised about light and noise pollution that would result from the proximity of the roundabout and road widening to the Lawrence's' property. In addition, it is submitted that during construction there would be additional noise and dirt and, long term, the scheme would affect value of their property and the future enjoyment of the garden area.
- 6.5 Acoustic Fence. The Lawrences are concerned about the height of the acoustic fence, between about 2.4m and 3.5m. Additional concerns relate to the effect of this height of fence on the use of the home and garden. Furthermore, it is submitted that there is no reassurance regarding the continuity between the fence that is part of the Order and the one being erected as part of the adjacent development.
- 6.6 The Lawrence's' position as at 26 November 2019 is that no agreement has been reached that satisfies their objections to the Order.

Mr and Mrs T Lane (The Lanes) (OBJ 3)

- 6.7 The Lanes are the freehold owner occupiers of 8 Toddington Park. Plot 3b is formed from part of this property and is for Rights to be acquired.
- 6.8 The Lanes do not object to the principle of the scheme. The objections raised relate to the location of the roundabout at the junction of the A259/Fitzland Link

Road/Lyminster Bypass; proximity of the scheme to their property and the resultant effect on living conditions; the acoustic fence scheme and the effect of providing the fence on living conditions.

- 6.9 Roundabout. The Lanes submit that alternative locations for the roundabout should be considered. In addition, concern is raised about the impact on their property of the combination of the roundabout location and that the widening of the A259 should be to the south and not the north.
- 6.10 Acoustic Fence. The Lanes are concerned about the height of the acoustic fence, between about 2.4m and 3.5m. The additional concerns relate to the height of the fence that would be required to reduce noise to an acceptable level. In particular the effect on the use of the Lanes home and garden.
- 6.11 Living conditions. Concerns are raised about the height of the acoustic fence and the resultant impact on light to their home and garden and therefore the future enjoyment of their property.
- 6.12 The Lanes' position as at 26 November 2019 is that no agreement has been reached that satisfies their objections to the Order.

Windroos Developments Limited (Windroos) (OBJ 8)³⁸

- 6.13 Windroos is the freehold owner of plots 16a, 17a, 17b and 17c as annotated on the Order plans. 16a and 17a are land to be acquired where as 17b and 17c are plots where Rights are to be acquired.
- 6.14 No objection is made to the principle of the scheme. The objections raised by Windroos relate to the need for planning permission; funding, in particular whether provision has been made for the payment of compensation; the extent of land to be acquired and the absence of meaningful negotiation by the Acquiring Authority.
- 6.15 Permitted Development. The position advanced by Windroos is that the scheme affects land outside of the existing road. As such, the submission is made that permitted development rights cannot be used for the scheme and planning permission is required.
- 6.16 Funding. Windroos consider that it is not clear what elements of the funding secured relate to the acquisition of land and in particular what provision has been made for the payment of compensation.
- 6.17 Extent of the property to be acquired. The modifications to the order show an area shaded green³⁹. The submitted modifications make a change to plot 17a such that this area of land shown in green is now excluded from the CPO.
- 6.18 Windroos' position as at 26 November 2019 is that no agreement has been reached that satisfies their objections to the Order.

