



**THE HIGHWAYS ACT 1980, THE ACQUISITION OF LAND ACT 1981, THE
HIGHWAYS (INQUIRIES PROCEDURE) RULES 1994 AND THE
COMPULSORY PURCHASE (INQUIRIES PROCEDURE) RULES 2007**

PUBLIC INQUIRY INTO

**THE WEST SUSSEX COUNTY COUNCIL
(A284 LYMINSTER BYPASS (NORTH))
COMPULSORY PURCHASE ORDER 2020**

and

**THE WEST SUSSEX COUNTY COUNCIL (A284 LYMINSTER BYPASS
(NORTH) CLASSIFIED ROAD)
(SIDE ROADS) ORDER 2020**

PROOF OF EVIDENCE

OF

ANDREW BURROWS

FOR

WEST SUSSEX COUNTY COUNCIL

DFT REFERENCE: NATTRAN/SE/HAO/229

July 2021

CONTENTS

1	INTRODUCTION	3
2	SCOPE OF EVIDENCE	4
3	DESCRIPTION OF THE SCHEME	5
4	PURPOSE OF THE CPO AND SRO	12
5	RESPONSE TO OBJECTIONS	16
6	CONCLUSION	38
7	APPENDIX DOCUMENTS	38

1 Introduction

- 1.1 My name is Andrew Burrows and I am an Associate Director with Capita Real Estate and Infrastructure. I am the Project Manager for the design team that has developed the detailed design of the A284 Lyminster Bypass North. This is a role I have held since early 2017 when Capita, as the designer acting on behalf of Jacksons Civil Engineering, were awarded the commission by WSCC.
- 1.2 I hold a first-class MEng (Hons) degree in Civil Engineering with Management obtained in 1999 and have been a Chartered Civil Engineer, CEng, MICE since 2007.
- 1.3 Following graduation from university I have over 21 years' experience predominantly developing detailed designs for larger infrastructure projects including: the 6km A6 Clapham Bypass (design team member and Assistant Designer's representative on site); M25 J25 improvement scheme and Holmesdale Tunnel refurbishment (design team member and Assistant Project Manager (PM)); M25 Bell Common Tunnel refurbishment (PM); Lyminster Bypass (PM); A2300 Improvement scheme at Burgess Hill (PM); A29 Realignment Scheme (Project Director (PD)); and Western Bridge and Link Road (PD).
- 1.4 I am familiar with the Statement of Case submitted by West Sussex County Council in connection with the promotion of the West Sussex County Council (A284 Lyminster Bypass (North) Classified Road) Compulsory Purchase Order 2020 and the West Sussex County Council (A284 Lyminster Bypass (North) Classified Road) (Side Roads) Order 2020 ("the Orders").
- 1.5 I produce this evidence to explain the design of the scheme to which the Order relates.
- 1.6 I can confirm that the contents of my proof of evidence are my professional opinion and are true to the best of my knowledge and belief and are gained from either my own direct involvement or my colleagues' direct knowledge.

2 Scope of Evidence

- 2.1 My evidence provides an explanation of the engineering decisions that have been made relating to the proposed design of the scheme to which the Orders relate, explaining why features have been located and sized as they have.
- 2.2 I also provide evidence in response to the main issues raised by the following statutory objectors to the Orders in relation to the technical design:
- HCC 2011 Ltd in respect of CPO objections in reference to Plots 3a and 3b and an SRO objection;
 - Mrs R Andrew in respect of CPO objections in reference to Plots 2a, 2b, 2c and 2d and an SRO objection;
 - Ricotte Investments Ltd in respect of CPO objections in reference to Plots 2a, 2b, 2c, 2d, 3a and 3b and an SRO objection;
 - T & L Crawley No.2 LLP in respect of CPO objections in reference to Plots 9a, 9b.
 - Network Rail in respect of CPO objections in reference to plots 9a and 9b.
- 2.3 I also address matters raised in the withdrawn statutory objections from:
- Punch Partnerships in respect of CPO objections in reference to Plot 7a and 8d.

3 Description of the scheme

- 3.1 A detailed description of the scheme is provided below and illustrated in the combined planning information drawings A284LY-CAP-HGN-00-DR-C-0190 to 0193.¹ Drawing A284LY-CAP-GEN-00-SK-C-0267² has been produced showing the scheme layout overlaid with the CPO Plot areas to assist with understanding the objections and responses.
- 3.2 The location of the proposed A284 Lyminster Bypass (North) commences from a point approximately 600m south of the A27 Crossbush junction. The Scheme comprises an improvement of the existing A284 through realignment and construction of a new highway. However, resurfacing is proposed for approximately 200m north of the commencement point as part of the noise mitigation proposals. At its southern end, the proposed bypass will connect to the southern section of the bypass which is currently being constructed as part of the mixed use North Littlehampton development to the south.
- 3.3 The Scheme comprises a new 7.3m wide carriageway with 1.0m hard strips either side. A 3m wide shared cycleway / footway runs from the northern end of the Scheme along the west side of the carriageway to reach a signalised Pegasus crossing. The Pegasus crossing provides a safe crossing point for cyclists, pedestrians and equestrians in addition to ensuring the continuity of the existing bridleway number 2163 between Lyminster and Poling. From the crossing, the shared cycleway / footway continues southwards down the east side of the proposed road to link to similar facilities further south and continuing on into Littlehampton. A 2.5m (minimum) grassed verge is provided on the opposite side of the carriageway apart from along the length of the viaduct. A T-junction will link the existing A284 (to be downgraded) to the new road. The bypassed section of the existing A284 south of Brookfield Stream is intended to be downgraded to a B class road. The road will remain open as a through road in order to provide continued access to the bypassed parts of Lyminster Village.
- 3.4 The proposed A284 Lyminster Bypass (North) will have a speed limit of 50mph reducing to 40mph towards the northern end in order to match the existing 40mph speed limit in this location. At the southern end, the speed limit would reduce to 30mph on the approach to the roundabout which is due to be constructed as part of the A284 Lyminster Bypass (South) works. This change in speed limit would be just beyond the limit of the proposed scheme.
- 3.5 From the southern end, the proposed A284 Lyminster Bypass (North) would be built at approximately the existing ground level/shallow embankment until it reaches the southern limit of the Black Ditch flood plain. From this point, the bypass will be constructed on a 225m long viaduct which spans the entirety of the Black Ditch flood plain. At the northern extent of the flood plain, the road continues on an embankment. The proposed road would be above the existing ground level until reaching the location of the Pegasus crossing where levels approximately match the existing. From the crossing heading north, the road would be in a slight cutting before reverting once more to an embankment as it passed the new junction with the existing A284 and crosses Brookfield Stream.
- 3.6 The proposed viaduct is a continuous structure which carries the new Bypass over Black Ditch, a watercourse subject to periodic flooding. This is a concrete beam

¹ [Appendix U](#)

² [Appendix T](#)

and slab construction supported upon piers with piled foundations. Brookfield Stream to the north is to be crossed with a replacement enlarged and extended 2m box culvert.

- 3.7 The following evidence describes the key engineering reasons for the scheme design working from south to north.
- 3.8 At the southern end the proposed A284 Lyminster Bypass (North) is on a shallow embankment until it reaches the southern limit of the Black Ditch flood plain. From this point, the bypass is to be constructed on a 225m long viaduct which spans the entirety of the Black Ditch flood plain. The viaduct is to be constructed within Plot 8a & 6a. This includes land to provide ecological mitigation in the form of landscape planting and a water quality improving wetland feature that the highway drainage will pass through before discharging into Black Ditch. As this wetland is located within the floodplain it cannot be used for attenuation. Attenuation has therefore been located on the higher land to the south, Plots 9a and 10a. To minimise land take in this area attenuation crates have been used, located in the eastern verge prior to discharging into the wetland area. The inclusion of the wetland feature is in line with current best practice and has eliminated the need for a mechanical petrol interceptor which would have had to be located on the higher ground to the south, further increasing the impact on the developable land (Plot 10a).
- 3.9 The significant level difference (3.5m) between the southern approach to the viaduct, Plots 9 and 10, and the flood plain means that access from the road to the flood plain would require significant additional land take in this area to construct the required ramp. To mitigate this the permanent maintenance access for the wetland area and the viaduct is provided via the existing Woodcote Lane, Plot 7a, and an enhancement to the existing farm access at its western end, Plots 8e and 8d.
- 3.10 The existing ground profile rises from Black Ditch to a high point at Ch550 (the scheme chainage - distance in metres - along the centre line is shown on drawings 0290-0293³), where the new signalised pedestrian and equestrian crossing is located. The carriageway between the northern end of the viaduct and the bridleway drains south into the Black Ditch. Attenuation and water quality improvements are provided within wide swales located on the eastern side of the carriageway, Plot 6a. The attenuation is provided outside of the flood plain with a narrower conveyance swale connecting the attenuation to the river outfall. The use of swales within the drainage system have negated the need for any mechanical petrol / silt interceptor and the associated maintenance that such an installation requires.
- 3.11 The verges in this area have been widened to provide adequate forward visibility for both traffic on the bypass and farm / maintenance vehicles using the side accesses.
- 3.12 Farm accesses have been provided off the new bypass at four locations. Two are located at Ch507 (east side and west side), one at Ch595, east side, and one at Ch808, east side. The four accesses provide access to plots 6c, 6b, 5c and 3b respectively. All four have similar geometry that is a significant enhancement over the minimum required by DMRB and the existing access points located off the existing A284. The 'minimum level of provision' for a direct access is set out in

³ [Appendix U](#)

section 4 of Design Manual for Roads and Bridges (DMRB) CD 123 - Geometric design of at-grade priority and signal-controlled junctions. This states, at section 4.1, that for a field access with less than 50 movements a week the width of the access should be 3.5m with a minimum 2m by 2m splay at the carriageway. The standard also requires that where entrance gates are provided they should be "... *set back to accommodate one vehicle in the access, clear of the main running lane ...*". Due to the speed of the road and the size of the farm vehicles that the accesses have been designed for all the accesses have been provided with 15m radius bell mouths and 5m wide tracks. The access gates have been positioned 24m back from the edge of the carriageway. This will enable a large tractor and trailer unit to pull off the bypass easily, without having to stray into the path of oncoming traffic to navigate the corner, and completely leave the carriageway before stopping at the gates. Vertically the gradients of all the accesses have been kept to a maximum gradient of 2% adjacent to the carriageway (8m length) to provide a level platform for the vehicles to wait and pull off from when entering the bypass.

