

# **EAST SUSSEX COUNTY COUNCIL**

**HIGHWAYS ACT 1980**

**AND**

**ACQUISITION OF LAND ACT 1981**

**EAST SUSSEX COUNTY COUNCIL (EXCEAT BRIDGE  
REPLACEMENT -A259 EASTBOURNE ROAD)  
COMPULSORY PURCHASE ORDER 2023**

**EAST SUSSEX COUNTY COUNCIL (EXCEAT BRIDGE  
REPLACEMENT-A259 EASTBOURNE ROAD)  
(CLASSIFIED ROAD) (SIDE ROADS) ORDER 2023**

**EAST SUSSEX COUNTY COUNCIL (EXCEAT BRIDGE  
REPLACEMENT-A259 EASTBOURNE ROAD) BRIDGE  
SCHEME 2023**

**STATEMENT OF REASONS**

## CONTENTS

1.	INTRODUCTION	3
2.	POWERS UNDER WHICH THE ORDERS ARE MADE	4
3.	BACKGROUND TO THE SCHEME	5
4.	DESCRIPTION OF THE ORDER LAND, ITS SURROUNDINGS AND TOPOGRAPHICAL FEATURES	7
5.	SCHEME DESCRIPTION	12
6.	PLANNING POSITION	13
7.	JUSTIFICATION FOR COMPULSORY ACQUISITION	16
8.	SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND	22
9.	RELATED ORDERS	22
10.	EFFORTS TO ACQUIRE THE ORDER LAND BY AGREEMENT	23
11.	HUMAN RIGHTS	25
12.	ADDITIONAL INFORMATION	28
13.	DOCUMENTS TO BE REFERRED TO AT THE INQUIRY	29

## 1. INTRODUCTION

1.1. This Statement of Reasons (“**the Statement**”) has been prepared by East Sussex County Council (“**the Council**”) in its capacity as the highway authority for the administrative area of East Sussex.

1.2. The Council has made the following orders in exercise of its powers under the Highways Act 1980 (“**the 1980 Act**”) –

- East Sussex County Council (Exceat Bridge Replacement – A259 Eastbourne Road) Compulsory Purchase Order 2023 (“**the CPO**”);
- East Sussex County Council (Exceat Bridge Replacement - A259 Eastbourne Road) (Classified Road) (Side Roads) Order 2023 (“**the SRO**”);
- East Sussex County Council (Exceat Bridge Replacement- A259 Eastbourne Road) Bridge Scheme 2023 (“**the Bridge Scheme**”).

1.3. In preparing this Statement, the Council has sought to provide sufficient information so that its reasons for making the Orders can be understood properly. This statement –

- defines the powers under which the Orders are made (section 2);
- sets out the background to the Scheme (section 3);
- describes the Order Land its surroundings and topographical features (section 4);
- describes the Scheme (section 5);
- describes the position in respect of planning (section 6);
- sets out the justification for compulsory acquisition (section 7);
- describes the special considerations affecting the Order Land (section 8);
- describes the position in respect of related orders (section 9);
- describes the efforts made to acquire the Order Land by agreement (section 10);
- describes the position in respect of human rights and the public sector equality duty (section 11);
- sets out certain additional information (section 12); and
- sets out the documents to be referred to at the inquiry (section 13).

1.4. In this Statement, where the context so admits, the SRO, CPO and Bridge Scheme are collectively referred to as “**the Orders**”.

1.5. This Statement accompanies the making of the Orders, which have been submitted to the Secretary of State for Transport (“**the Secretary of State**”), for confirmation before they come into force.

1.6. In preparing this Statement, the Council has had regard to the guidance set out in –

- The Department for Levelling Up, Housing & Communities “Guidance on Compulsory Purchase Process and the Crichel Down Rules” (updated July 2019) (“**the Guidance**”);

- Department of Transport Circular 1/97 “Highways Act 1980: Orders Under Section 14 of the Highways Act 1980 and Opposed Orders Under Section 124 of that Act”;
- Department of Transport Circular 2/97 “Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State for Transport is the Confirming Authority”; and
- Department of the Environment, Transport and the Regions “Preparing and Making Bridge/Tunnel Schemes under s106 of the Highways Act 1980 and Orders under s108 for the Diversion of Navigable Waters”.

- 1.7. In the event that the Orders are confirmed they will authorise the exercise of powers to enable the compulsory purchase of land and new rights to facilitate the construction and replacement of an existing single lane bridge at the A259 over the Cuckmere River, Except with a two way two lane bridge with footpath and a multipurpose surface segregated from the road, realignment of existing road, local access and public right of way, re-profiling the river and road embankments, traffic calming measures and provision of a habitat creation area (“**the Scheme**”). The replacement bridge will be known as the new Except Bridge . The route of the new Except Bridge is shown on the Plans 1 and 2 contained in the Book of Plans appended to this Statement. The Orders will also allow alterations to be made to the highways affected by the Scheme and will ensure that that all land needed for the Scheme is acquired compulsorily should it prove possible to purchase it.
- 1.8. In this Statement, the “**Order Land**” refers to the land and interests over land and new rights proposed to be compulsorily acquired under the CPO. The “**Order Schedule**” refers to the schedule to the CPO and “**the CPO Map**” is the map attached to the CPO.
- 1.9. The Council considers there is a compelling case in the public interest for making and confirming the CPO. It considers that the SRO will enable the Council to make alterations to the highways affected by the new Except Bridge. Other reasonably convenient routes will be available or provided before the stopping up of highways, pursuant to the SRO. Insofar as any private means of access will be stopped up by the SRO, the SRO is justified because it provides for another reasonably convenient means of access to the affected premises.

## 2. **POWERS UNDER WHICH THE ORDERS ARE MADE**

- 2.1. The CPO has been made under Sections 239, 240,246, 250 and 260 of the 1980 Act -
- Under section 239(1) of the 1980 Act the Council can acquire land for the construction of new roads for which it is the highway authority.
  - Under section 239(3) of the 1980 Act the Council can acquire land for the improvement of a highway for which it is the highway authority or of a highway which it is authorised to improve.
  - Under section 240 of the 1980 Act the Council may, amongst other purposes, acquire land which is required in connection with the construction or improvement of a highway.
  - Under section 246 of the 1980 Act the Council may acquire land for mitigating adverse effects of the highway improved or constructed.

- Under section 250 of the 1980 Act the Council may acquire rights over land in connection with the construction or improvement of a highway.
- Under section 260 of the 1980 Act the Council may override restrictive covenants and third party rights where land acquired by agreement is included in a compulsory purchase order.