³⁸ OBJ 8.1, 8.2

³⁹ C117083-TG-LLO-DR-ZL-2040-P08

7. THE RESPONSE FROM THE COUNCIL

Mr and Mrs Steven Lawrence

- 7.1 The objections from the Lawrences are considered in the Council's Statement of Case⁴⁰ and the proof of evidence submitted by Mr Lambert⁴¹.
- 7.2 Roundabout. The roundabout is not part of the scheme that forms the CPO. It is part of a separate developer led scheme. More specifically, its location is set through the planning application process for that scheme. As part of the development of the site the developer is required to enter into a section 278 agreement to allow it to be constructed in the consented location. Therefore, the Council does not consider that it would be appropriate to change the position of the roundabout. In addition, the Council demonstrated⁴² with a diagram that moving the roundabout away from Toddington Park would lead to permanent land take implications for other properties located to the south and west of the roundabout. By contrast the consented location and its interaction with the Scheme would require creation of new rights over parts of garden of the Lawrences rather than it being acquired.
- 7.3 Living Conditions. Examination of noise impacts is undertaken within the Road Traffic Noise Attenuation Report⁴³. The recommendation is that noise barriers are put in place to provide attenuation. Further, the report identifies dwellings near Junction 10 that as a result of the scheme would require other noise attenuation measures to be put in place. However, none of the Toddington Park properties, Junction 5, would be subject to such an impact from the Order scheme.
- 7.4 Two lamp posts would be erected to the rear of the Toddington Park gardens as part of the scheme⁴⁴. The Council submits that the street is already lit and that any new lights could be shielded to minimise any back spill of lighting. Overall it considers that the impacts of any lighting would be minimal.
- 7.5 The Council's view regarding the impacts on the Lawrence's' garden is that the rights required are limited. Therefore, it is suggested that any vegetation that is removed can be replaced to an agreed specification, there is an undertaking to take down and replace the garden shed and the Council point out that compensation would be payable in accordance with any statutory entitlement.
- 7.6 Acoustic Fence. Plot 2b would be in the garden of No 9 Toddington Park and it is a Rights plot. The acoustic fence in this location would be solely that consented as part of the developer scheme⁴⁵. Therefore, access rights over it are sought to install and maintain the underground footing. Mr Lambert clarified in his oral evidence that the element specific to the Order Scheme would be the footing. This would relate to the retaining wall for the cycleway and footway. Mr Lambert explained that a strip of 600mm would have to be kept clear in front of the fence for maintenance of the retaining wall.
- 7.7 Overall, the Council's position is, that to the extent that there is any detriment that it is limited and outweighed by the compelling case in favour of the Scheme.

⁴⁰ Pages 59-64

⁴¹ ID12 section 19, pages 36-42

⁴² ID12, page 38

⁴³ July 2019 WSCC 35

⁴⁴ WSCC 65 plan C117083-TG-HLG-S1-DR-CH-1301-PO1 & 66 SSE203224/LD-002/C

⁴⁵ WSCC 63. This is shown in blue on plan 14358/06

Mr and Mrs T Lane

- 7.8 The objections made by the Lanes are considered in the Council's Statement of Case⁴⁶ and the proof of evidence submitted by Mr Lambert⁴⁷.
- 7.9 Roundabout. The roundabout is not part of the scheme that forms the CPO. It is part of a separate developer led scheme. More specifically, its location is set through the planning application process for that scheme. As part of the development of the site the developer is required to enter into a section 278 agreement to allow it to be constructed in the consented location. Therefore, the Council does not consider that it would be appropriate to change the position of the roundabout. In addition, the Council demonstrated⁴⁸ with a diagram that moving the roundabout away from Toddington Park would lead to permanent land take implications for other properties located to the south and west of the roundabout. By contrast the consented location and its interaction with the Order Scheme would require creation of new rights over parts of garden of the Lanes rather than it being acquired.
- 7.10 Acoustic fence. Plot 3b would be in the garden of No 8 Toddington Park and it is a rights plot. The acoustic fence in this location would be about half part of the Scheme (2.4m) and about half would be that consented as part of the developer scheme⁴⁹. Therefore, access rights over it are sought to install and maintain the underground footing. Mr Lambert clarified in his oral evidence that the element most specific to the Order Scheme would be the footing. This would relate to the retaining wall for the cycleway and footway. Mr Lambert explained that a strip of 600mm would have to be kept clear in front of the fence for maintenance of the retaining wall.
- 7.11 Living conditions. The Council would step down the height of the fence for the portion that it is responsible for. The Council's view regarding the impacts on the Lane's garden is that the fence for which it is responsible would not lead to unacceptable effects on living conditions and that the rights required are limited.
- 7.12 Examination of noise impacts is undertaken within the Road Traffic Noise Attenuation Report⁵⁰. The recommendation is that noise barriers are put in place to provide attenuation. Further the report identifies dwellings near Junction 10 that as a result of the Scheme would require other noise attenuation measures to be put in place. However, none of the Toddington Park properties, Junction 5, would be subject to such an impact from the Order Scheme.
- 7.13 Overall, the Council's position is, that to the extent that there is any detriment that it is limited and outweighed by the compelling case in favour of the Scheme.

Windroos

- 7.14 The objections made by Windroos are addressed in the Council's statement of case⁵¹.