- 3.13 Where possible maintenance access to drainage features, outfalls and the northern half of the viaduct have been provided from the field access.
- 3.14 The noise impact assessment identified the need for an acoustic barrier to be installed to mitigate the impact of the bypass on the three properties just to the north of the bridleway, namely The Old Vicarage, Fairfields and Wolstanton. The 2.5m high barrier extends from Ch565 to the priority junction with the existing A284. It also returns a short distance along the bridleway and returns along the new connection to the existing A284. In addition a low noise thin surfacing has been used along the entire route rather than the Hot Rolled Asphalt that was originally proposed.
- 3.15 From the bridleway crossing to the Brookfield Stream (Ch550 to 940) the highway drainage is a combination of kerb and gully and over the edge filter drains. These connect either directly into the attenuation swale or into a dry balancing pond which then discharges via the attenuation swale into the Brookfield Stream. Providing attenuation in open features rather than tanks or oversized pipes is in line with current best practice. In addition, the pond and swale features provide water quality improvements as well as attenuation and have removed the need to install a mechanical oil separator prior to the connection to Brookfield stream. The dry pond is located approximately opposite the junction to the existing A284 at Ch750. The access track to the dry pond is set back from the carriageway to provide space for mitigation landscape planting between Ch600 and 730.

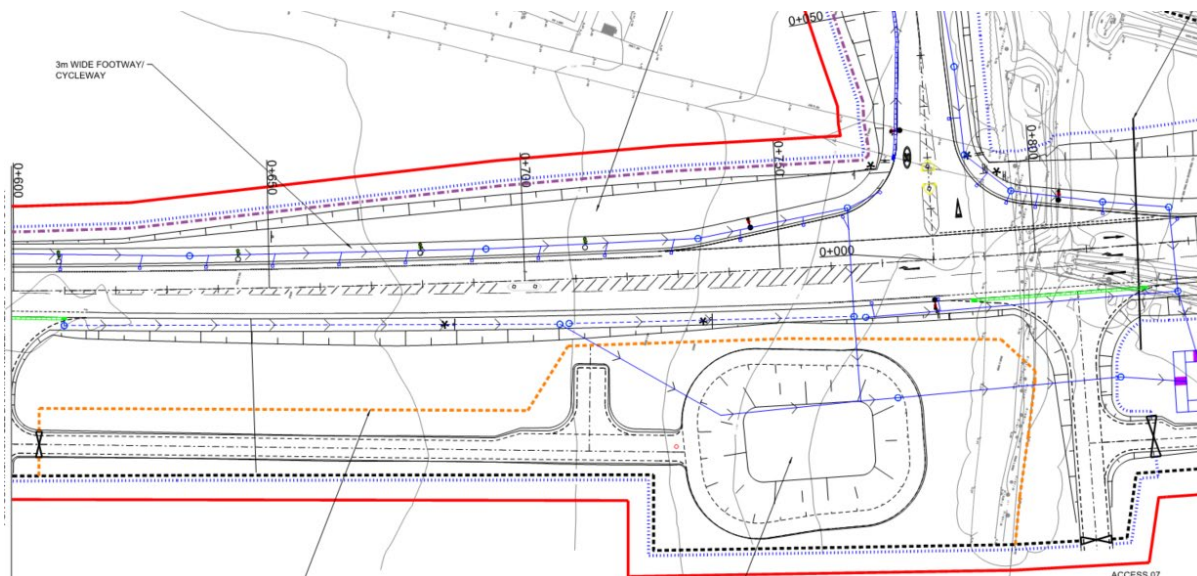


Figure 3.0: Extract of drawing 0192⁴ showing the access track and dry attenuation pond.

- 3.16 A priority junction with the existing A284 is provided at Ch780. To improve the safety and capacity of the junction a ghost island is provided with a right-hand turn lane for vehicles traveling south on the new bypass. The verges on the eastern side have been widened to provide adequate visibility for vehicles joining the bypass from the existing A284. A short section of the redundant A284 has been retained to provide a more direct cycle link between Lyminster and the northern end of the scheme. This retained section of road also provides maintenance access to the existing retained utilities and the existing farm access on the west side of the road into between Plots 1a & 1b.
- 3.17 The access into Mrs Andrew's land is located at Ch808 and connects into the southern corner of the adjacent field, Plot 3. This access has been designed to provide safe exit and entry to and from the new bypass as described in paragraph 3.12 above. It replaces the apparently redundant access that is located on the existing A284, at the southern end of Plot 2a. The existing access is a simple gate located close to the carriageway and would have very poor visibility in both directions if used.

⁴ [Appendix U](#)



Figure 3.2: Existing 4.5m access into Plot 2a

- 3.18 At Ch870 the speed limit changes from 50mph to 40mph to match the existing limit on the A284. During the design it was identified that it would not be possible to comply with a number of mandatory clauses within the design standards. This is because the existing road has substandard geometry compared to current design standards. Formal Departure from Standard applications were therefore made to WSCC which were reviewed and ultimately approved during the design process. The departures are:
- 3.19 Departure 3: Southbound at northern tie in. Geometry of existing road at the northern tie in is 3 steps below desirable minimum horizontal curvature (3% cross fall) (240m radii rather than 720m). Forward visibility is also 1 step below at 90m rather than 120m. This is a Departure from TD9/93, Clause 1.23 and 1.24.
- 3.20 Departure 4: As Departure 3 but northbound.
- 3.21 Departure 5: Verge widths reduce below 2.5m at the tie in with the existing road, this is a Departure from Standard. TD27/05 Fig 4-3a requires a minimum verge width of 2.5m for Rural All-Purpose Roads Mainline.
- 3.22 Departure 6: Hard strip widths reduce from 1m to zero at the tie in with the existing road, this is a Departure from Standard. TD27/05 Fig 4-3a requires a minimum verge width of 1.0m for Rural All-Purpose Roads Mainline.
- 3.23 As the bypass ties back into the existing A284 it crosses Brookfield Stream (Ch940) via a new 2m box culvert with a mammal ledge. The box culvert replaces the existing substandard 600mm submerged pipe that currently conveys flows under the carriageway. Hydraulic modelling has shown that the significantly larger culvert is required to manage critical events. The larger culvert will also allow the passage of wildlife via the mammal ledge that has been included, re-instating the wildlife corridor that is currently severed by the submerged pipe. The vertical

alignment over the stream has been dictated by the flood modelling and the need to raise the road above the 1 in 100 year + Climate Change flood level. The verges at the culvert are wider than the standard 2.5m to maintain clear visibility splays and to enable the safety fencing that is required at this location to be positioned behind the visibility splays.

- 3.24 Just south of the culvert the widened verge also facilitates the inclusion of a crossing point to enable cyclists traveling south on the A284 to cross and use the new off-carriageway cycle facilities.
- 3.25 At the tie-in the new 3m shared surface terminates and the footway narrows to tie into the existing footway that continues north. A ramp and short section of advisory cycleway enables cyclists traveling north to safely re-join the carriageway.
- 3.26 The access to the immediate north of the existing culvert is proposed not to be re-instated as part of the scheme. An image of the access is shown below. It does not appear to be in regular use, is relatively narrow and the vegetation, to both sides, and wall to the north would significantly limit visibility.