- 2.2. The SRO is made under sections 14 and 125 of the 1980 Act.
- 2.3. Section 14 of the 1980 Act enables the Council, as the highway authority, to make an order to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of a classified road or is affected, or will be affected, by the construction or improvement of the classified road. It also allows the Council to construct a new highway for the purposes concerned with any alteration and for any other purpose connected with the classified road or its construction.
- 2.4. Section 125 of the 1980 Act enables the Council to stop up any private means of access to premises adjoining or adjacent to land comprised in the route of a road, or forming the site of any works authorised by the order, and to provide a new means of access to any such premises.
- 2.5. If confirmed, the CPO will authorise the Council to compulsorily purchase the land shown edged red and coloured pink and the rights over the land shown coloured blue (i.e. the Order Land) on the CPO Map and described in the Order Schedule for the purpose of construction of the new Exceat Bridge and its associated works.
- 2.6. If confirmed, the SRO will authorise the Council to improve, raise, lower, stop-up, divert or otherwise alter highways; construct new highways and stop-up and provide new means of access to premises in connection with the construction of the new Exceat Bridge.
- 2.7. The Bridge Scheme is made under Section 106(3) of the Highways Act 1980 to enable the construction of a road bridge over the River Cuckmere being a navigable waterway.
- 2.8. The CPO seeks to acquire all interests in the Order Land, including rights, easements and the benefit of covenants except where otherwise expressly stated in the Order Schedule together with new rights reasonably required for the Scheme. Careful consideration has been given to the reasons to make the Orders in pursuance of the statutory powers and it is considered that a compelling case exists for the Scheme. In order to implement the Scheme the acquisition of land and rights is required.
- 2.9. The CPO has been made and will be submitted to the Secretary of State for confirmation pursuant to the 1980 Act and the Acquisition of Land Act 1981.

### **3. BACKGROUND TO THE SCHEME**

- 3.1. The existing Exceat Bridge is a one-way single lane bridge and was constructed around 1839 for horse and cart traffic. It is located on the A259 east of Seaford and is considered to be one of the most important highway structures in East Sussex.
- 3.2. The A259 between Brighton and Eastbourne is part of the major road network and one of Transport for the South East's priority corridors. It crosses the South Downs National Park connecting deprived coastal towns and communities connecting with the A26, A27 and the A22, A2270 and A2290. The A259 is considered to be vital to access and movement between coastal communities suffering from

low productivity and deprivation and plays a vital part in supporting the Newhaven Enterprise Zone's aims and Eastbourne and South Wealden's growth plans. The current bridge is used by local traffic to move between Seaford and Eastbourne and other small villages along the A259 route, seeing over 10,000 vehicles cross the bridge daily.

- 3.3. Congestion is a key challenge at the existing Exceat Bridge with peak traffic backing up in both directions. It was extensively repaired in the 1970s but the bottleneck for traffic still exists with queues predicted to stretch over 1km for 6hrs/day by 2028.
- 3.4. Currently the existing bridge is over operational capacity and does not comply with current safety standards for motorised and non-motorised users. The existing bridge is also in need of significant repairs to correct a number of structural defects, which would be costly and disruptive to local traffic.
- 3.5. Traffic queues at the existing Exceat Bridge have also caused increasingly unreliable bus journey times between Brighton and Eastbourne (affecting ~6m passenger trips/yr) necessitating timetabled increases to the eastbound journey of up to 3 minutes.
- 3.6. The Exceat Bridge is situated in a highly sensitive environment within the South Downs National Park, the Seaford and Beachy Head SSI and the iconic, internationally renowned Seven Sisters Country Park. The existing bridge serves as a touristic coastal route and main access to the Seven Sisters National Park. Tourism therefore provides an important source of local income.
- 3.7. The proposed National Coastal Path, South Downs Way and National Cycle Route 2 cross the existing Exceat Bridge and hundreds of thousands of visitors use the bridge to access the park each year despite very poor provision for pedestrians.
- 3.8. Public consultation was held in the summer of 2020 when COVID-19 measures were least restrictive. Engagement took place through a range of media, online and onsite. Over 1000 consultation responses were received showing there was very strong support for the Scheme, both locally and over a wider area. Despite a parish population of circa 191 the distribution of responses shows that the Scheme is of strategic importance to a far wider population.
- 3.9. The Council has engaged with a range of stakeholders including those using the A259 corridor to travel for work and leisure as well as visitors to the National Park, local businesses and those living and working locally. These stakeholders included the local bus company, walking and cycling groups along with disability and environmental groups. Regular meetings have taken place with South Downs National Park Authority at all stages of the project.
- 3.10. Support from the project has been received from a number of bodies including:
  - Brighton and Hove Buses: said it will: 'speed up public transport in the area bringing a benefit to over 2.4million passengers over a year' and 'it will improve the reliability of bus services that serve the A259 between Brighton and Eastbourne.'
  - The Impact Seaford Board said 'that this project is vital for the vitality and sustainability of the Seaford economy, improving accessibility for businesses as well as supporting the visitor economy - key to the emerging Impact Seaford Action Plan'

- The South Downs National Park Authority as planning authority resolved, on 8 December 2022, to grant planning permission for the Scheme subject to an agreement being entered into pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) to secure a number of obligations (“S106 Agreement”). That S106 Agreement is currently being negotiated with the parties and is at an advanced stage and is largely settled and expected to be completed shortly.

#### **4. DESCRIPTION OF THE ORDER LAND, ITS SURROUNDINGS AND TOPOGRAPHICAL FEATURES**

- 4.1. The Order Land comprises approximately 28,493 square metres.
- 4.2. The Order Land in some areas covers a wider area than the route corridor for the Exceat Bridge as it includes land that is required for construction purposes (including an area of land required for a site compound during the period of construction), drainage, landscaping and mitigation. All steps have been taken to minimise land take and the Order Land contains only land which is necessary for the delivery of the Scheme.
- 4.3. The Order Land, which is in a variety of ownerships, is located at the southern end of the Cuckmere Valley, approximately 1km east of Seaford and encompasses Exceat Bridge, the footway extending to the east to (and slightly beyond) the Seven Sisters Visitor Centre, and all associated construction areas. It is located within the South Downs National Park, the Seaford to Beachy Head Site of Special Scientific Interest, the Seven Sisters County Park and the South Coast Heritage Coast.
- 4.4. The Order Land crosses the Cuckmere River (which is tidal as it passes beneath Exceat Bridge) and includes highway land and verge, saltmarsh river bank and bed, agricultural land, land and accesses associated with properties in the vicinity of the existing Exceat Bridge, including The Cuckmere Inn (public house), The Boat House and Blackberry Cottage and Public Rights of Way. In addition, the Order Land includes farmland on the eastern side of the Cuckmere Valley close to the property known as Knowle Cottage. This land is required to mitigate the environmental impact of the Scheme.
- 4.5. There are no Scheduled Monuments in close vicinity or within view of Exceat Bridge. Exceat Farmhouse Two Barns to the South of Exceat Farmhouse and the K6 telephone kiosk opposite Exceat Farmhouse are all Grade II listed buildings. These listed buildings do not form part of the Order Land, with Exceat Farmhouse, the Two Barns and the K6 Kiosk being located to the east of the Order Land, adjacent to the Seven Sisters Country Park visitor centre. There is a marine conservation zone approximately 1.8km downstream, at Cuckmere Haven.
- 4.6. Full details of the interests and rights comprised in the Order Land are set out in the Order Schedule. The Order Schedule has been prepared based on information gathered through inspection of Land Registry title documents and information provided by owners and occupiers following the service of Request for Information forms prepared in accordance with section 16 Local Government (Miscellaneous Provisions) Act 1976.
- 4.7. The extent and description of each plot to be acquired and the reason for inclusion in the CPO are set out in Table 1. It will be noted that the references in Table 1 to land required for “ecological preservation purposes in the final scheme” (Plot No. 1/9) is required to mitigate the adverse effects of