⁴⁶ Pages 51-59

⁴⁷ ID12 pages 36-42

⁴⁸ Proof of evidence of Mr Lambert, page 38

⁴⁹ WSCC 63. This is shown in blue on plan 14358/06

⁵⁰ July 2019 WSCC 35

⁵¹ Pages 73-76

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- 7.15 Permitted Development. The Council's position is that planning permission exists by reason of the general grant of planning permission under the Town and Country Planning (GPDO) (England) Order 2015. Further that the scheme would benefit from Schedule 2, Part 9, Class A (b). The Council submit that the CPO guidance⁵² is clear that the requirement is to demonstrate that the scheme would not be likely to be blocked by any physical or legal impediment to implementation.
- 7.16 The permitted development rights can be relied on if a screening opinion has been adopted. In this case a screening opinion has been adopted that concludes that the scheme would not be EIA development⁵³. The Council goes on to set out its view that works required would be for the improvement of the A259 highway and as such fall within Class A(b). The Council's view is that the widening also falls within this Class. This is because within the Highways Act 1980 the widening of highways falls within the provisions for improvement of highways. This definition, it submits, can be applied in the absence of any explicit contrary provision in the GPDO.
- 7.17 Funding. The Council's key point is that the objection letter was submitted before further information on funding had been provided in the Council's statement of case. This details the resolution of the Council's resolution⁵⁴ which enables the full Scheme cost to be met and demonstrates that the Scheme would be fully funded.
- 7.18 A specific concern was raised by Windroos regarding the availability of funds for acquisition and payment of compensation. Mr Lambert gave oral evidence on this point. In particular that the sums allocated for these purposes are based on expert evidence from the district valuer. In addition, in light of the modifications which reduce the land take since the valuation, this amount is likely to be an overestimate. The Council does not wish to reveal the exact amounts as it would disadvantage future negotiation. Nonetheless, the approach taken provides the substantive information that is required by the CPO guidance.
- 7.19 Extent of property to be acquired. The Council have provided detailed information on the negotiations that have been undertaken⁵⁵. More specifically that any negotiations are reliant upon or need to align with the scheme design process. The Council consider that positive and detailed negotiation can be evidenced and have taken place.

⁵²Para 15 – Guidance on Compulsory purchase process and the Crichel Down Rules [2019] Ministry of Housing, Communities and Local Government

⁵³WSCC 33

⁵⁴WSCC 19, 30 July 2019

⁵⁵Statement by Mr Godden, Appendix A to Mr Lambert's proof of evidence

8. INSPECTOR'S CONCLUSIONS ON THE ORDER

The references in square brackets refer to earlier paragraphs, including related footnotes, in this report

Introduction

- 8.1 The CPO will be considered with reference to the Government's guidance on the compulsory purchase process⁵⁶. I have had due regard to the public sector equality duty under section 149 of the Equality Act 2010 and the relevant provisions of the Human Rights Act 1998.
- 8.2 The conclusions take full account of all the environmental information, including that contained in the EAR, submitted in respect of the scheme [4.17 & 4.18].
- 8.3 The outstanding Statutory Objections are addressed as part of the consideration of the CPO.

Compulsory Purchase Order

- 8.4 The main matters for consideration in relation to the CPO will be whether:
 - there is a compelling case in the public interest for use of compulsory purchase powers as proposed in the Order;
 - the Acquiring Authority has a clear idea of how it is intending to use the land it seeks to acquire and whether it is able to show that all necessary resources are likely to be available to achieve that end within a reasonable timescale;
 - the scheme is unlikely to be blocked by any physical or legal impediments to implementation. These may include the programming of any infrastructure accommodation works or remedial work which may be required, or a need to obtain a consent or licence; and
 - whether the purposes for which the CPO is made justify interfering with the human rights of those with an interest in the land affected.

Needs and Benefits of the Scheme

- 8.5 The evidence submitted by the Acquiring Authority clearly demonstrates that there is a need for the improvement of the Littlehampton A259 corridor. In particular that there is a need to improve journey times, reduce congestion and provide a safe route for pedestrians.
- 8.6 The improvement of the A259 corridor would materially improve the link between east and west in West Sussex as a whole. Strategically it would improve access to new homes and employment land and space. The completion of the improvements would be consistent with the development plan for the area and the West Sussex Transport Plan. These are important policy and strategy documents which have been subject to public scrutiny and consultation [4.19-4.21].
- 8.7 The scheme would bring economic, social and environmental benefits. The provision of a segregated walking and cycle route would encourage walking and cycling in the locality. The improved route would promote economic opportunities by improving access to these locations. In particular to support both directly and indirectly the provision of new dwellings allocated in the Local Plan and employment floorspace. There would be reduction in journey times, congestion and queueing. This is likely to result in reduction of carbon emissions, traffic

⁵⁶Guidance on Compulsory purchase process and the Crichel Down Rules [2019] Ministry of Housing, Communities and Local Government

pollutants and traffic noise. The overall effect would be the creation of an improved travelling environment. Therefore, the benefits of the scheme are consistent with and supportive of achieving sustainable development [4.16].