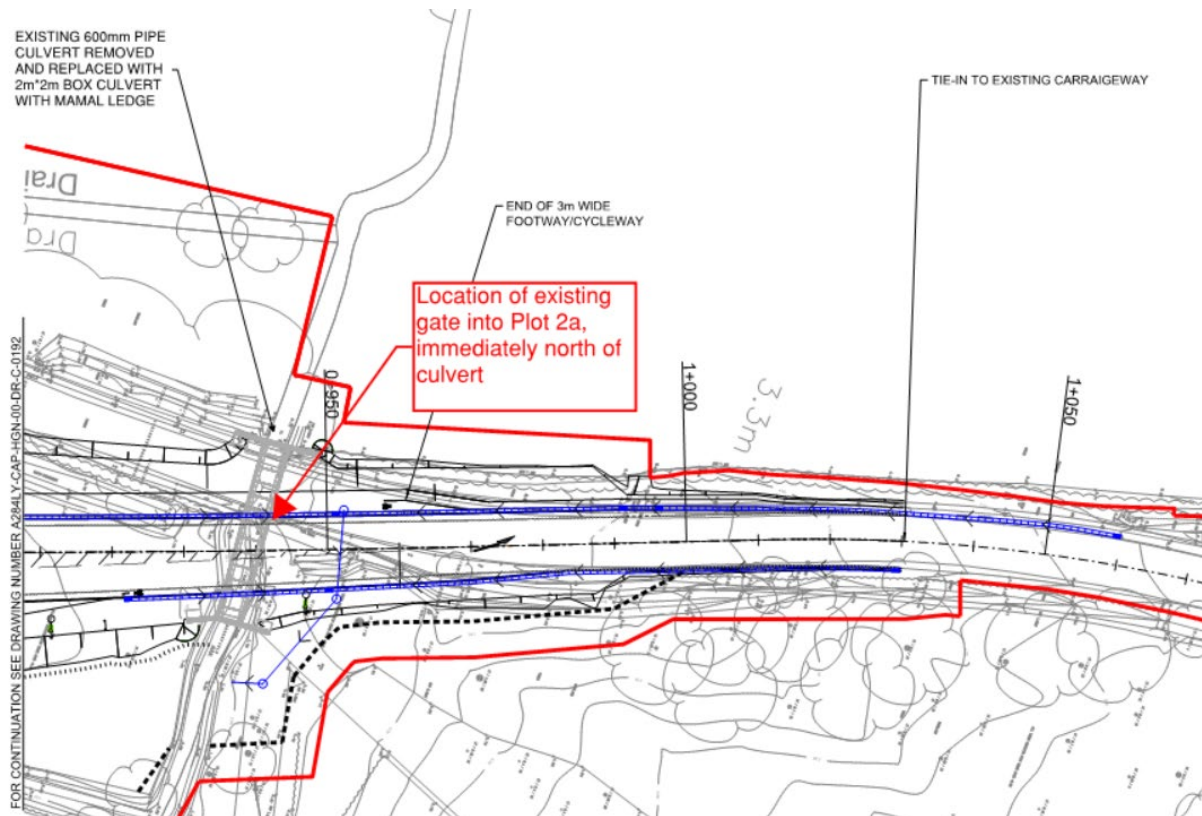


Figure 3.3: Extract of drawing 0193 showing location of existing access into Plot 2a



Figure 3.4: Image showing the existing 3.1m timber gate access into Plot 2a north of Brookfield Stream

- 3.27 Provision of a new access that would meet current design standards in this area has been deemed to be unviable. The safety fencing that extends 30m beyond the culvert prohibits an access being located to the immediate north of the culvert. A new access with a gate suitably set back from the carriageway to enable a vehicle to completely leave the carriageway before stopping would be much larger than the current access and require significant additional land take. The geometry of the road in this area also means that providing the required visibility would require significant additional land take and tree/vegetation removal to the north, further increasing the impact of the scheme on the land owner.

4 PURPOSE OF THE CPO AND SRO

- 4.1 The purpose of the CPO and SRO is to facilitate:-

- (1) The provision of the new single carriageway A284 Lyminster Bypass (North) for circa 1.1km between the new developer constructed roundabout to the south to its connection to the existing A284 in the north;
- (2) The provision of footway/cycleways as described above;
- (3) Provision of private accesses serving farmland to either side of the bypass;
- (4) To maintain the existing bridleway and provide a safe crossing point on the proposed highway;
- (5) The carrying out of drainage works in connection with the construction of highway;
- (6) The installation of acoustic fencing including future access to maintain these features;

- (7) Use by the Acquiring Authority in connection with the construction and improvement of highway and the provision of new means of access;
- (8) The mitigation of any adverse effects which the existence or use of a highway to be constructed or improved will have on the surroundings thereof. In this instance this refers to both landscaping to be provided alongside the new highway and to environmental mitigation to be provided for ecological and noise purposes.

4.2 The purpose for acquiring land or rights over each category of land in the CPO can be broadly broken down into seven categories as follows:

- (1) Land required to construct the improved highway, including land required for features that will support or serve the new/improved highway, such as embankments, structures and drainage;
- (2) Land required to undertake landscaping works in connection with the new/improved highway, i.e. tree/shrub/hedgerow planting;
- (3) Land required for safety features, such as widened verges to maintain visibility lines;
- (4) Land required for drainage features such as attenuation swales, ponds etc;
- (5) Land required for ecological and environmental mitigation such as the installation of bat boxes or noise barrier;
- (6) Land over which rights are required to facilitate the construction of the works, such as to undertake accommodation works, provide access to the works under construction, and to allow earthworks excavations to be cut at an angle which is self-supporting; and
- (7) Land over which long term access rights will remain, either for periodic (circa 2 yearly) inspections and maintenance, or rights for the replacement of structures as necessary at the end of their service life.

4.3 Table 4-1 below provides a breakdown of which plots fall within each of the four categories noted above. The table should be read in conjunction with drawing 0267.⁶

Table 4-1: Land use by CPO Plots

Location	Plot	1) Construction of highway	2) Landscaping	3) Safety features	4) Drainage	5) Ecological & Environmental	6) Temporary Working Space,	7) Access (long term)
North West Mr and Mrs J Harriott	1a	✓	X	X	X	✓	✓	X
	1b	✓	X	X	X	X	✓	X
	1c	✓	X	X	✓	✓	✓	✓
North East Mrs R Andrew and Ricotte Investments Ltd	2a	✓	✓	✓	✓	✓	✓	✓
	2b	✓	X	X	X	X	✓	X
	2c	✓	✓	✓	✓	✓	✓	✓
	2d	✓	X	X	X	X	✓	X
North East Ricotte Investments Ltd and HCC 2011 Ltd	3a	✓	✓	✓	✓	✓	✓	✓
	3b	✓	X	X	X	X	✓	X
Mr S Langmead	4a	✓	✓	✓	✓	✓	✓	✓
	4b	✓	X	X	X	✓	✓	✓
Mr and Krs K Langmead, Mr R Kyrke	5a	✓	✓	✓	✓	✓	✓	✓
	5b	✓	X	X	X	✓	✓	✓
	5c	✓	X	X	X	X	✓	X
J.A Longhurst Ltd.	6a	✓	✓	✓	✓	✓	✓	✓
	6b	✓	X	X	X	X	✓	X
	6c	✓	X	X	X	X	✓	X

⁶ [Appendix T](#)

Location	Plot	1) Construction of highway	2) Landscaping	3) Safety features	4) Drainage	5) Ecological & Environmental	6) Temporary Working Space,	7) Access (long term)
Woodcote Lane	7a	X	X	X	X	X	X	✓
MR and Mrs B Goodchild	8a	✓	✓	X	✓	✓	✓	✓
	8b	✓	X	X	X	X	✓	X
	8c	✓	X	X	X	X	✓	X
	8d	X	X	X	X	X	✓	✓
	8e	✓	X	X	X	X	X	✓
Persimmon Homes	9a	✓	✓	✓	✓	✓	✓	✓
	9b	✓	X	X	X	X	✓	X
T&L Crawley	10 a	✓	✓	X	✓	✓	✓	✓
	10 b	✓	X	X	X	X	✓	X
Bridleway	11 a	X	X	X	X	X	✓	X
Bridleway	11 b	✓	✓	X	X	X	✓	✓
Bridleway	11 c	✓	X	X	X	✓	✓	✓
	11 d	✓	X	X	X	X	✓	X
Black ditch	12 a	✓	✓	X	✓	✓	✓	✓
Black ditch	12 b	X	X	X	X	✓	✓	X
Black ditch	12 c	X	X	X	X	✓	✓	X

5 RESPONSE TO OBJECTIONS

5.1 The following evidence responds to the relevant objections, addressing the design considerations that have been applied to each relevant aspect and supporting the statements already made as part of Appendix 1 in the Statement Of Case.

5.2 RESPONSE TO HCC 2011 LTD IN RESPECT OF CPO OBJECTIONS IN REFERENCE TO PLOTS 3a AND 3b AND SRO OBJECTIONS

5.3 CPO Objections

5.4 Objection re: Side Roads Order replacement access

5.5 **Objection detail:** Replacement access proposed will not be as commodious or convenient. Land will be raised by 2m but this has not been explained and given the need for new access provided to be used by agricultural vehicles and HGVs collecting delivering cattle, objector needs to be satisfied it will function properly with change of levels.