the highway, in accordance with section 246 of the 1980 Act.

- 4.8. In respect of the Plots as set out below in this paragraph (with further details in Table 1), the Council will continue to seek to negotiate a licence to temporarily occupy and carry out works during construction and to secure rights of access once such works are completed, rather than permanent acquisition. However, in the absence of agreement being reached with the landowner, the Council requires the right to permanent acquisition to enable the Scheme to proceed and for the Plots to be included in the Order Land.

Plots 1/1e, 1/1f, 1/4c and 1/6b

- 4.9. In respect of the Plots as set out below in this paragraph (with further details in Table 1), the Council will continue to seek to negotiate a licence to temporarily occupy these Plots to provide for site compounds and/or topsoil storage and working areas during construction, rather than permanent acquisition. However, in the absence of agreement being reached with the landowner, the Council requires the right to permanent acquisition to enable the Scheme to proceed and for the Plots to be included in the Order Land.

Plots 1/1c, 1/1g, 1/2, 1/3b, 1/3c, 1/3d, 1/4a, 1/4b, 1/6c, 1/7a, 1/7b, 1/8a, 1/8b and 1/8c.

*Table 1*



<b>Plot No.</b>	<b>Description</b>	<b>Reason for inclusion in Order</b>
1/1	138 square metres of part of the carriageway and verge of the classified road known as the A259 Eastbourne Road forming the junction with the carpark entrance to The Cuckmere Inn public house located southwest of the Exceat Bridge.	Required for construction of new highway, highway improvements and associated works
1/1a	1,329 square metres of part of the full width of the carriageway, footways and verges of the classified road known as the A259 Eastbourne Road located east of the Exceat Bridge.	Required for construction of new highway, highway improvements and associated works
1/1b	1,162 square metres of pastureland, ditches and wooded areas including part of public footpath SEA/28/1 located north of the classified road known as the A259 Eastbourne Road and east of the Cuckmere River.	Required for construction of new highway, highway improvements and associated works
1/1c	907 square metres of pastureland, ditches and wooded areas including part of public footpath CMV/24/1 located south of the classified road known as the A259 Eastbourne Road and east of the Cuckmere River.	Required for access and working space for the construction of new highway, highway improvements and associated works.
1/1d	84 square metres of pastureland located north of the classified road known as the A259 Eastbourne Road and east of the Cuckmere River.	Required for a 56 linear metre length of new public footpath.
1/1e	285 square metres of pastureland located north of the classified road known as the A259 Eastbourne Road and east of the Cuckmere River	Required for the construction of a new private access track for the benefit of the landowner.
1/1f	152 square metres of track, ditches and wooded areas including part of public footpath CMV/24/1 located south of the classified road known as the A259 Eastbourne Road and east of the Cuckmere River.	Required for a 34 linear metre length of new public footpath.  and Required for the construction of a new private access track for the benefit of the landowner.
1/1g	3,844 square metres of pastureland, ditches and wooded areas including part of public footpath CMV/15/7 located north of the classified road known as the A259 Eastbourne Road and east of the Cuckmere River.	Required for access and working space for the construction of new highway, highway improvements and associated works.
1/1h	77 square metres of a half width of the carriageway of the classified road known as the A259 Eastbourne Road located west of the Exceat Bridge and east of The Cuckmere Inn public house.	Required for access and working space for the construction of new highway, highway improvements and associated works

1/2	5,480 square metres of arable land and hedgerow forming part of the agricultural holding known as Dymock Farm located north of the classified road known as the A259 Eastbourne Road and east of the Cuckmere River.	Required for access and occupation for use as a compound associated with the construction of the new highway, highway improvements and associated works.
1/3	182 square metres of garden forming part of the property known as The Boat House, Eastbourne Road, Exceat located northeast of the classified road known as the A259 Eastbourne Road and west of the Cuckmere River.	Required for construction of new highway, highway improvements and associated works.
1/3a	7 square metres of hedgerow forming part of the property known as The Boat House, Eastbourne Road, Exceat located northeast of the classified road known as the A259 Eastbourne Road and west of the Cuckmere River	Required for construction of new highway, highway improvements and associated works.
1/3b	388 square metres of garden forming part of the property known as The Boat House, Eastbourne Road, Exceat located northeast of the classified road known as the A259 Eastbourne Road and west of the Cuckmere River.	Required for access and working space for the construction of new highway, highway improvements and associated works.
1/3c	109 square metres of hedgerow forming part of the property known as The Boat House, Eastbourne Road, Exceat located northeast of the classified road known as the A259 Eastbourne Road and west of the Cuckmere River.	Licence required for temporary access and working space for the construction of new highway, highway improvements and associated works.
1/3d	586 square metres of part of the half width of the carriageway and verge of the classified road known as the A259 Eastbourne Road located south of the property known as The Boat House, Eastbourne Road, Exceat and west of the Cuckmere River.	Required for access and working space for the construction of new highway, highway improvements and associated works.
1/4	140 square metres of wooded area forming part of the property known as Blackberry Cottage, Eastbourne Road, Exceat located west of the classified road known as the A259 Eastbourne Road and north of The Cuckmere Inn public house.	Required for construction of new highway, highway improvements and associated works.
1/4a	165 square metres of wooded area forming part of the property known as Blackberry Cottage, Eastbourne Road, Exceat located west of the classified road known as the A259 Eastbourne Road and north of The Cuckmere Inn public house.	Required for access and working space for the construction of new highway, highway improvements and associated works.