Land Requirements

- 8.8 Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of the project. Government guidance recognises that formal procedures may be initiated to avoid the loss of valuable time in the implementation of a project.
- 8.9 In this case the Council have been proactive in engagement and negotiation with affected parties. Evidence has been provided to support this. The Council has tried to acquire plots by agreement where possible. Nonetheless, a position has been reached where it is improbable that all the land necessary to carry out the scheme could be acquired by the Council by private treaty. As such without a CPO in place the scheme would be severely delayed or jeopardised [4.9-4.16].
- 8.10 The Acquiring Authority has explained adequately how it is intending to use each plot of land it is seeking to acquire, explaining clearly which plots are required to be Acquired and which are where Rights would be created for construction and in respect of future maintenance of the retaining walls. No party disputes that the titles and rights sought would be necessary for the implementation of the scheme.

Resources

- 8.11 Funding of the scheme (£25.8m) has been secured through allocations from the Coast to Coast LEP, Council capital funding and allocations from planning obligation payments. The evidence submitted by the Council in support of the CPO demonstrates that they have adequate expertise and resources to deliver the scheme on time and within budget [5.1].

Implementation

- 8.12 The scheme falls within the provisions of the GPDO. The Council have provided evidence regarding the Scheme compliance with the provisions of the GPDO. As such I am satisfied that compliance with planning requirements is unlikely to delay progress. This would be subject to careful attention to design details and recommended mitigation within the EAR and the high level of detail contained within the submission documents [4.22, 4.17].
- 8.13 The evidence of the Council has demonstrated full awareness of the engineering requirements and risks associated with the scheme. The straightforward design and limited complexity provide confidence that there would not be unforeseen issues arising that would result in undue delays.

Representation by Mr and Mrs Steven Lawrence (OBJ2) [6.1-6.6, 7.1-7.7]

- 8.14 I have carefully considered the representations made by the Lawrences in relation to the scheme and its potential impact on their living conditions, the position of the acoustic fence and the position of the roundabout.
- 8.15 The CPO scheme would tie the A259 to the roundabout at Junction 5. The Rights are required to the Lawrence's' land to facilitate the construction and maintenance of the Scheme in this location. The Council's evidence demonstrates clearly that the roundabout referred to in the objection would not be part of the CPO scheme. In addition, it has been demonstrated that even if the roundabout

could be relocated that this would result in land take from other properties rather than Rights plots. As such, I do not consider that the Council's proposal to tie the scheme into a roundabout scheme that is fixed by other consents is unreasonable.

- 8.16 The evidence submitted by the Council demonstrates that the acoustic fence in this location would be formed entirely from the scheme approved as part of the adjacent developer scheme. The Council explained clearly in its evidence that the access is required to install a footing on land adjacent in association with the fence and would create a retaining wall for the cycle and foot way. This would be installed at existing ground level such that the height of the fence would not be increased by it. In addition, the Council's witness Mr Lambert explained in his oral evidence that the Council is working closely with the developer and would continue to do so. The aim of this is to minimise disruption to residents as far as possible.
- 8.17 The height of the fence along the boundary to the Lawrence's' property is not within the Council's control. The Council's witness, Mr Lambert, explained in his oral evidence that the retaining wall to be installed by the Council would not increase the height of the acoustic fence. I appreciate that the approved fence would be about 3.5m high and that there is an existing conservatory extension to the rear of the Lawrence's dwelling. However, the CPO scheme would not directly affect the sunlight or daylight to the home or garden of the dwelling.
- 8.18 The scheme would include the provision of lighting to the rear of the Toddington Park Gardens. In particular, the plans show that two lampposts would be located to the rear of the dwellings. The Council's evidence demonstrates that any light spill can be mitigated by using cowls on the light. Shielding in this way would minimise back spill of lighting onto the Lawrence's' property.
- 8.19 I understand that the Lawrence's are also concerned about the impact on their garden. The CPO seeks to acquire rights for the installation and maintenance of the retaining wall and footing. The Council's evidence clarified that the extent of the rights required would be a 600mm strip for the life of the retaining wall that would need to be kept clear. The Council has set out it would take down and replace the Lawrence's' shed, vegetation would be planted to an agreed specification and compensation would be payable in accordance with any statutory entitlement.