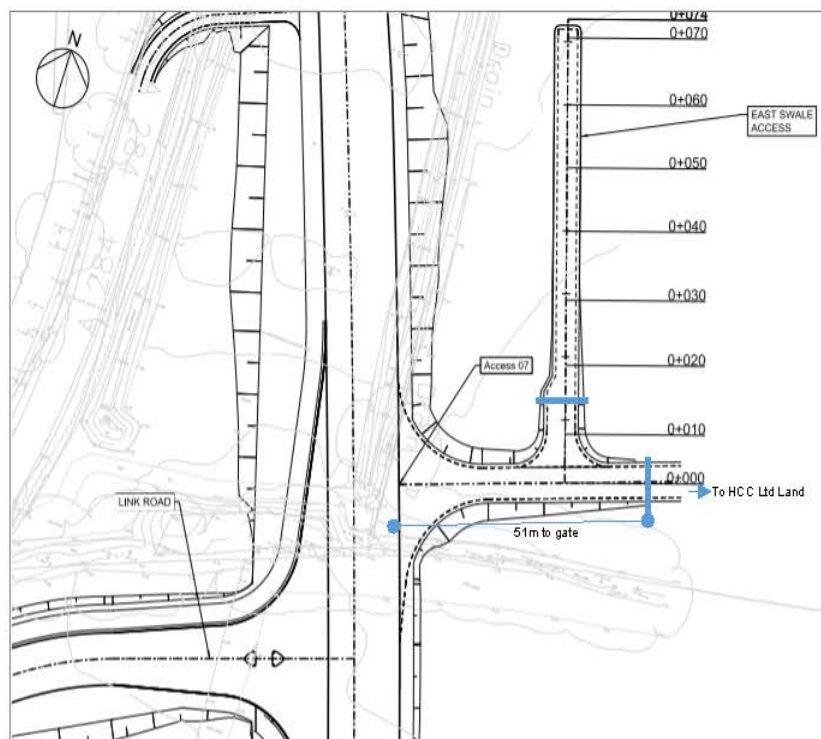
5.6 **Response:** Plots 3a and b are set back from the existing A284 and therefore do not have any direct access. It is assumed that the existing access would be via the existing access located at the south end of Plot 2a; see figure 3.2 above for an image of this access. The current access is a 4.5m gate located immediately adjacent to the carriageway. To enter the access vehicles would need to stop on the carriageway to open the gate increasing the risk of rear end collisions. South bound vehicles would also have to pull onto the oncoming traffic lane to turn into the access and larger vehicles may have difficulty using it at all. As described in 3.12 above the new access has been designed in accordance with the guidance of the DMRB with the geometry improved above the minimum requirements to improve the safety and operation of the access, with increased radii at the mouth of the junction and gates set back to enable vehicles to pull clear of the running carriageway before having to stop to open the gates. As set out below, the access has been provided with a 'flat' platform over the first 8m (2% gradient for drainage) for vehicles leaving the access to easily pull away from and then a gradual ramp into the adjacent field. Drawing A284LY-CAP-HGN-00-DR-C-0103 A-C01⁷ was prepared to clearly show the plan and profile for the new access 7.

5.7 Figure 5.1 below is an extract from drawing A284LY-CAP-HGN-00-DR-C-0103 A-C01 (part of the planning application) showing the plan and profile for the new access 7 which has been designed to take large farm vehicles.

5.8 At the carriageway the level is 1.2m above existing ground, a relatively flat 2% grade to ensure sufficient fall for drainage is maintained. The track then grades down to field at 2.2%. The access track layout was specifically chosen to:

1. Provide space for anticipated farm vehicles to fully pull off the carriageway then wait when gates need opening to access the land.
2. Provide a sufficient waiting area to assist vehicles, including large agricultural and HGVs with trailers, pulling onto the carriageway.
3. The position of the access has been chosen to provide optimum visibility for slow vehicles wishing to pull out onto the carriageway.
4. The proposed radii at the connection to the road will make any turning movements much easier and safer than the current access.

⁷ Statement of Case supporting document [No. 95](#)



Extract from drawing number A284LY-CAP-HGN-00-DR-C-0103 A-C01

Approximate location of gates

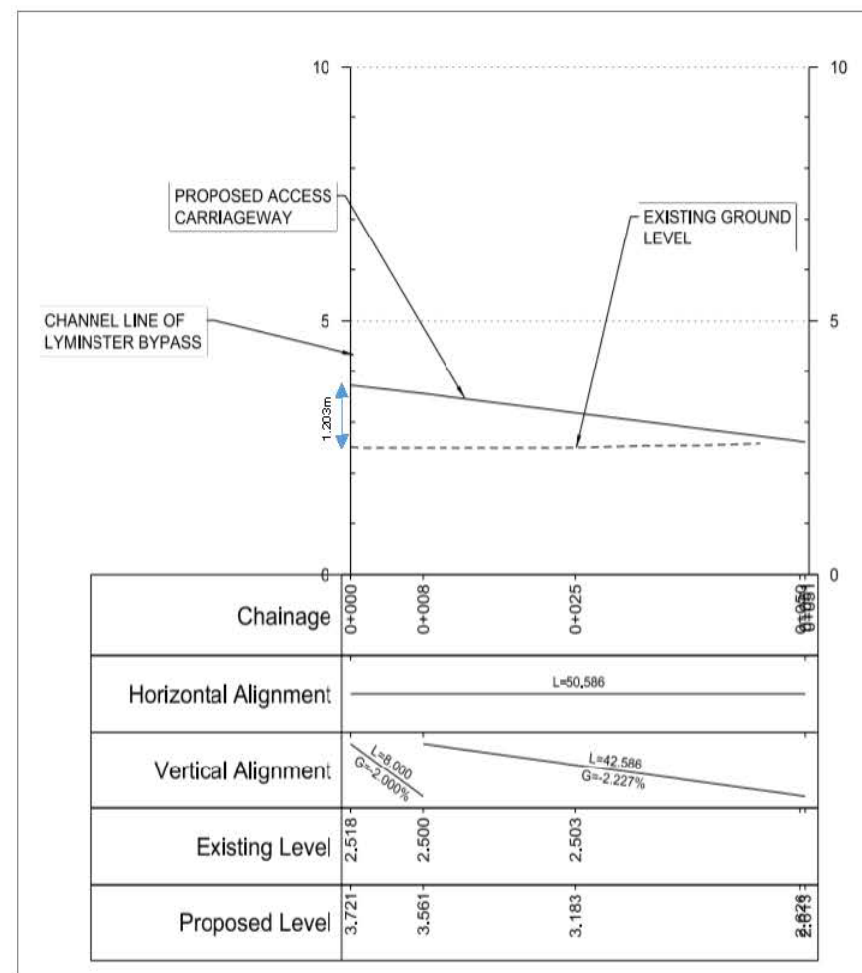


Figure 5.1: Showing the plan layout and the gradient of the of the proposed access into Plot 3a

5.9 Objection re: CPO Statement of Reasons Benefits

5.10 Objection detail: The assertions in the Statement of Reasons that proposals will alleviate congestion and delays, reduce poor air quality and noise for residents, improve connectivity for businesses locating to the Littlehampton area, provide safety benefits and reduce congestion through Lyminster, and provide social economic and environmental benefits will be put to proof as objector maintains there are areas of conflicting evidence. Many of WSCCs assertions can be challenged.

5.11 Response: The new bypass has been designed to the relevant standards contained within the DMRB and will offer significant safety improvements over the existing substandard route of the A284 through the village of Lyminster. Where the full requirements of the technical design standards have not been complied with these have been documented (Report A284LY_CAP_GEN_00_RP_C_0091, Planning Design Statement, that formed part of the planning application) and any safety implications considered with appropriate mitigation measures put in place. Where necessary formal Departures from Standard applications have been submitted to WSCC with supporting justification. These have been reviewed and signed off, following WSCC internal procedures. The surfacing of the carriageway has been changed from hot rolled asphalt to a low noise thin surfacing to mitigate the noise impacts of the scheme and a length of 2.5m high noise barrier installed to protect those properties identified by the noise study from unacceptable effects of the scheme.

5.12 Objection re: Land Use

5.13 Objection detail: Objector does not consent to their land being acquired for mitigation works and will challenge the Council regarding the need for land for the purposes of construction. Objector contends amount of land required for the construction is disproportionate to that actually needed and is not the minimum as stated in the Statement of Reasons.

5.14 Response: The features that are being constructed within Plot 3a are the new access from the A284, a wide swale and an access track for WSCC future maintenance of the drainage outfall. Plot 3b is required to enable the fence and hedge to be installed on the new ownership boundary. The size of the access track has been dictated by the need to provide access to and from the new bypass for large farm vehicles. Details of the design philosophy are set out above. The provision of adequate highway drainage attenuation and water quality improvement features is an intrinsic part of providing a sustainable scheme and compliance with current standards, planning requirements and technical guidance (SUDs etc). The swale provides both attenuation via a controlled discharge to the Brookfield Stream and water quality benefits (sediment interception etc). To operate properly the swale will need regular planned maintenance, grass cutting etc, and the discharge control requires proper access for inspection and maintenance. The proposals are therefore appropriate and required for the long term operation of the scheme. Figure 5.2 below shows:

1. Road, verge and earthworks, all necessary to the Scheme.
2. A minimum offset between the earthworks and the swale to maintain structural stability of the highway earthworks.
3. A widened swale with flow control outfall. This swale is required to attenuate the flows to green field run off rates as required by current

planning guidance. Access has been provided by a 3m track. (The swale with check dams picks up two types of storm water flows, that from the pond to the south (max 2 litres per sec) and from the carriageway to the west of it via 3no drain runs. It provides secondary attenuation from the former and primary attenuation for the latter. The swale outfalls into the existing ditch north of its northern end via a control chamber.)