1/4b	16 square metres of wooded area and part of the garden of the property known as Blackberry Cottage, Eastbourne Road, Exceat located west of the classified road known as the A259 Eastbourne Road and north of The Cuckmere Inn public house.	Required for access and working space for the construction of new highway, highway improvements and associated works.
1/4c	1 square metre of stepped access forming part of the garden of the property known as Blackberry Cottage, Eastbourne Road, Exceat located west of the classified road known as the A259 Eastbourne Road and north of The Cuckmere Inn public house.	Required for access and working space for the construction of new highway, highway improvements and associated works to replace the stepped access.
1/4d	234 square metres of the half width of the carriageway and verge of the classified road known as the A259 Eastbourne Road located north of the property known as Blackberry Cottage, Eastbourne Road, Exceat and west of the Cuckmere River.	Required for construction of new highway, highway improvements and associated works.
1/5	432 square metres of saltmarsh located between the classified road known as the A259 Eastbourne Road and the Cuckmere River north of the Exceat Bridge.	Required for construction of new highway, highway improvements and associated works.
1/5a	199 square metres of the half width of the carriageway and verges of the classified road known as the A259 Eastbourne Road located west of the Cuckmere River.	Required for construction of new highway, highway improvements and associated works.
1/6	32 square metres of frontage including signage, footway and stepped access and landscaping of The Cuckmere Inn public house located west of the Exceat Bridge.	Required for construction of new highway, highway improvements and associated works.
1/6a	1 square metre of part of the grounds of The Cuckmere Inn public house located west of the Exceat Bridge.	Required for construction of new highway, highway improvements and associated works.
1/6b	6 square metres of part of the stepped access serving The Cuckmere Inn public house located west of the Exceat Bridge.	Required for access and working space for the construction of new highway, highway improvements and associated works to replace the stepped access.
1/6c	851 square metres of carpark and grass verge forming part of The Cuckmere Inn public house and footpath SEA/27/1 located southwest of the Exceat Bridge and west of the Cuckmere River.	Required for access and working space for the construction of new highway, highway improvements and associated works.
1/6d	96 square metres of the half width of the carriageway and verge of the classified road known as the A259 Eastbourne Road located west of the Cuckmere River and northeast of the Exceat Bridge.	Required for construction of new highway, highway improvements and associated works.

1/7	413 square metres of riverbank and bed being the western half-width of the watercourse known as Cuckmere River located north of the Exceat Bridge.	The Council will need to maintain a CPO Right (under Section 250 of the Highways Act 1980) to enter and re-enter with or without vehicles for all purposes connected with the construction, operation, use and maintenance and decommissioning of a bridge.
1/7a	523 square metres of part of the riverbank and bed being the western half-width of the watercourse known as Cuckmere River located north of the Exceat Bridge.	Required for access and working space for the construction of new highway, highway improvements and associated works.
1/7b	982 square metres of part of the riverbank and bed of the watercourse known as Cuckmere River including that crossed by the Exceat Bridge located east of The Cuckmere Inn public house.	Required for access and working space for the construction of new highway, highway improvements and associated works.
1/8	128 square metres of riverbank and bed being part of the eastern half-width of the watercourse known as Cuckmere River located north of the Exceat Bridge.	Required for construction of new highway, highway improvements and associated works.
1/8a	536 square metres of pastureland, ditches and treeline including part of public footpath SEA/28/1 and part of the riverbank and bed being the eastern half-width of the watercourse known as Cuckmere River located north of the classified road known as the A259 Eastbourne Road.	Required for access and working space for the construction of new highway, highway improvements and associated works.
1/8b	376 square metres of part of the riverbank and bed being the eastern half-width of the watercourse known as Cuckmere River located south of the classified road known as the A259 Eastbourne Road.	Required for access and working space for the construction of new highway, highway improvements and associated works.
1/8c	36 square metres of part of the riverbank and bed being the eastern half-width of the watercourse known as Cuckmere River located north of the Exceat Bridge	Required for access and working space for the construction of new highway, highway improvements and associated works.
1/9	8,596 square metres of part of pastureland, hedge line and trees located east of the watercourse known as Cuckmere River and west of Litlington Road and the property known as Knowle Cottage.	Required for ecological preservation purposes in the final scheme.

## 5. SCHEME DESCRIPTION

### 5.1. The Scheme will:

- form a new independent bridge to the north of the existing Exceat Bridge, in Exceat. The new Exceat Bridge will have a span of 30m in length and will comprise a two lane carriageway with verges (6.5 m wide) and two footpaths (as opposed to the current single footpath at the existing Exceat Bridge). The two proposed footpaths forming part of the Scheme comprise a footway to the north (being 1.5 m wide) and a footway to the south (being 3 m wide footway), capable of

being used as a shared route with cyclists and pedestrian so cyclists can use it as well whilst providing a viewing platform to the Cuckmere Estuary/ meanders towards the sea;

- create footpaths on both sides of the new bridge creating a safe crossing point for non-motorised users which will be connected to surrounding public footpaths and public rights of way. In addition to the footpaths, this Scheme will also provide two viewing platforms to create a resting place for pedestrians and cyclists to admire the landscape and wildlife; and
- improve road alignment, with better visibility splays for the local road access and pedestrians.

5.2. The Scheme has been designed and refined through a public consultation and several meetings with the South Downs National Park Authority, the Scheme aims to remove the existing bottleneck for its user, improve biodiversity permeability through the river banks, enhance the existing habitat by creating a new wetland area to north west of the bridge and it will use passive traffic management to reduce speed and control the amount of traffic flow.

5.3. Upon completion of the new Exceat Bridge the existing Exceat Bridge would be demolished and the banks regraded and allowed to vegetate naturally

## **6. PLANNING POSITION**

6.1. An application for full planning permission for the Scheme (with an accompanying Environmental Statement) was submitted to the South Downs National Park Authority (“SDNPA”) being the local planning authority for the area within which the Scheme is proposed to be located) on 23 April 2021. That application was considered by the SDNPA at its Planning Committee on 8 December 2022 and the SDNPA resolved, on 8 December 2022, to grant planning permission for the Scheme subject to an agreement being entered into pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) to secure a number of obligations (“S106 Agreement”). That S106 Agreement is currently being negotiated with the parties and is at an advanced stage and is largely settled, as such, it is anticipated that (i) the S106 Agreement will be completed in the near future and (ii) planning permission will be granted for the Scheme either simultaneously with completion of that S106 Agreement or immediately thereafter.

6.2. The Scheme site crosses two local authority boundaries, with the river forming the boundary between Lewes District Council on the west and Wealden District Council on the east and is within the South Downs National Park (administered by the South Downs National Park Authority).