Representation by Mr and Mrs T Lane (OBJ 3) [6.7-6.12, 7.8-7.13]

- 8.20 I have carefully considered the representations made by the Lanes in relation to the Scheme and its potential impact on their living conditions, the acoustic fence and the position of the roundabout.
- 8.21 The Scheme would tie the A259 to the roundabout at Junction 5. The rights are required to the Lanes' land to facilitate the construction and maintenance of the Scheme in this location. The Council's evidence demonstrates clearly that the roundabout referred to in the objection would not be part of the Scheme. In addition, it has been demonstrated that even if the roundabout could be relocated that this would result in land take from other properties rather than Rights plots. As such I do not consider that the Council's proposal to tie the Scheme into a roundabout scheme that is fixed by other consents is unreasonable.
- 8.22 The Council's evidence explains the work that has been undertaken regarding the noise impacts of the Scheme and the requirements for noise attenuation

measures. In particular, where noise impacts were identified through the Noise Attenuation Report that ‘...no Toddington Park property is subject to such an impact...’ As such, it would not be reasonable to conclude that the Scheme would have a harmful effect in terms of noise.

- 8.23 In the case of the Lanes’ boundary the acoustic fence adjacent to it would be part of the developer scheme and part of the Order Scheme. As such it would have two heights. In addition, the footing for the fence/retaining wall for the footway and cycleway would also be constructed alongside the rear boundary of this dwelling. The Council is seeking a Rights plot to allow construction and long-term maintenance of the retaining wall and fence. The element of fence within the Order Scheme would be about 2.4m in height. It is submitted that the fence will be stepped down from 3.5m to 2.4m. The Council’s footing would not add to the height of the developers fence and the fence that is part of the Scheme would be lower. The fence would be some distance from the rear elevation of the dwelling. Overall, subject to material finish, I consider it would be fair to conclude that the fence which is part of the Scheme would not directly affect the sunlight or daylight to the home or garden of the dwelling.
- 8.24 The CPO seeks to acquire rights for the installation and maintenance of the retaining wall and footing and the section of fence for which it is responsible. The Council’s evidence clarified that the extent of the rights required would be a 600mm strip for the life of the retaining wall that would need to be kept clear and that compensation would be payable in accordance with any statutory entitlement.

Representation by Windroos [6.13-6.18, 7.14-7.19]

- 8.25 The objection by Windroos raises the need for planning permission. Having read and heard the Council’s submissions on this matter I am satisfied that this would not be an impediment to the implementation of the scheme. I have been provided with information regarding the application of the screening process and the application of the Highways Act in respect of the widening proposed. This response was not challenged at the Inquiry. I have no reason to come to a different view.
- 8.26 The modifications to the order reduce the land take to the land within the control of Windroos⁵⁷. In particular a reduction to plot 17a [para 2.]. The representation also raises the funding of the scheme. The Council’s evidence, in its statement of case and the proofs of evidence of its witnesses, provides clearly how the costs of the Scheme would be met [5.1, 5.2]. A specific point is made about the payment of compensation. The Council have explained that these sums are included in ‘other costs’. More specifically, that the amount allowed for this is based upon the expert advice of the district valuer. Nonetheless, no specific amounts are provided. The Council submit that to do so would place it at a disadvantage when negotiating. In so far as meeting the requirements of the CPO Guidance I consider that the Council has provided substantive information regarding the sources of funding available for both acquiring the land and implementing the Scheme for which the land is required.
- 8.27 The Council has provided detail of the negotiation that it has undertaken⁵⁸ with landowners and their representatives. In particular, it is clear that the gap in

⁵⁷ID12 para 2.3.1 – 2.3.4

⁵⁸ID12 Appendix A

discussions between 2016-2019 was due to the design being finalised. Once this had been done the Council was able to commence meaningful negotiations with Windroos and other landowners. I understand that the site is currently being developed. As such, it is also possible that the interaction of the Windroos plots with the Scheme could change. Overall, the contact to date and the evidence submitted by the Council of this meet the requirement for positive and meaningful negotiation.

Human Rights

8.28 In considering whether to make the Order, and the extent of the interests to be comprised in the CPO, the Council has given due regard to the rights of owners of interests in the Order Lands under the Human Rights Act 1998 (including the rights contained in Article 8 and Article 1 of the First Protocol). In summary, the Council considers that the Order, if confirmed, would strike an appropriate balance between the rights of the individual and the wider public interest. It is also relevant that, whilst three objections remain these are not explicitly on human rights grounds. Having regard to the availability of compensation for those entitled to claim it under the relevant statutory provisions, the interference with human rights is considered to be both justified and proportionate.

Proposed Modifications to the Order

8.29 I have considered the amendments to the scheme proposed by the Council. I consider that the modifications proposed to the CPO would be of a minor nature and overall would reduce the land take. More specifically, in the case of plot 17a they would reduce the land to be acquired in the case of Windroos. Overall, they would improve clarity and precision and can be made without prejudice of injustice. The modifications are set out in detail in Appendix 3 and summarised at 5.3.