4. The fence and hedge is offset from the track by 3m to enable installation and future maintenance. Also to provide an opportunity for a landscaping and planting margin taking advantage of the opportunities available for mitigation. It is worth noting that the species and grassland is constrained by the area being low lying and becoming wet in the winter
5. A 5m strip has been identified as required for construction space only. No site clearance will be undertaken in this area unless necessary to undertake the highway works. Where vegetation clearance is undertaken, this will be reseeded. This area will be handed back to the landowner on completion of the works. The existing ditch becomes part of the highway drainage system which ultimately outfalls into Brookfield Stream.



Figure 5.2: Showing the highway features & land use within plots 3a and 3b

5.15 Objection re: Landscaping

- 5.16 **Objection detail:** Reinstatement, landscaping and mitigation proposals not clear. Objector needs to understand the extent to which land is to be utilised for

landscaping and mitigation the ecological mitigation proposed to take account of current and future use of land, and precise details have not been provided.

- 5.17 **Response:** Landscaping Plans were provided as part of planning application process.⁸ Landscape proposals are for a 'wet grassland / scrub' area around the swale, existing ditch and track, with a fence and hedge to form the new boundary. Figure 5.3 – Extract of planning Landscape Proposals within Plot 3a & 3b below, shows hedgerow planting as part of the Scheme mitigation (as set out as part of the planning process) to ensure biodiversity net gains. Ecological mitigation will depend on the survey information at the time of construction, but is likely to include the relocation of 1 bat roost and the closure of an outlier badger sett.

⁸ Statement of Case supporting document [No. 96](#)

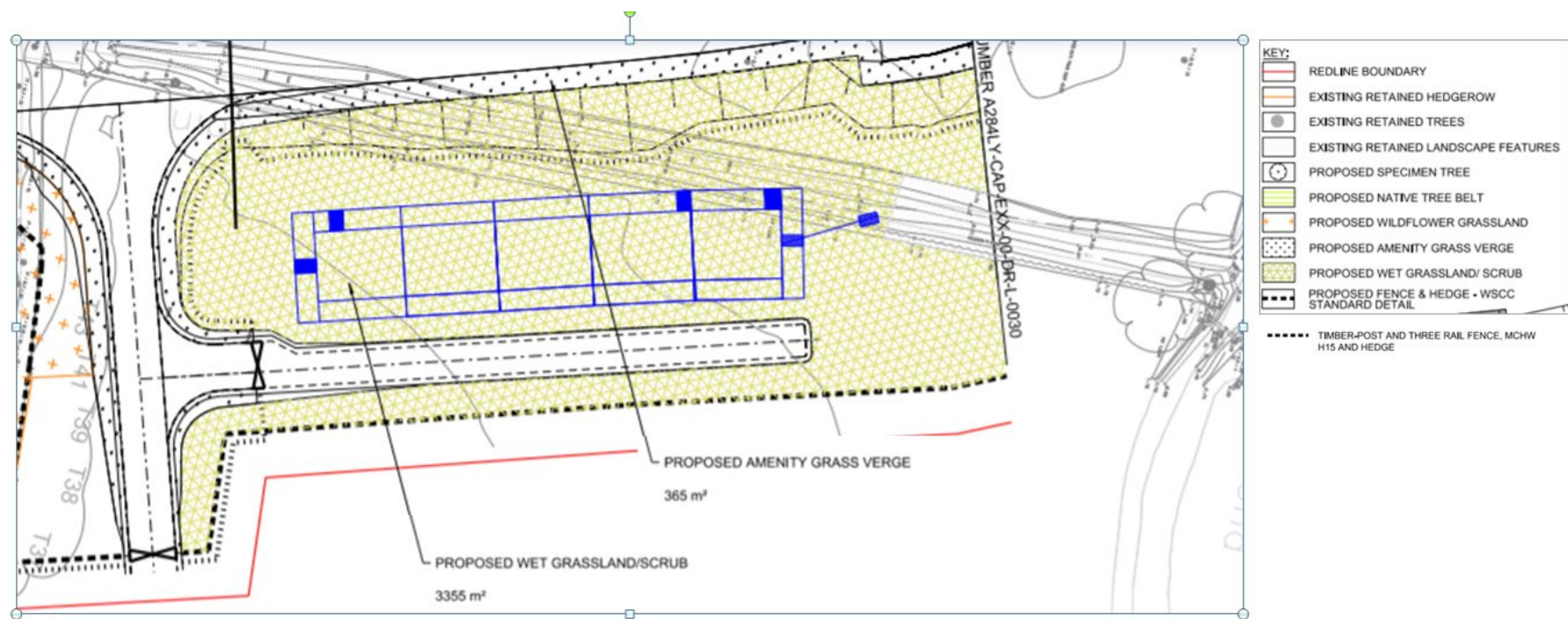


Figure 5.3: Extract of planning Landscape Proposals within Plot 3a & 3b

5.18 SRO Objections

5.19 Objection re: New Access

5.20 **Objection detail:** New access to be provided is 159m south of existing access and is therefore not commodious or convenient as current one.

5.21 **Response:** Please refer to paragraphs 3.18 and 3.23 above and the associated figures for details of the location and current condition of the existing accesses. These clearly demonstrate that the existing northern gate into Plot 2a is immediately within the footprint of the new carriageway alignment therefore needs to be stopped up and removed. Due to the new alignment the southern gate is isolated from Plot 3a by the new highway and therefore also needs to be stopped up and removed. The new access provides a reasonable and sufficient alternative for HCC 2011 Ltd including improved access to agricultural fields. The new access also meets modern safety standards such as sightlines onto the new carriageway. The reasons for not replacing the northern gate are set out in 3.23 above and 5.39 below.

5.22 Objection re: Amalgamation of Access

5.23 **Objection detail:** Amalgamating access is prejudicial to long term interests of landowner.

5.24 **Response:** During the design the land interests of all parts of Plots 2 and 3 were treated collectively. The current condition and the reasoning behind the current access proposals are set out in paragraphs 3.18, 3.23, 5.6, 5.19 and 5.39 of this document.

5.25 Objection re: Health and Safety Concerns

5.26 **Objection detail:** Amalgamating access gives rise to health and safety concerns as land currently used for livestock.

5.27 **Response:** The proposed access into Plot 3a and b is a significant enhancement over the existing access into the land at the southern end of Plot 2a. The new access will reduce the health and safety risks associated with the use of the access, especially for large, slow moving livestock carrying vehicles. The access to the north of the culvert that has not been re-instated provides access into the back of the property's garden and is not suitable for livestock movements.

5.28 Objection re: HGV Access

5.29 **Objection detail:** Land will be raised by 2m but not clear how this will be achieved and given the need for new access provided to be used by agricultural vehicles and HGVs collecting delivering cattle; objector needs to be satisfied it will function properly with change of levels.

5.30 **Response:** As detailed in paragraph 5.6 above the proposed access is a significant improvement over the existing access and has been carefully designed to accommodate movements by large farm vehicles.

5.31 Objection re: Sharing of Access

5.32 **Objection detail:** Precise mitigation and landscaping and land regulatory arrangements for sharing the new access must be made much clearer before the objection can be removed.

5.33 **Response:** Please refer to Figure 5.1 which shows the layout and the gradient of the of the proposed access into Plot 3a. This shows the new access with an access

road before the gate leading onto the Objector's land. This access also provides long term maintenance access to the drainage features in Plot 3a. The sharing of this access reduces the number of side access from the main line and therefore improves the safety for the traveling public

5.34 RESPONSE TO MRS R ANDREW IN RESPECT OF CPO OBJECTIONS IN REFERENCE TO PLOTS 2a, 2b, 2c AND 2d AND SRO OBJECTIONS

5.35 CPO Objections

5.36 **Objection re:** Extent of land take

5.37 **Objection detail:** As information is limited to what is available from the published documents, very difficult to assess extent of disadvantage. May be considerable scope for return of land to objector and objector requires as much as possible to be returned to residential curtilage of Brookfield.

5.38 **Response:** The extent of the permanent and temporary land take has been minimised. Figure 5.4: Mrs R Andrew – Combined Land Details below shows the extent of the land take in relation to the Scheme. The central section of Plot 2a is required for the new bypass carriageway that is wider in this area due to the need to provide a right hand turn ghost island for traffic wishing to continue into the village of Lyminster while maintaining free flowing traffic on the new A284. The western verge in this area has also been widened to provide appropriate visibility at the junction with the existing A284. The vertical alignment of the carriageway at this location is dictated by the need to pass over the new 2m box culvert for the Brookfield Stream, and to maintain the finished road level above the flood water level. Earthworks are therefore required to either side of the carriageway to tie into existing ground. The isolated area of Plot 2a that is located between the existing and new A284 has been utilised to provide mitigation planting and landscaping for the Scheme.

5.39 Temporary land take is required beyond the permanent highway boundary to provide working space for the works to be undertaken safely, site clearance within this temporary area has been minimised where possible with the removal of several trees to be reviewed on site and only to be carried out if essential to the construction of the new bypass. Works requiring this space include the installation of the replacement drainage outfall on the north side of the stream, construction of the earthworks and installation of the new permanent boundary fence. Due to the relatively poor ground conditions in this area additional earthworks will be required either side of the new culvert to surcharge the embankment and minimise the residual settlement that will occur once the road construction is completed.