6.3. The Planning Statement which accompanies the planning application sets out the national and local planning policy context for the Scheme by reference to the following planning policy documents:-

- National Planning Policy Framework (“NPPF”);
- South Downs Local Plan (July 2019);
- Seaford Neighbourhood Plan;
- Lewes District Joint Core Strategy – Local Plan Part 1;
- Lewes Local Plan Part 2: Site allocations and development management policies;
- Saved policies of the Lewes District Local Plan (March 2003);
- Wealden District (Incorporating part of the South Downs National Park) Core Strategy Local Plan (February 2013); and
- saved policies of the Wealden Local Plan (1998) and other relevant documents.

6.4. The following paragraphs summarise briefly how the Scheme complies with the relevant planning policy:

6.5. National Planning Policy Framework

6.6. The NPPF sets out the Government's planning policies for England and how these should be applied. The NPPF is a material consideration in planning decisions and the Planning Statement identifies certain paragraphs as relevant to the Scheme, including those summarised in the following paragraphs:

6.7. Paragraph 47 of the NPPF states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.8. Paragraph 48 of the NPPF states local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

6.9. Paragraph 163 of the NPPF states that when planning applications are determined, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

6.10. The following sections of the NPPF are also relevant to the Scheme as referred to in the SDNPA's Planning Committee Report (dated 8 December 2022) and it is considered that the Scheme complies with the NPPF

- Section 2 - Achieving sustainable development
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

South Downs Local Plan (July 2019)

6.11. The following policies in the South Downs Local Plan are considered relevant to the Scheme and it is considered that the Scheme is in compliance with those policies for the reasons explained below:

- SD 4 – Landscape Character
- SD 5 - Design
- SD 9 – Biodiversity of Geodiversity
- SD 17 - Protection of Water Environment
- SD20 - Walking Cycling and Equestrian Routes
- SD 21 - Public Realm, Highway Design and Public Art
- SD 42 - Infrastructure

Seaford Neighbourhood Plan

6.12. The following policies in the Seaford Neighbourhood Development Plan are considered relevant to the

Scheme and it is considered that the Scheme is in compliance with those policies for the reasons explained below:

- SEA1 – Development within or affecting the South Downs National Park
- 
- SEA2 – Design
- 
- SEA14 – Safeguarding Future Transport Policies

Lewes Local Plan

6.13. The following policies from the adopted local plan are relevant and were considered on the design of the Scheme:

- CP5: The visitor Economy
- CP7: Infrastructure
- CP8: Green Infrastructure
- CP9: Air Quality
- CP10: Natural Environment and Landscape
- CP12: Flood Risk, Coastal Erosion & Drainage
- CP13: Sustainable Travel

Core Strategy Local Plan (February 2013)

6.14. The following policies were considered to be of particular relevance to the planning application

- WCS7: Effective Provision of Infrastructure
- WCS12: Biodiversity and
- WCS13: Green Infrastructure

6.15. Other relevant policy documents

South Downs Partnership Management Plan (SDPMP) (December 2013)

6.15.1 The following policies in the South Downs Partnership Management Plan are considered relevant to the Scheme and it is considered that the Scheme is in compliance with those policies for the reasons explained below:

- Partnership Management Plan Policy 1 (Landscape)
- Partnership Management Plan Policy 4 (Habitats)
- Partnership Management Plan Policy 9 (Historic Environment)
- Partnership Management Plan Policy 24 (Water Environment)
- Partnership Management Plan Policy 28 (Access)
- Partnership Management Plan Policy 30 (Access)
- Partnership Management Plan Policy 40 (Transport)

6.16. *Other Supplementary Planning Statements relevant to the application to be considered in the decision process are:-*

- Sustainable Construction SPD
- Ecosystem Services Technical Advice Note (non householder)
- Roads in the *South Downs*

## 7. JUSTIFICATION FOR COMPULSORY ACQUISITION

### Introduction

- 7.1. The Scheme requires the land in respect of which the CPO has been made. The Council is negotiating with the owners to purchase land by agreement to ensure that all the land required for the Scheme is available at the appropriate time.
- 7.2. The Council has considered fully the need to include each parcel of land shown on the CPO Map.
- 7.3. The Council is satisfied that the CPO is required for the purposes of site assembly to facilitate delivery of the Scheme and that the SRO is equally necessary to alter highways affected by the CPO.
- 7.4. The Orders have been made and have been submitted to the Secretary of State for confirmation pursuant to the Highways Act 1980 and the Acquisition of Land Act 1981.
- 7.5. The Guidance states: "compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social and economic change" and that they "can contribute towards effective and efficient urban and rural regeneration, the revitalisation of communities and the promotion of business leading to improvements in quality of life". It also states that the factors which the Secretary of State can be expected to consider, in deciding whether to confirm a compulsory purchase order, include -
- whether the purpose for which the land is being acquired fits in with the adopted planning framework;
  - the potential financial viability of the scheme for which the land is being acquired;
  - whether the purpose for which the Council is proposing to acquire the land could be achieved by any other means;
  - whether there is a compelling case in the public interest for the compulsory purchase order;
  - whether the acquiring authority have taken reasonable steps to acquire all of the land and rights included in the Order by agreement;
  - whether the acquiring authority can demonstrate that there are sufficiently compelling reasons for the powers to be sought at this time;
  - whether the acquiring authority have a clear idea of how it intends to use the land which it is proposing to acquire;
  - whether the necessary resources are likely to be available to achieve that end within a reasonable timescale;
  - whether the scheme is unlikely to be blocked by any physical or legal impediments to implementation, including the programming of any infrastructure accommodation works or remedial work which may be required; and any need for planning permission or other consent or licence.
- 7.6. As described elsewhere in this Statement, and as summarised in the following paragraphs, it is clear there is a need for the Scheme, that its benefits outweigh any disbenefits, that there are no impediments – whether financial or procedural – to its delivery.