Conclusion

- 8.30 Examination of the Schedule and the plans accompanying the Order produces no evidence of any proposal to purchase land or Rights other than those necessary to implement the Scheme. I am satisfied that the Order includes no more land than is necessary and that the Acquiring Authority has a clear idea of how it intends to use the land.
- 8.31 The Scheme is embedded in planning policy and it will enable development plan ambitions for the area to be realised. Funding is available and no impediments to the implementation of the Scheme have been identified. In the event the Orders are made, arrangements are in hand to commence the project in September 2020.
- 8.32 The Scheme is free from impediments. In particular the Council have clearly explained why express planning permission would not be required. It has also been demonstrated that negotiations with landowners have been undertaken diligently by the Council.
- 8.33 There is a compelling case in the public interest for delivery of the improvements to the A259 Littlehampton Corridor in order to secure economic, social and environmental benefits for the District, its residents and businesses. Accordingly, there is justification for the interference with the human rights of those with an interest in the land affected by the CPO. The interference is necessary and proportionate to achieve the legitimate objectives of the improvement scheme and no violation of their rights would result.

RECOMMENDATION

9. I recommend that the West Sussex County Council (A259 Littlehampton Corridor Improvement) Compulsory Purchase Order 2019 should be modified as indicated in paragraphs 5.3 and 8.29 above and that the Order so modified should be confirmed.

D J Board

INSPECTOR

APPENDIX 1 - APPEARANCES

FOR WEST SUSSEX COUNTY COUNCIL AS ACQUIRING AUTHORITY:

Mr Hugh Flanagan of Counsel Instructed by Tony Kershaw, Director of Law and Assurance, West Sussex County Council

He called

Mr Guy Parfect BSc Senior Planner, Transport Planning and Policy
(Hons) DIS CILT Team, West Sussex County Council

Mr David Lambert BEng Project Manager for the A259 Littlehampton
(Hons) Corridor Improvement Scheme, Highways Major
Projects Team, West Sussex County Council

OBJECTORS TO THE ORDER

Mr and Mrs Lawrence Private individuals

APPENDIX 2: DOCUMENT LISTS

INQUIRY DOCUMENTS

ID1	Email from UK Power Networks, dated 25 November 2019
ID2	Site Visit Itinerary
ID3	List of Modifications to the Order
ID4	Letter from Department for Transport, dated 30 May 2019
ID5	Letter from West Sussex County Council, dated 3 September 2019
ID6	Amended Order Plans
ID7	Opening Statement on behalf of the Acquiring Authority
ID8	Email correspondence between Acquiring Authority and remaining objectors
ID9	Closing Submissions on behalf of the Acquiring Authority
ID10	Proof of Evidence of Guy Parfect
ID11	Appendices to Proof of Evidence of Guy Parfect
ID12	Proof of Evidence of David Lambert
ID13	Published Notice of Public Inquiry dated 24 October 2019
ID14	Proof of Evidence from Windroos Developments Ltd
ID15	Email to outstanding objectors dated 6 November 2019
ID16	Rebuttal and Supplementary Proof of Evidence of David Lambert
ID17	Inspector's Dossier (The Main File)
ID18	Inspector's Pre-Inquiry Note dated 18 November 2019

DOCUMENTS SUBMITTED BY THE ACQUIRING AUTHORITY

WSCC 1	The West Sussex County Council (A259 Littlehampton Corridor Improvement) Compulsory Purchase Order 2019
WSCC 2	Council Resolution of 02/02/2018 Littlehampton Corridor Improvement Land Acquisition Ref HI25 (17/18)
WSCC 3	Amendment to Council Resolution of 08/03/2019 Littlehampton Corridor Improvements Land Acquisition Ref HI29 (18/19)
WSCC 4	CPO Statement of Reasons
WSCC 5	The Order Plans
WSCC 6	The Order Plans
WSCC 7	The Order Plans
WSCC 8	The Order Plans
WSCC 9	A259 Route Improvement Study Appendix J: The Evidence for Improvements 2012
WSCC 10	Extracts from Arun District Council Local Plan
WSCC 11	Arun District Council Local Plan – Map 4
WSCC 12	The Arun District Council Local Development Scheme 2018-2021
WSCC 13	The West Sussex Transport Plan 2011-26
WSCC 14	Flow analysis from East Arun Transport Model
WSCC 15	Coast to Capital Strategic Economic Plan 2018-2030
WSCC 16	DfT's Roads Investment Strategy 2015/16-2019/20
WSCC 17	A259 Business Case
WSCC 18	Business Case Addendum Report
WSCC 19	Council Resolution to allocate funding dated 30 th July 2019 – report reference HI09 (19/20)