Figure 5.4: Mrs R Andrew - Combined Land Details

5.40 **Objection re: CPO and SRO**

Objection detail: Objector needs details of relationship between CPO and SRO regarding access arrangements where the access to Brookfield is to be stopped up. The precise nature of the alternative arrangements is not wholly clear, reserve the right to raise further issues.

Response: There are two existing accesses into Plot 2a, one at the south end of the plot (that is assumed to provide access to Plot 3a, see above) and one immediately north of the existing culvert/stream. The existing accesses appear to be infrequently used, are relatively small and have very restricted visibility due to the presence of boundary walls, fences, hedges and vegetation.

A new access, No. 7, has been provided from the new bypass into Plot 3a. This effectively replaces the southern access into Plot 2a.

Providing a compliant access to the north of the stream was not considered to be viable due to the significant increased impact a technically compliant access would have on the land take in this area that is part of / adjacent to the property garden. As discussed above the new accesses have all been designed to enable vehicles to pull completely off the carriageway before stopping at any gate feature. They have also been provided with appropriate visibility in both directions in order to maintain safe operation. The area immediately north of the culvert is to be protected by safety fencing as the 2+m drop at the head wall was assessed as a significant hazard. The safety fencing has to start a minimum of 30m prior to the hazard and then has a termination; the overall distance is approximately 43m (see Figure 5.5 below). This would mean that the closest a new access could be located to the current position would be 45m north of the existing access. The existing road alignment means that to provide a 90m visibility splay (this is 1 step below the recommended minimum so would be subject to the approval of a departure) would require significant additional vegetation removal, including mature trees, and additional removal of the existing flint wall that forms sections of the property boundary. Considering the size and condition of the existing access such significant additional adverse impacts are considered unjustifiable.

Figure 5.6, Mrs R Andrew - Combined Land Interest Access, below, shows the location of the proposed new entrance. As requested by Mr R Andrew the land interests were treated collectively, with the already existing access agreements taken into account.

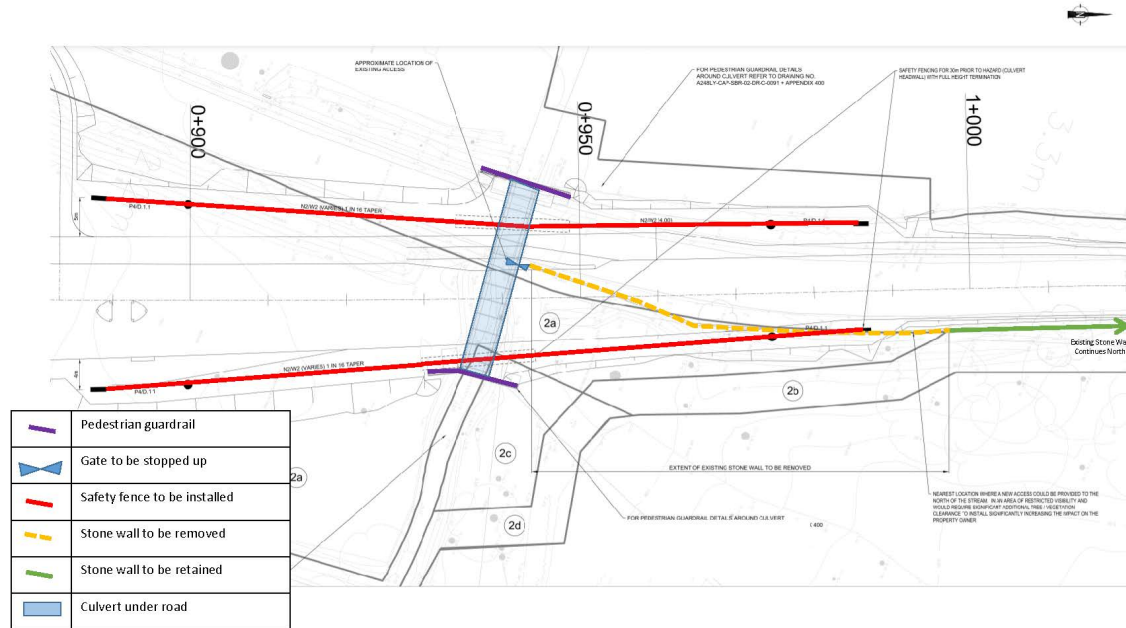


Figure 5.5: Showing the extent of the road restraint system either side of the new culvert in relation to the existing gate

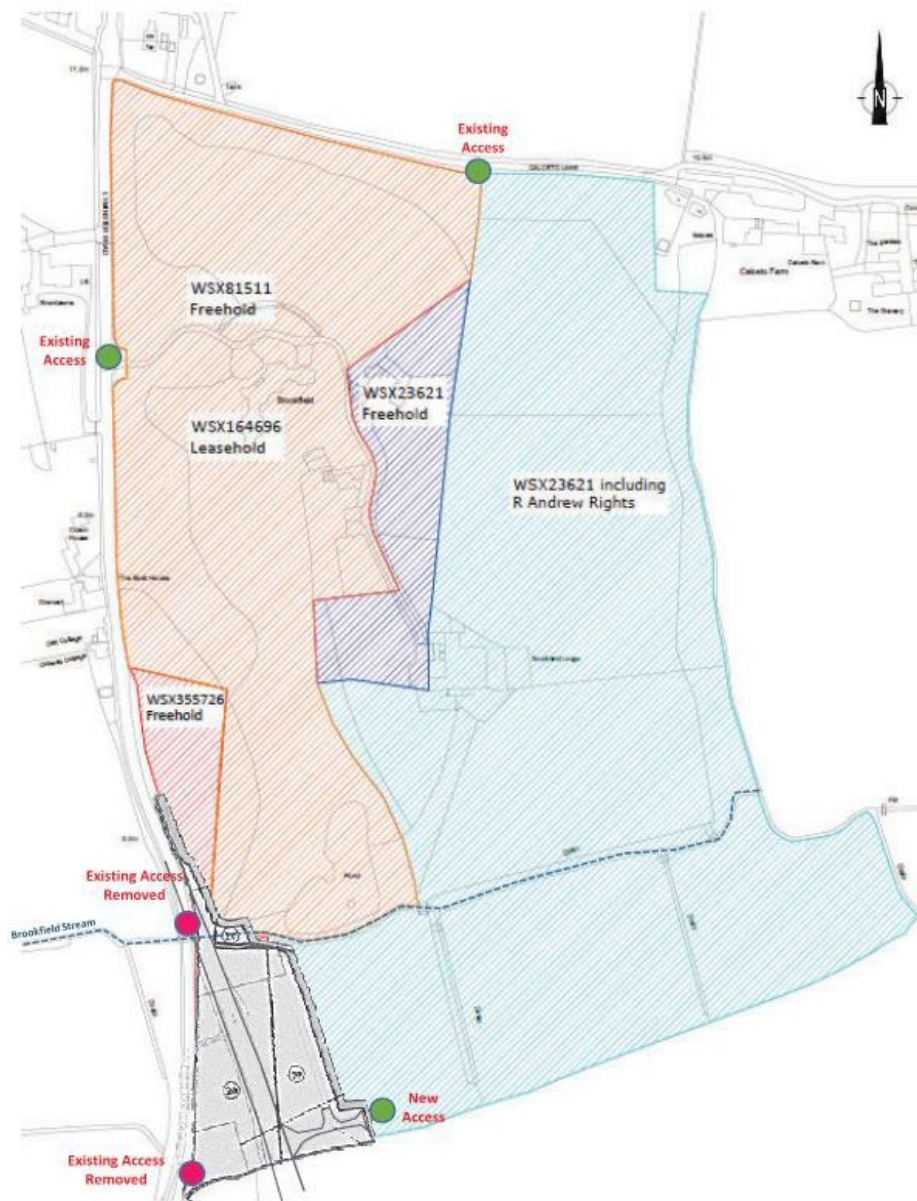


Figure 5.6: Mrs R Andrew - Combined Land Interest Access

5.41 **Objection re: Planning Application Assessment and Reports**

Objection detail: The assertions in the Statement of Reasons that proposals will alleviate congestion and delays, reduce poor air quality and noise for residents, improve connectivity for businesses locating to the Littlehampton area, provide safety benefits and reduce congestion through Lyminster, and provide social economic and environmental benefits will be put to proof as objector maintains there are areas of conflicting evidence. Many of WSCC's assertions can be challenged, and in particular, the objector contends there will be limited or very little benefit from general public interest benefits WSCC claim.

Response: See 5.9 above.

5.42 **Objection re: Acquisition and Land use**

Objection detail: Objector does not consent to the land being acquired for mitigation works and will challenge Council regarding the need for land for the purposes of construction. Objector contends amount of land required for the construction is disproportionate to that actually required and is not the minimum as stated in the Statement of Reasons.

Response: See 5.12 above

5.43 **Objection re: Human Rights**

Objection detail: Some matters can be dealt with by compensation and disputes are for the Upper Tribunal, but the extent of acquisition and interference with access are of grave concern. Objector will suffer particular disadvantage as the existing access to the southern part of garden is to be stopped up and the proposed alternative is considerably less convenient or desirable. Although area to be permanently acquired is relatively small, this is in private garden, so the consequences are disproportionate given the permanent access requirements will have draconian and disproportionate effect.