### Need for Scheme



- 7.7. The A259 at Exceat Bridge is part of the longest Zone 2 A Road in Great Britain, forming part of the major road network being one of Transport for the South East's priority corridors. It carries approximately 11,000 vehicles per day along the coastal route and provides an alternative to the A27 for vehicular traffic and non-vehicular travellers along the coastal route between Eastbourne and Brighton and beyond.
- 7.8. The Cuckmere valley, in which the bridge is located is also a popular tourist destination for informal recreation in itself and presents one of the few built-up major river crossings of the South Downs National Park.
- 7.9. The existing bridge at Exceat is a one-way (single lane) bridge originally constructed around 1839 for horse and cart traffic. Although its superstructure was replaced with a composite steel and concrete deck in 1976, due to financial constraints at the time, the original brick masonry abutments, wrought iron edge girders, its alignment and width were retained. It is now in need of significant repair to correct a number of structural defects, which include movement of the abutments and wingwalls, life expired, severely corroded bearings, the inadequate containment provided by the edge girders and severe corrosion to the edge girders and structural members to the cantilevered footway. The existing bridge is currently being inspected at approximately 3 monthly intervals so that the deterioration and safety of the bridge can be monitored, it is however considered that repairs are likely to be required in future because of safety reasons. If repairs were undertaken for a like for like replacement the repairs would result in closing the A259 for an estimated 10 weeks with lengthy detours, and once reinstated would do nothing to stop the negative externalities of congestion, severance, safety and pollution caused by road traffic. Due to the location of the bridge being in a Site of Special Scientific Interest and over a classified main river, maintenance work, such as changing the bridge bearings, would be heavily constrained, expensive and complicated.
- 7.10. Furthermore the narrow width of the existing Exceat Bridge, with a sharp bend at its western (Seaford) end also results in difficulties for large vehicles and buses turning onto or off the bridge, requiring the use of a priority system for eastbound traffic. There have also been instances of impact damage to the southwest corner of the bridge where vehicles have failed to safely negotiate the bend. These factors combine to severely restrict the movement of traffic across the bridge. This bottleneck creates tailbacks during peak periods each morning and evening, at weekends and during holiday periods. The tailbacks frequently extend eastwards from the bridge for over a kilometre, occasionally much further extending towards Friston, and this is predicted to double over the next 15 years. As such the existing Exceat Bridge is considered to be over operational capacity.
- 7.11. This is frustrating for drivers and unpleasant for cyclists and pedestrians who need to cross the road twice to access the footway on the north side. The traffic queues are also not befitting the natural landscape surrounding the bridge, the noise and pollution of cars idling has negative effects to the surrounding environment. The existing bridge span creates a bottleneck to the riverbank whereas the new bridge will have a bigger span and replicate the existing riverbanks allowing marine life to migrate up the river freely.
- 7.12. In addition, although the existing bridge does provide a cantilevered footway on the north side for pedestrian use, this is not compliant with current standards and it increases the danger to pedestrians

crossing the road at both the eastern and western sides of the bridge, where the footway switches from the north side of the carriageway to the south side. No facilities are provided for cyclists, who are required to use the carriageway to cross the river, where the poor geometry also serves to increase the risks to cyclists as well as motorists and pedestrians in the vicinity.

7.13. As a result, there have been a number of recorded slight and serious incidences within the last ten years. These include disagreement over priority, rear shunts in advance of the priority system, and motorcyclist and cyclist collisions.

7.14. Further key challenges/barriers to growth in the area include:

7.15. Low Productivity:

- East Sussex suffers from poor productivity (GVA per hour) with all districts in the lowest quintile of English local authorities. 45% of East Sussex businesses considered transport infrastructure as a high priority to their business (2018 Annual Business Survey), especially in construction (third largest industry for employment in Peacehaven and Newhaven) and in Eastbourne and Lewes districts. The existing Exceat Bridge causes major congestion on the A259 exacerbating this challenge.
- Education and Skills:
  - i. Education deprivation measures educational attainment and skills in the local population; Newhaven and Peacehaven are in the bottom 40% and 50% in England respectively;
  - ii. 29% of Peacehaven's population have no qualifications, Newhaven 25.6% compared to the UK average of 23%.
  - iii. All towns are within 30 minutes' walk/public transport from secondary and further education. This suggests that graduate retention in the area is poor, with a lack of suitable local jobs and poor connectivity to those that exist in neighbouring communities. This could be improved by a more reliable A259.
- Travel to work, reliable journey
  - i. Around 1,000 people work in Eastbourne from Seaford, Newhaven and Peacehaven, with around 800 travelling to work by car, likely crossing the bridge each day. Additionally, around 1,300 people from Eastbourne work in Brighton.
  - ii. Whilst all towns are within 20 minutes of employment on foot/public transport, this does not take into account the quality of jobs available and local skills. Income deprivation suggests that local jobs are low skilled/paid, with better paid employment further afield.
  - iii. Brighton and Hove Buses operate a frequent service along the A259. Increasingly unreliable journey times have resulted in the operator adding 2 minutes to westbound AM peak journeys between eastern Seaford and Exceat Visitor Centre compared to the eastbound direction (which has priority) between 2011 and 2021. This increases

to 3 minutes in the PM peak.

- 7.16. The Scheme will solve the negative externalities of congestion, severance, safety and pollution and will contribute towards the public good – in securing a safe crossing of the river Cuckmere at Exceat for east-west economic connectivity in East Sussex.

*Alternatives Considered*

- 7.17. Several alternative options have been considered by the Council to address the issues of the existing Exceat Bridge as follows:

*Option 1 - Do Minimum*

- The Do Minimum option would be to undertake repairs to the existing Exceat Bridge with a like for like replacement with 3 way traffic light system. This option has been discounted as it does not deliver the benefits of the Scheme and does not resolve the existing issues. Works under the 'Do Minimum' option would be over and above standard maintenance, would be disruptive, requiring temporary works on top and underneath the bridge where there is a main river and would involve prolonged road closures to carry out the works safely.

*Option 2 - Construct new bridge on a parallel alignment with the existing bridge*

- This option was discounted for a number of reasons including the fact that the alignment option does not comply with either the Design Manual for Roads and Bridges or the Manual for Streets.
- Option 3 - Construct new bridge at a straighter alignment to the north at a skewed angle across the river
- This option was discounted as it didn't closely align with the existing road alignment and did little to recognise the river crossing, due to its straight and faster alignment. It also offered the least resemblance to the current layout, which has become a recognisable landmark over time.

- 7.18. Other options have also been assessed such as encouraging behaviour change or other infrastructure interventions. However, these are not considered suitable for this location due to safety concerns or because of planning requirements in this sensitive location.

- 7.19. The Scheme is therefore the preferred option to solve the current issues with the existing Exceat Bridge and will deliver a number of benefits as detailed below.