WSCC 20	Arun Transport Study for Strategic Development 2013
WSCC 21	A259 Route Improvement Study 2013 – Main body text
WSCC 22	The Arun Transport Study Stage 3 Report 2016 + Appendices
WSCC 23	Enterprise Bognor Regis Transport Review 2017 + Appendices
WSCC 24	--
WSCC 25	--
WSCC 26	Consultation leaflet WSCC 2015
WSCC 27	A259 Public Consultation Final Report
WSCC 28	Drawing C117083-TG-HML-S1-DR-CH-0011
WSCC 29	Drawing C117083-TG-HML-S2-DR-CH-0012
WSCC 30	Drawing C117083-TG-HML-S2-DR-CH-0013
WSCC 31	Drawing C117083-TG-HML-S2-DR-CH-0014
WSCC 32	Drawing C117083-TG-HML-XX-DR-CH-0015
WSCC 33	Screening Opinion – Re Environmental Impact Assessment
WSCC 34	Non-statutory Environmental Assessment Report
WSCC 35	Road Traffic Noise Attenuation Report July 2019
WSCC 36	--
WSCC 37	Persimmon Homes Roundabout scheme Drawing Ref A/PHLYM.1/GA-2 Rev P14
WSCC 38	--
WSCC 39	Arun District Council Infrastructure Delivery Plan
WSCC 40	--
WSCC 41	Highway Committee Minutes 11/09/1992 – A259 Worthing Road Dualling Scheme (Minute item 98)
WSCC 42	A259 Worthing Road Dualling Scheme Drawing 12019/13/1
WSCC 43	Highways Committee Minutes 13/09/1991 A259 Rustington Bypass to Hangleton Improvement Stage 2 (Minute item 97)
WSCC 44	A259 Rustington Bypass to Hangleton Stage 2 Drawing 9420/140/1
WSCC 45	A259 Rustington Bypass to Hangleton Stage 2 Drawing 9420/141/1
WSCC 46	Cabinet Member decision report 09/12/2015
WSCC 47	Cabinet Member decision report 23/06/2017 Approval of contract for part 1 of two stage award for the design & build for A259 Littlehampton Corridor Improvements Ref IH03 (17/18)
WSCC 48	--
WSCC 49	--
WSCC 50	Cabinet Member Decision Report 07/08/2019 Confirmation of CPO powers and ratification of use of delegated powers with respect to the CPO, Ref HI12 (19/20)
WSCC 51	Exec Director of Economy, Infrastructure & Environment, Decision Report – Site Preparation Ref OKD08 (18/19)
WSCC 52	--
WSCC 53	Equality Impact Report August 2019
WSCC 54	--
WSCC 55	Drawing 14358-07A Haskins Agreement Plan
WSCC 56	Drawing C117083-TG-HFE-S2-DR-CH-0308 Rev P02
WSCC 57	Drawing C117083-TG-HFE-S2-DR-CH-0309 Rev P02
WSCC 58	Haskins vehicle swept path analysis drawing 14358/04
WSCC 59	Haskins vehicle swept path analysis drawing 14358/05
WSCC 60	A259 Corridor Improvements LEP Funding Agreement 31/03/2016
WSCC 61	LEP Funding Agreement – Deed of Variation dated 07/08/2019

WSCC 62	--
WSCC 63	Acoustic Fence and impact on planting in vicinity of Toddington Park Ref Drawing 14358-06
WSCC 64	Developer Roundabout drawing Ref PHL-MB-S278-GF-DR D-413- P6
WSCC 65	WSCC Lighting Scheme Drawing: Ref: C117083-TG-HLG-S1-DR-CH- 1301-P01
WSCC 66	Developer Lighting Scheme Drawing Ref: SSE203224/LD-002/C
WSCC 67	Land Acquisition Plan Extract 17 – showing reduced area of CPO land at Windroos Site Ref C117083-TG-LLO-S1-DR-ZL-2017 Revision P05

