

**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

SUMMARY PROOF OF EVIDENCE

OF

NIGEL GODDEN

FOR

WEST SUSSEX COUNTY COUNCIL

DFT REFERENCE: NATTRAN/SE/HAO/229

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1. INTRODUCTION

1.1. Qualifications and Experience

- 1.1.1. I, Mr Nigel Godden BSc MRICS and RICS Registered Valuer, am employed by WSP UK Ltd as Land and Property Director. I have over thirty years' experience supporting Acquiring Authorities in the acquisition of property required for their highway schemes whether by agreement or using CPO powers.
- 1.1.2. 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.

1.2. Involvement with the Project

- 1.2.1. WSP was appointed by West Sussex County Council on 16th July 2019, supporting the Council with land referencing activity. On 4th October 2019 we were instructed to commence valuations, secure access to plots for survey purposes and open negotiations for the acquisition of property. As Land and Property Director, I am undertaking negotiations and supervising my team as regards their negotiations for property acquisition, temporary use and survey access on behalf of the Council.

2. THE LAND INCLUDED IN THE COMPULSORY PURCHASE ORDER

- 2.1. The extent of the land to be acquired is illustrated on the CPO Plans¹ which are cross-referenced with the Schedule to the CPO².
- 2.2. The CPO Land to be purchased compulsorily is shown coloured pink on the Order Plans. This includes permanent and temporary acquisitions.
- 2.3. The new rights to be purchased compulsorily under the CPO are shown coloured blue on the Order Plans.
- 2.4. The CPO Land comprises 34 plots (Plots 1a to 8d) and are described more fully at paragraph 2.4 of my main proof of evidence.
- 2.5. The Council has requested that modifications be made to the CPO as part of confirmation of the CPO. The proposed modifications are set out in paragraph 2.6.1 Table 1 of my main proof of evidence.

3. EXTENT OF ALTERATIONS INCLUDED IN SRO

- 3.1. The extent of the alterations which the Council are proposing to construct is illustrated on the SRO Plans³ and which are cross-referenced with the Schedule to the SRO⁴.

¹ Statement of Case supporting document [Nos 9](#) and [10](#)

² Statement of Case supporting document [No.1](#)

³ Statement of Case supporting document [Nos 11](#), [12](#) and [13](#)

⁴ Statement of Case supporting document [No.2](#)

- 3.2. The extent of alterations is described more fully at section 3 of my main proof of evidence.

4. JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS

- 4.1. The Council has had regard to the Guidance on Compulsory purchase process and The Crichel Down Rules which was updated in July 2019.
- 4.2. The Council considers that there is a compelling case in the public interest for the provision of the scheme.
- 4.3. The scheme will significantly improve the road network and meet the transport needs associated with new development, reduce existing and future adverse environmental impacts and unlock significant transport, economic and social benefits, and will enable the realisation of important objectives in planning policy. It is supported by NPPF, West Sussex Transport Plan 2011-2026, Arun District Local Plan and the Littlehampton Neighbourhood Plan.
- 4.4. The proposed A284 Lyminster Bypass (North) is of critical importance to the villages of Lyminster and Wick connecting major highway routes such as the A259 and A29. It will alleviate transport pressure arising from the development on land north of Toddington Lane, and the A284 Lyminster bypass (south) construction, strengthening the north-south links between Littlehampton and the A27.
- 4.5. The private loss arising from the CPO does not outweigh the considerable benefits of the Scheme.
- 4.6. The CPO and SRO will not have an excessive or disproportionate effect on the landholdings concerned, landowners will be compensated for any losses.
- 4.7. In addition to the compelling case in the public interest, the other tests in the CPO Guidance for compulsory purchase are met:
 - The purposes for which the CPO is made justify interfering with the human rights of those affected.
 - The Council has a clear idea of how will use the land which it needs to acquire.
 - The Scheme is fully funded, embedded in planning policy and planning permission has been obtained.
 - Genuine and meaningful negotiations have taken place and are continuing to take place with landowners.

5. JUSTIFICATION FOR SIDE ROADS ORDER

- 5.1. The SRO is necessary to facilitate the Scheme alongside the CPO. The SRO will secure the removal of three private accesses (referenced A, B and C in the SRO).
- 5.2. Where the SRO stops up lengths of highway, another reasonably convenient route is available or will be provided in accordance with s.14(6) of the Highways Act 1980.

- 5.3. Where the SRO stops up certain private means of access to premises, another reasonably convenient means of access to the premises will be provided in pursuance of an order made by virtue of s.125(1)(b) of the Highways Act 1980 (in accordance with s.125(3) of the Highways Act 1980).