*Benefits*

- 7.20. The Scheme will deliver social, environmental and economic benefits. For instance, it will –
- Improve road safety from an enhanced road layout (large vehicles will not have to encroach onto the opposite carriageway);
  - Provide a combined footway/cycleway on the south side of the bridge, that will significantly improve safety of cyclists and pedestrians;
  - Provide a safe location for visitors to stop and rest at the viewing platforms along the bridge;
  - Reduce pollution resulting from cars idling along traffic queues that develop at times of peak flow (although traffic queues mainly occur at rush hours, they also develop throughout the day through the holiday season); this will improve air quality;

- Remove the constriction created by the existing road layout, removing congestion by permitting two-way traffic flow across the bridge;
- Be able to be built independently of the existing bridge enabling traffic to continue to use the existing bridge until the new bridge is ready, significantly reducing disruption during the construction period;
- Provide a new bridge with a minimum 120 years design life to reduce future maintenance liabilities and associated disruption by using more durable, weather resistant, materials;
- Provide for future inspection and maintenance of the new bridge to be easier, safer, less disruptive and cheaper to carry out than on the existing bridge due to specific provisions being made for this in the design process for the new bridge;
- Enable faster and more reliable journeys along the A259 meaning that deprived towns along the coast are better connected, supporting productivity improvements and opening up greater opportunities for residents, businesses and visitors alike; and
- Ensure improved provision for pedestrians and public transport users will increase sustainable travel options available in the area, with wide ranging positive impacts on individual opportunity, tourism, health and carbon emissions

7.21. The disbenefits arising from the Scheme are limited. For example, the new Exceat Bridge will have sufficient clearance from the existing road to allow construction work to continue uninhibited by traffic and only limited road closures will be required when new highway works are 'tied in' to the existing road.

*Deliverable (1) funding*

7.22. The cost of the Scheme is currently estimated at £10.6 million including land / property acquisition costs.

7.23. This funding is available from a combination of Council funding and funding from the UK Government's Levelling Up Fund. The funding from the UK Government's Levelling Up Fund must be spent by end of March 2025 and if it is not spent by such date it is possible that the Council will not receive that funding. It is therefore of critical importance that the Council assemble the land required for the Scheme in a timely manner so as to allow the Scheme to be implemented (thereby committing the Levelling Up funds that have been received by the Council and allocated to this Scheme prior to end of March 2025) to allow the Scheme to be delivered.

*Deliverable (2) no procedural impediments*

7.24. As noted in section 6, there is strong support for the Scheme in planning policy terms as evidenced by the local planning authority's resolution (dated 8 December 2022) to grant planning permission for the Scheme subject to completion of a S106 Agreement. That S106 Agreement is at an advanced stage and largely settled. It is therefore anticipated that the S106 Agreement will be completed in the near future and that planning permission for the Scheme will be granted shortly. The Council therefore consider there is no planning impediment to the Scheme.

- 7.25. Save for the SRO and the Bridge Scheme, which is dealt with in section 9, no further consents are required.

*Justification for Compulsory Purchase*

- 7.26. The Guidance advises that an acquiring authority should only make a compulsory purchase order where there is a compelling case in the public interest to do so. For the reasons set out in this Statement the Council is satisfied that there is a compelling case in the public interest for confirmation of the Order and that the Order, if confirmed, would strike an appropriate balance between public and private interests.

- 7.27. Although part of the Order Land is already owned by the Council the implementation of the Scheme requires the acquisition of further property interests currently owned by third parties. Although the Council aims to acquire the remaining interests on a voluntary basis, it is anticipated that a number of interests will need to be acquired through the exercise of compulsory purchase powers to enable an early implementation of the Scheme.

*The need for compulsory purchase*

- 7.28. The Council will continue to ensure that all reasonable attempts are made to acquire the required land by agreement in parallel with the compulsory purchase process. This approach of making the Orders and in parallel, conducting negotiations to acquire land by agreement is designed to facilitate delivery of the Scheme and is in accordance with the Guidance.

- 7.29. The Council considers that the Orders if confirmed, would strike an appropriate balance between public and private interests. The rights of owners of interests in the Order Land under the Human Rights Act 1998 (including the rights contained in Article 8 and Article 1 of the First Protocol) have been taken into account by the Council when considering whether to make the Orders and when considering the extent of the interests to be comprised in the CPO. In addition, having regard to the provisions of the Highways Act 1980 and the guidance set out in the Guidance, the Council considers that the acquisition of the Order Land will facilitate the carrying out of the Scheme and the implementation of the SRO and will make a positive contribution to the promotion or achievement of the economic social and environmental well-being of the areas of the Council and as such the Council considers that the tests described above are satisfied and that there is a compelling case in the public interest for confirmation of the Orders.

**8. SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND**

- 8.1. The Order Land is within the South Downs National Park and within the Seaford to Beachy Head Site of Special Scientific Interest, the Seven Sisters County Park and the South Coast Heritage Coast.
- 8.2. No listed buildings and or Scheduled Monuments are affected by the Order, nor is any of the land within a conservation area.
- 8.3. The Scheme does affect land occupied by statutory undertakers and similar bodies in respect of their utility apparatus, and it does include land over which the BT Group plc, UK Power Networks and Southern Water have access rights for the maintenance of their assets. Discussions have commenced, and will continue, with statutory undertakers to ensure that their apparatus and assets remain

operational throughout the construction of the Scheme.

- 8.4. The Council also confirms that access will be maintained throughout the construction of the Scheme and once construction has been completed to allow maintenance of the above-mentioned statutory undertakers assets.
- 8.5. The Order Land does include land in which the Crown has a legal interest but the Council is seeking agreement with the Crown Estate for grant of the necessary rights to enable the Scheme to be undertaken on that part of the Order Land in which the Crown holds a legal interest.
- 8.6. As the River Cuckmere is considered to be a navigable waterway at the point at which the new bridge will cross this River the Council has made the Bridge Scheme in respect of the new bridge to be constructed.

## **9. RELATED ORDERS - THE SIDE ROADS ORDER AND THE BRIDGE SCHEME**

- 9.1. The SRO and the Bridge Scheme have been submitted to the Secretary of State for confirmation.
- 9.2. The SRO will, subject to the Secretary of State's confirmation, empower the Council to stop up existing side roads and private means of access affected by the Scheme to improve existing side roads and to create new side roads and private means of access as a consequence of the main works.
- 9.3. The full title of the SRO published under the Highways Act 1980 is –  
  
EAST SUSSEX COUNTY COUNCIL (EXCEAT REPLACEMENT BRIDGE – A259 EASTBOURNE ROAD) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2023.
- 9.4. The Bridge Scheme will, subject to the Secretary of State's confirmation, empower the Council to construct a bridge which is to replace the existing Exceat Bridge and to carry the A259 Eastbourne Road across the navigable waters at this point of the Cuckmere River. The Bridge Scheme sets out the design of the bridge and includes the relevant design detail information to show what, if any, impact there is on public and private rights of navigation.
- 9.5. The full title of the Bridge Scheme published under the Highways Act 1980 is  
  
EAST SUSSEX COUNTY COUNCIL (EXCEAT REPLACEMENT BRIDGE– A259 EASTBOURNE ROAD) BRIDGE SCHEME 2023.