**STATUTORY OBJECTIONS TO THE ORDER
(INCLUDED WITHIN ID17 SECTION 5)**

OBJ 1	Haskins Garden Centre Limited
OBJ 1.1	Objection dated 4 June 2019
OBJ 1.2	Objection withdrawn 15 November 2019
OBJ 2	Mr & Mrs Steven Lawrence
OBJ 2.1	Objection dated 3 June 2019
OBJ 3	Mr & Mrs T Lane
OBJ 3.1	Objection dated 4 June 2019
OBJ 4	Store Property Developments Limited
OBJ 4.1	Objection dated 3 June 2019
OBJ 4.2	Objection withdrawn on 27 November 2019
OBJ 5	Renvila Limited
OBJ 5.1	Objection dated 5 June 2019
OBJ 5.2	Objection withdrawn on 20 November 2019
OBJ 6	Hargreaves Homes Limited
OBJ 6.1	Objection dated 5 June 2019
OBJ 6.2	Objection withdrawn on 20 November 2019
OBJ 7	South Eastern Power Networks Plc
OBJ 7.1	Objection dated 5 June 2019
OBJ 7.2	Objection withdrawn on 27 November 2019
OBJ 8	Windroos Developments Limited
OBJ 8.1	Objection dated 6 June 2019
OBJ 8.2	Statement of Case of Foot Anstey LLP on behalf of Windroos Developments Ltd

WITHDRAWAL LETTERS

WD 1	Withdrawal Letter from Haskins Garden Centre, dated 15 November 2019
WD 2	Withdrawal Letter from Hargreaves Home Limited, dated 20 November 2019
WD 3	Withdrawal Letter from Renvila Limited, dated 20 November 2019
WD 4	Withdrawal Letter from Store Property Investments, dated 27 November 2019
WD 5	Withdrawal Letter from UK Power Networks, dated 27 November 2019

APPENDIX 3: SCHEDULE OF MODIFICATIONS

No.	Modification details
1.	Addition of the date ' 14 May 2019 ' to all 3 maps, under the seal
2.	Removal of words " <i>except those owned by the Acquiring Authority</i> " from descriptions at plots 8a, 9a, 11a, 12a, and 21a.
3.	Revise descriptions to read ' A259 Worthing Road ' instead of " <i>A259 Littlehampton Road</i> " at plots 8a, 9b, 10a, 11a, 12a, 12b, 13a, 14a, 15a, 16a and 17a. This also applies to 13a of Table 2.
4.	Plot 1b - revise description to read: 'The right to enter upon 0.639 square metres of overgrown wasteland to the south of No.9 Toddington Park and north of the A259 Worthing Road to regrade levels, in relation to installation of acoustic barrier and retaining wall, and to inspect and maintain acoustic barrier and retaining wall post construction.'
5.	Plot 2b – revise description to read: 'The right to enter upon 16.779 square metres of garden of No.9 Toddington Park to regrade levels, 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.'
6.	Plot 3b - revise description to read: 'The right to enter upon 21.071 square metres of garden of No.8 Toddington Park to regrade levels, 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.'
7.	Plot 4b - revise description to read: 'The right to enter upon 15.7 square metres in part of the garden of No.7 Toddington Park to regrade levels, 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.'
8.	Plot 5b - revise description to read: 'The right to enter upon 13.71 square metres in part of the garden of No.6 Toddington Park to regrade levels, 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.'
9.	Plot 6b - revise description to read: 'The right to enter upon 21.529 square metres in part of the garden of No.1 Toddington Park to regrade levels, 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.'
10.	Plot 8a – revise description to read 'Cornfield School' instead of " <i>Cornfeld School</i> ".
11.	Plot 9a – revise description to add the words 'north of Cornfield School' following " <i>Littlehampton Academy grounds</i> "
12.	Plot 18b – revise description to read: 'the right to enter upon 11.644 square metres of the north-eastern corner of front garden of 63b Oakcroft Gardens to regrade levels, in relation to installation of acoustic barrier and retaining wall, and to inspect and maintain acoustic barrier and retaining wall post construction.'
13.	Plot 19a – revise description to read: '32.919 square metres. Wooded area of land north of the A259 Worthing Road and west of Junction 6 Body Shop roundabout.'
14	Deletion of Plots 26a 26b and 27a from the Order
15	Plot 17a to be amended to read: '775.98 square metres. Part of " <i>Windroos</i> ", north of the A259 Littlehampton Road" Addition of: - Plot 17b to read: 'The right to enter upon 186.60 square metres of " <i>Windroos</i> ", north of the A259 Littlehampton Road, to allow the land to be used to facilitate the construction of the improvement and on completion to regrade the land' Plot 17c to read: 'The right to enter upon 22.37 square metres of " <i>Windroos</i> ", north of the A259 Littlehampton Road, to allow the land to be used to facilitate the construction of the improvement and on completion to regrade the land'
16	Plot 16A - Following the transfer of Plot 16A from Store Property Developments Limited to Windroos Developments Limited, the address in Column 3 of Table 1 to be amended 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"