6. NEGOTIATIONS TO ACQUIRE INTEREST AND RIGHTS

- 6.1. Consultation, notification, and communication with affected landowners took place from 1992 onwards, as noted in paragraphs 11.1 of the Statement of Case. In October 2019 WSP were instructed to negotiate with all landowners, except plots 9a, 9b 10a and 10b (Persimmon Homes and T&L Crawley No2 respectively). Letters were sent to each landowner on 29th November 2019 advising of our instruction to open negotiations for the acquisition in advance of the CPO. In January and March 2020 WSP were asked to open discussions with T&L Crawley No2, and Persimmon Homes respectively, initially this was to arrange access for ecology surveys. We have since been in negotiation with these landowners around the acquisition and temporary use of land as required under the CPO.
- 6.2. The detail of our discussions is outlined in Negotiations Communications Log⁵. Detail on individual landowner negotiations is provided at section 7 of my main proof of evidence.
- 6.3. Negotiations have taken place with the nine primary landowners affected. Details around land take, accommodation works, and mitigation measures have been discussed and agreement in principle reached with four of the primary landowners (plots 2,3,8 and 9) where we are moving negotiations towards early acquisition of land.
- 6.4. Of the five remaining landowners four have no objection to the scheme and negotiations continue (plots 1,4,5 and 6)
- 6.5. Plot 7 relates to unknown ownership in Black Ditch
- 6.6. Negotiations continue with the landowner of plot 10 T&L Crawley No.2 LLP who has objected to the CPO. Details are set out in my main proof of evidence

7. OBJECTIONS TO THE CPO AND SRO

- 7.1. The Secretary of State received nine objections from six landowners in relation to the CPO and SRO. Details of objections are set out in Appendix 1 to the Statement of Case.
- 7.2. The Council has engaged with all six parties inviting them to progress discussions in respect of their objection.
- 7.3. I describe the detail of each objection, and responses to them, at section 8 of my main proof of evidence. In summary:
 - 7.3.1. **Punch Partnerships**
 - 7.3.2. This objector has withdrawn its objection.

⁵ Appendix Document [C](#)

7.3.3. **Mrs Andrew, HCC 2011 Ltd and Ricotte Investments Ltd**

7.3.4. These landowners have indicated that they will withdraw their objections as their concerns have been appropriately addressed and an agreement has been reached in principle.

7.3.5. **Network Rail**

7.3.6. An agreement is being drafted to resolve concerns; it is likely that the objection will be withdrawn prior to the Public Inquiry.

7.3.7. **T&L Crawley No.2 LLP**

7.4. Whilst writing in support of the scheme, T&L Crawley No.2 LLP has objected on the grounds that it will impact on development of their land. Details of this objection, the Council response and ongoing negotiations are set out in my main proof of evidence. The Council continues to consider the issues raised in order to agree appropriate measures that will allow the Council to use the land and hand back in a condition suitable for future development. It is hoped that common ground will be reached enabling them to withdraw their objections. It is imperative that their land is made available for the construction of the scheme.

8. THE HUMAN RIGHTS ACT 1998

8.1. In pursuing the CPO, the Council has fully and carefully considered the implications of the Human Rights Act 1998. Interference with ECHR rights is considered by the Council to be justified in order to secure the environmental and public benefits which the Scheme will bring.

9. CONCLUSION

9.1. The purpose of the CPO and SRO is to secure the assembly of land necessary for the development of the scheme.

9.2. There is a total of 34 plots in the CPO. Some plots have multiple interests whether freehold, leasehold or other rights in the land.

9.3. The Council are confident that there is a clear public need for and benefits of the scheme which is supported by spatial planning and transport policy and evidence.

9.4. In the absence of the CPO there is reasonable prospect that the land and rights could not be assembled within an acceptable timescale.

9.5. The objections made have been fully considered and the Council has sought to address the concerns raised where it has been practical to do so.

9.6. The tests in s.14(6) and s.125(1) of the Highways Act 1980 as set out above are met.

9.7. CPO guidance has been followed, and there is a compelling case in the public interest for confirming the CPO and SRO.

9.8. A CPO will provide certainty that all land required is secured on a timely basis. Failure to deliver the Scheme would result in a failure to support much needed economic development and regeneration within the area.

- 9.9. The Council has clearly set out how it intends to use the land which it is proposing to acquire.
- 9.10. The scheme is fully funded and has planning consent.
- 9.11. The Scheme is unlikely to be blocked by any physical or legal impediments to implementation.
- 9.12. The public have had opportunity to comment on the Scheme proposals
- 9.13. Impact on environment and population has been considered through the design stages.
- 9.14. The scheme represents high value for money, with the economic benefits far outweighing the likely costs of constructing the Scheme.
- 9.15. In my opinion the CPO and SRO are demonstrably in the public interest and should be confirmed.