Response: The current design has been developed to minimise the impact to the private garden where any change may be most felt. The land take and site clearance in this area has been limited to that required by and to construct the permanent works. These works include the carriageway and associated earthworks, the 2m box culvert and head wall, permanent drainage outfall and connecting the new bank to the mammal ledge within the culvert. The trees being removed are either within the footprint of the permanent works or located too close to the works to safely retain them while providing safe access for cranes and other plant that will be required. It should be noted that ground conditions are less favourable in the vicinity of the stream and to manage long term settlement a combination of surcharge treatment and 'dig and replace' operations will be required before the embankment can be trimmed and the road construction installed. These operations require additional space to be undertaken safely and for the site works to be carried out.

Installing a 'like for like' gated access is not viable due to the significant safety risks that the lack of site lines and need to stop on the road before entering would cause. Installing a compliant access, similar to those within the current design, would significantly increase the land take and impact the Scheme would have on the adjacent property as described above and in the Statement of Case at 3.12.2.

5.44 **Objection re: Arboriculture**

Objection detail: Even areas temporarily required will need clearance, so will be in a significantly poorer state on return to objector.

Response: The site clearance in the temporary areas has been kept to a minimum to provide safe working area, where possible trees have been retained or marked to be assessed on site and only to be removed if necessary.

5.45 **Objection re: Road Level**

Objection detail: Proposed road south of Brookfield stream rises up approximately 2½m above current ground levels so sound and light pollution significantly increased. Sound and light will carry further north; extent of the pollution very difficult to assess so needs consideration now, which is not the case on information provided.

Response: The alignment of the carriageway is constrained by several engineering considerations. In order to minimise the disruption as the new carriageway connects to the existing road surface and minimise any areas of full depth construction it is important that the tie-in joins the existing surface from above rather than below. The low point on the alignment is located in the vicinity of the culvert and it is necessary to keep the carriageway level above the 1 in 100 year + Climate Change flood level to make sure the road remains open during significant events and from a safety point of view. The road then rises to a high point at the bridleway crossing. To maintain a technically compliant design the road is located on a shallow embankment before passing into a shallow cutting and being 'at grade' at the high point. The maximum height of the embankment in the northern section of the new bypass is approximately 2.2m at Ch 840, some 100m south of the culvert which is at Ch940. The road surface is approximately 2.5m above the invert of the existing ditch but this is only approximately 1m above the lower bank level.

The road has only been lit where there is a specific need due to safety requirements. The northern most lighting column is located at the culvert and the road is lit through the junction and to the south of the signalised crossing. The lighting columns/lanterns have been selected to efficiently light the carriageway and minimise spill to the verges and wider environment. They are also dimmable so that the lighting levels can be reduced during off peak hours in accordance with WSCC lighting policy. The proposed landscape planting will also help to mitigate any residual impacts.

As discussed above the surfacing has been changed within the design to reduce the noise impacts of the scheme.

5.46 **SRO objections**

5.47 **Objection re: Health & Safety**

Objection detail: The PMA ref B provides access to the private garden and grounds of Brookfield to allow maintenance by agricultural vehicles too wide to use the narrow main entrance and avoids damage to the existing lawns by others. The Council's proposed new access is 150m further south of the existing access and requires a ¾ mile round trip across 4 fields and around a pond. It also crosses land grazed by cattle, so requires extreme care and attention by untrained staff and contractors. Access would also need 3 people; one driving and 2 to open/close the gates to prevent cattle escaping, and these vehicles only have one driver's

seat. New proposals therefore create significant and unnecessary health and safety risk.

Response: Please refer to paragraph 5.39 for a detailed description as to why the provision of an access north of the culvert has been deemed unviable. Paragraph 5.6 above and the associated figure 5.1 explain the proposed layout of the access into Plot 3a. This shows the new access with an access road before arriving at the gate leading onto the Objector's land. The positioning of the gates allows for drivers to safely stop on their way in from the main road without the need to stop on the carriageway as per the existing, infrequently used access. The proposed access significantly improves sightlines and removal of the access from the main road is a safety improvement for workers.

5.48 **Objection re:** Stopping Up Access

Objection detail: The PMA ref A is also unacceptable – no justification has been given and it is of considerable benefit to the owner/occupier.

Response: Please refer to Figure 5.4 Mrs R Andrew - Combined Land Details. This clearly demonstrates that the existing gate is immediately within the footprint of the new carriageway alignment therefore needs to be stopped up and removed.

5.49 **Objection re:** Alternative Access

Objection detail: Plans are not clear but appear to show access is not provided to the same area and are not convenient, and objector strongly objects and will challenge the need for the alternative access.

Response: Please see Figure 5.6: Mrs R Andrew - Combined Land Interest Access. As detailed in SRO and advised to Objector via land agent the current access is entered onto Land Registry Title WSX355726. This is no longer possible in the design without removing an increased number of trees and more of the property wall. Therefore the new amalgamated access enters onto Land registry Title WSX23621.

5.50 **Objection re:** Access

Objection detail: The Council will be required to prove the need for closure of these accesses and detailed reasons for the closures. Amalgamating access is prejudicial to long term interests of Brookfield and the existing arrangements cannot be assumed to continue. Council must demonstrate why owner cannot retain the accesses it has had for over 40 years.

The Council's response: As shown in Figure 5.4 Mrs R Andrew - Combined Land Details the existing accesses are in the footprint of the new carriageway and as a result must be stopped up. It has been necessary to amalgamate accesses in order to facilitate the retention of trees in the Brookfield gardens and the retention of as much of the property flint wall as possible. These decisions are beneficial to the long term interests and stated preference of the Objector via the land agent. There are also significant safety reasons why an access cannot be located in this area - see paragraph 5.6.

RESPONSE TO RICOTTE INVESTMENTS LTD IN RESPECT OF CPO OBJECTIONS IN REFERENCE TO PLOTS 2a, 2b, 2c, 2d, 3a AND 3b AND SRO OBJECTIONS

5.51 CPO Objections

5.52 Objection re: Return of Land

Objection detail: Some of the land may only be required temporarily, important to objector that proposals are narrowed as much as possible to enable return of land to Brookfield.

Response: As set out above the extent of the land take, both permanent and temporary, has been minimised. Land take is shown in Figure 5.7: Ricotte Investments - Combined Land Details below. The land take is due to the classified road, verge and earthworks (1), the attenuation swale (3), the maintenance access track (4) and the fence and hedge boundary treatment (5). In addition, adequate separation between the earthworks and the swale is needed to maintain the stability of the earthworks (2). All of these are necessary to the Scheme. The Scheme has been designed to minimise the land requirement and where possible land is being returned once the construction is completed.

5.53 **Objection re:** Relationship between CPO and SRO

Objection detail: Objector needs details of relationship between CPO and SRO regarding access arrangements where the access to Brookfield is to be stopped up. The precise nature of the alternative arrangements are not wholly clear, reserve the right to raise further issues

Response: Please see Figure 5.7: Ricotte Investments - Combined Land Details above. The existing and proposed accesses are discussed in detail above. This has been provided to show the old and new accesses in relation to the land interests and the detail in regard to permanent and temporary land acquisition. The details relating to the existing and proposed access are discussed in detail above.

5.54 **Objection re:** Planning permission supporting assessments and reports

Objection detail: The assertions in the Statement of Reasons that proposals will alleviate congestion and delays, reduce poor air quality and noise for residents, improve connectivity for businesses locating to the Littlehampton area, provide safety benefits and reduce congestion through Lyminster, and provide social economic and environmental benefits will be put to proof as objector maintains there are areas of conflicting evidence. Many of WSCC's assertions can be challenged, and in particular, objector contends there will be limited or very little benefit from general public interest benefits WSCC claims.

Response: The Scheme is strategically important to the local area and details of the benefits and need are set out in the scheme description above and within Section 3.2 of Mr Guy Parfect's Proof of Evidence and within section 5.3 of Mark Martin's Proof of Evidence.

5.55 **Objection re:** Air Quality and Noise Pollution

Objection detail: Brookfield does not currently suffer pollution or noise pollution to the extent it would if the new road is built – new road would bring it closer to property than currently, diminishing enjoyment of grounds and property value.

Response: During the design period specialists undertook an assessment of the noise and air quality impacts the Scheme would have on the adjacent properties. Where required mitigation was incorporated into the design. Mitigation measures include the use of a low noise thin surface wearing course rather than HRA and a 2.5m high noise barrier along one section of the scheme. Through the planning process these measures were shown to be adequate.

Utilising the data and models underlying the Noise & Vibration Assessment Report⁹ produced as part of the planning process, Table 5-1 – Brookfield Noise and Vibration Assessment set out below uses Brookfield House as a receptor to clarify specifically what the effect of the A284 Lyminster Bypass (North) will be. As detailed below the noise at Brookfield due to the Scheme is minor in the short term and negligible in the long term.

⁹ Statement of Case supporting document [No. 37](#)

Table 5-1 – Brookfield Noise and Vibration Assessment

Receptor	Absolute noise levels, dB (range)			Noise level changes, dB (least beneficial facade)		Magnitude of impact	
	Do minimum opening year (DMOY)	Do something opening year (DSOY)	Do something future year (DSFY)	Short- term	Long- term	Short- term	Long- term
Brookfield House	52 - 60	53 - 61	54 - 62	1.3	1.8	minor adverse	negligible

As to air quality, the impact of the A284 Lyminster Bypass (North) on the Objector's land can be seen from the Summary of Air Quality Report data relating to Plots 2 and 3¹⁰ which is generated from the information available in the Air Quality Assessment Report.¹¹ The data is taken from:

Appendix C – Assessment of effects to air quality during operation.

- Table C.3 Modelled traffic Data (pp.41 - 47); and

Appendix E - Operational Phase Assessment Results

- Tables E.1 (pp.52 -54), Table E.2 (pp.55- 57) and Table E.3 (pp.57-60)

The receptors used are 47 and 48 as detailed.

The findings from this information in regard to Plots 2 and Plot 3 is presented in the conclusion of the summarised report (p.2), which states that: "air pollutant levels will be reduced at receptor sites 47 & 48 (adjacent to Plots 2 & 3) after the By-pass is completed and in use".

5.56 **Objection re:** Land Usage

Objection detail: Objector does not consent to the land being acquired for mitigation works and will challenge Council regarding the need for land for the purposes of construction. Objector contends amount of land required for the construction is disproportionate to that actually required and is not the minimum as stated in the Statement of Reasons.

Response: See 5.12 and the associated Figure 5.2.

5.57 **Objection re:** Reinstatement and Access Arrangements

Objection detail: Reinstatement provisions and permanent access arrangements for maintenance are unclear, and no attempt has been made to negotiate extent of rights with objector.

Response: Landscaping Plans were provided as part of planning application process.¹² Landscape proposals are for a 'wet grassland / scrub' area around the swale, existing ditch and track, with a fence and hedge to form the new boundary. The design has been based around minimising the land take and specifically retaining as much of the property wall to the north as possible.

5.58 **Objection re:** Landscaping

Objection detail: Full details of landscaping we are intending to provide in the vicinity of Brookfield is required, and works to retain amenity of Brookfield as a residential dwelling will be necessary. Gardens currently landscaped and maintained to a very high standard.

Response: as 5.87 above.

5.59 **Objection re:** Noise Attenuation

Objection detail: Noise attenuation should cover residential boundary with road. Concerns about light pollution, and extent of that and precise nature of ecological mitigation within curtilage of Brookfield required.

¹⁰ Statement of Case supporting document [No. 99](#)

¹¹ Statement of Case supporting document [No. 36](#)

¹² Statement of Case supporting document [No. 96](#)

Response: The impact of noise is discussed in 5.81 above. The lighting scheme has been designed to minimise light spill off the carriageway and the extent of the lighting scheme has been limited to 'higher conflict zones', these being the approaches to the junction and the signalised crossing. The final lighting column is located immediately to the north of the culvert and its impact on the Plots 2 and 3 will be minimal.

5.60 SRO Objections

5.61 Objection re: Access

Objection detail: The existing PMA provides important access to the private garden and grounds of Brookfield to facilitate access for enjoyment and maintenance. The proposals to force the use of another access and share an access are unacceptable. No details of why it is necessary to do this are contained in either statement of reasons or CPO.

Response: Please refer to paragraph 3.23 and 5.6 above.

5.62 Objection re: Disadvantage

Objection detail: Plans are not clear but appear to show access is not provided to the same area and are not convenient, and objector strongly objects and will challenge the need for the alternative access

Response: Please refer to paragraph 3.23 and 5.6 above.

5.63 Objection re: Access

Objection detail: The Council will be required to prove the need for closure of these accesses and detailed reasons for the closures. Amalgamating access is prejudicial to long term interests of Brookfield and the existing arrangements cannot be assumed to continue.

Response: Please refer to paragraph 3.23, 5.6, 5.19 and 5.39 above.

5.64 Objection re: Access

Objection detail: Precise mitigation and landscaping and land regulatory arrangements for sharing the new access must be made much clearer before the objection can be removed.

Response: Please refer to paragraph 5.31 above.

5.65 RESPONSE TO T & L CRAWLEY NO.2 LLP IN RESPECT OF CPO OBJECTIONS IN REFERENCE TO PLOTS 10a AND 10b

5.66 Objection re: Impact on land

Objection detail: Whilst fully supportive of the bypass, concerned about it impeding their provision of affordable housing in the area. The Council has not properly engaged in respect of alternative solutions put forward. Current planning allows for B1 business use (for which there is now no demand) on an area they want to sell to a housing developer for 154 affordable homes on which construction must start by end 2021. However, WSCC's proposal to use it temporarily would mean the collapse of that sale and another on adjoining land. This would mean a substantial compensation claim being submitted to WSCC. There is a substantial shortfall in ADC's housing land availability. 154 affordable homes would be of significant social and public benefit. A pre-application submission has been

submitted to the LPA and their reply is awaited. Their alternative requires that the compound is relocated, and they are willing to make additional land of larger size available to the Council. However, the Council is not engaging or attempting to find a pragmatic solution.

Response: The proof of evidence by Mr Tony Symonds explains in detail why the land in Plots 10a and 10b is required for the safe construction of the scheme. This response therefore focusses on the design decisions and need for the permeant features in Plots 9a and 9b and Plots 10a and 10b that directly relate to the arguments put forward within Tony Symonds' proof.

The need for both attenuation and water quality improvement prior to discharge of the highway drainage into the Black Ditch was identified during the development of the design. As discussed above Plot 8a is the easternmost extent of Mr and Mrs B Goodchild's land and the viaduct isolates the area to the east of the viaduct from the rest of the Goodchilds' estate making its ongoing operation untenable. This area was therefore identified as a suitable location for a water treatment wetland pond along with an environmental mitigation area. This necessitates the location of the attenuation area that discharges into the pond to be located on the eastern side of the carriageway. Because of the need to minimise land take to the east, to protect the developable land, an open attenuation facility was not viable. A buried crate attenuation system was selected to provide the required attenuation. The tank is relatively deep and requires space for temporary works for its installation. The inclusion of the wetland area has negated the need for a mechanical petrol interceptor which if required would have had to be installed outside the floodplain and so increased the permanent land take requirements at the higher level, further increasing the size of Plots 9a and 10a. The attenuation tank is essential to control storm water discharge into the receiving watercourse. It also needs to be constructed relatively early in the programme so it can manage the runoff from the viaduct during construction. The location of the tanks and the resultant constraints they impose on the construction process is therefore unavoidable and form an essential part of the southern section of the scheme.

5.67 RESPONSE TO NETWORK RAIL IN RESPECT OF CPO OBJECTIONS IN REFERENCE TO PLOTS 9a and 9B

5.68 **Objection re:** Holding objection

Objection detail: Operational land may be adversely affected

The Council's response: The only direct impact of this scheme on NR will be the transportation to site of the material, including pre-cast beams, required to construct the scheme. The access route is anticipated to be via the section of road being constructed by Persimmon Homes that passes over the rail line. Any transportation of material will be strictly in accordance with the relevant loading limits for the public highway generally. There is therefore no foreseeable way in which the construction or operation of the scheme will impact NR operational land.

5.69 WITHDRAWN OBJECTIONS

5.70 Punch Partnerships – Plot 7a

Detail on this objection is set out in section 6 of Appendix 1 of the Council's Statement of Case. Punch partnerships raised several objections concerning

increased traffic flows along Woodcote Lane, disruption to their business and access to the carpark. Following clarification that the Council is only acquiring rights to use the lane for maintenance access for the viaduct and the wetland pond and vehicle movements would be limited to a few visits a year the objection was withdrawn. Maintenance visits to the viaduct would normally be limited to yearly visual inspections and a more detailed 5 yearly principal inspection. Maintenance of the pond area landscaping will be limited to quarterly visits as a maximum to mow the areas of grass land during the growing season and occasional de-silting of the pond.

6 CONCLUSION

This proof of evidence demonstrates that the scheme has been designed in accordance with the relevant design guidance and will provide a safe and sustainable bypass to the village of Lyminster. The land required for the scheme is not excessive and is needed to construct the scheme, including the provision of safety features such as acceptable visibility lines, environmental mitigation such as landscaping, water quality improvements and surface water attenuation, and appropriate maintenance access for the ongoing operation of the road.

Due consideration has been given to the ongoing needs of the affected landowners and all reasonable efforts have been made to mitigate any impacts. Replacement accesses have been provided where possible and all are to a much higher standard (both spatially and from a safety context) than the existing provision.

The landscaping proposals are proportional to the scheme, are not excessive and will provide appropriate visual and environmental mitigation for the scheme.

The impacts on the affected landowners are reasonable and needed to enable the scheme to be constructed, operated and maintained.

7 APPENDIX DOCUMENTS

- 7.1 The following documents are appended in the composite appendices for the Council, as referred to in this Proof (in addition to those appended to the Statement of Case):

[T Drawing A284LY-CAP-GEN-00-SK-C-0267 showing the scheme relative to the CPO Plots](#)

[U The combined planning information drawings A284LY-CAP-HGN-00-DR-C-0190 to 0193](#)