### *The Need for Side Roads Alterations*

- 9.6. The proposed alterations to existing highways and private means of access that would be affected by the Scheme are detailed in the Schedule attached to the SRO and shown diagrammatically on the SRO plans.
- 9.7. The Scheme will require alteration of side roads and accesses and the SRO implements these alterations.
- 9.8. The Scheme requires the stopping up of highways at various points. Some sections of existing highways are being extinguished and then recreated as part of the Scheme proposals.
- 9.9. Other sections of existing highways will be closed permanently; however convenient alternative routes are or will be available.
- 9.10. The SRO and the necessary changes to the highways affected by the CPO is an integral part of the

proposed construction of the Scheme which is designed to relieve traffic congestion.

#### *The Need for a Bridge Scheme*

- 9.11. The Bridge Scheme provides for the construction of a 30 metre span bridge carrying the A2509 Eastbourne Road in the Parish of Cuckmere Valley & the Parish of Sutton with Seaford in the County of East Sussex over the navigable River Cuckmere.
- 9.12. The Bridge Scheme would relocate Exceat Bridge from its present position to a parallel location as shown on the Bridge Order Plans 1 to 3 contained in the Book of Plans appended to this Statement.
- 9.13. The Bridge will be 19.105 metres wide overall and the Headway shall not be less than 2.27 metres above normal water level of 3.37 metres Above Ordnance Datum. This Headway shall be maintained at 100 percent of the River Cuckmere width at normal water level. As such, rights of navigation are not considered to be impacted.

### **10. EFFORTS TO ACQUIRE THE ORDER LAND BY AGREEMENT**

- 10.1. The Council has considered carefully the need to include each parcel of land shown on the CPO Map and considers that the relevant tests set out in the Guidance are met. All owners and occupiers with an interest in land have been approached and asked if they would be prepared to enter negotiations for the purchase of their interest. Detailed negotiations are taking place with several landowners. The Council will continue to ensure that all reasonable attempts are made to acquire the required land by agreement in parallel with the compulsory purchase process. Table 2 sets out a summary of the Council's negotiations in respect of each plot to be acquired.
- 10.2. On behalf of the Council, Jacobs has been in discussion with a number of affected parties since [ ]. Avison Young was instructed in Autumn 2022 to lead negotiations with all affected third parties. On 2 November 2022, the Council's property advisors, Avison Young sent an introductory letter to all affected parties asking to arrange a time to come and speak to them about the impact of the Scheme on their property.
- 10.3. Following the sending of the introductory letter, Avison Young received responses from a number of parties and a summary of the negotiations to date is set out in Table 2 below.

#### *Table 2*

- 10.4. Owners and occupiers of property affected by the Scheme who wish to negotiate or discuss matters of compensation should contact:

Tayo Araoye of Avison Young, 65 Gresham Street, London EC2V 7NQ

Telephone: 07771-506347      email: [tayo.araoye@avisonyoung.com](mailto:tayo.araoye@avisonyoung.com)

### **11. HUMAN RIGHTS**

- 11.1. Section 6 of the Human Rights Act 1998 prohibits authorities from acting in a way that is incompatible with the European Convention of Human Rights and Fundamental Freedoms ("**the Convention**"). Various convention rights may be affected by the process of making and considering the Order including those under Articles 6, 8 and 14 of the Convention and Article 1 of the First Protocol.

- 11.2. The European Court of Human Rights has recognised, in the context of Article 1 of the first Protocol (entitlement to the peaceful enjoyment of possession [including property]), that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole." The Council recognises that powers of compulsory purchase must be exercised proportionately. Both public and private interests must be taken into account in the exercise of the Council's powers and duties as a local authority.
- 11.3. Similarly, any interference with Article 8 rights (the right to respect for private and family life and home) must be "necessary in a democratic society" and should also be exercised proportionately. In promoting the Order the Council has considered carefully the balance to be struck between individual rights and the wider public interest. Any interference with rights protected by the Convention is considered to be justifiable in order to secure the public benefits that the Scheme will bring to the community.
- 11.4. In coming to the conclusion that there is a compelling case in the public interest to make the Orders the Council has had due regard to Article 1 of the First Protocol (the right to peaceful enjoyment of possessions [including property]), Article 8 (protection of private and family life), Article 6 (entitlement to a fair and public hearing) and Article 14 (the right to enjoy rights and freedoms free from discrimination). Article 1 protects the right to peaceful enjoyment of possessions, including property. This protection does not diminish the right of the Council to enforce such laws as it deems necessary to control the use of property in accordance with the general interest. The Council considered that in exercising its statutory powers and making the Order a fair balance will be struck between the public interest in the implementation of the Scheme and those private rights that will be affected by the Orders.
- 11.5. Article 6 protects a person's entitlement to a fair and public hearing in the determination of the civil and political rights. The Council is of the view that the statutory procedures relating to the making of the Orders taken with the right to object to the Orders and the opportunity to challenge confirmed Orders in the courts satisfies the requirement of Article 6.
- 11.6. The right to respect for private and family life and home, protected by Article 8, may be restricted if the infringement is in accordance with the law, has a legitimate aim and is fair and proportionate in the public interest. The Council is satisfied that no such interference will occur as a result of the Orders but any that may arise will be in accordance with the law, pursue a legitimate aim and are proportionate, having regard to the public interest and to the public benefit which will be achieved by the implementation of the Scheme.
- 11.7. Article 14 prohibits discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status, in relation to the enjoyment of all of the rights and freedoms protected by the Convention. In exercising its statutory powers in relation to the Order the Council has complied with Article 14.
- 11.8. Each of these rights are qualified rights and may be interfered with provided such interference is prescribed by law, is pursuant to a legitimate aim, is necessary in a democratic society and is proportionate. The Council is conscious of the need to strike a balance between the right of the individual and the interests of the public.



- 11.9. In the light of the significant public benefit for Exceat and the wider area which would ensue from the implementation of the Scheme it is considered that, in Human Rights terms, it is appropriate to make the Orders.
- 11.10. The Council therefore affirms that, in the preparation and submission of the Orders to the Secretary of State, it has had regard to the rights of individual and property contained in Human Rights legislation.
- 11.11. In essence, the Council considers that the Orders, if confirmed, would strike an appropriate balance between the public and private interests given that the rights of owners of interests in the Order Land under the Human Rights Act 1998 (including the rights contained in Article 8 and Article 1 of the First Protocol) have been taken into account by the Council in deciding whether to make the Order and when considering the extent of the interests to be included in the Order.

#### Public Section Equality Duty

- 11.12. In formulating and promoting the Order, the Council has had regard to its statutory duties and obligations under the Equality Act 2010 and in particular its obligations under Sections 149 and 150 of the said Act in taking into account the differential impact the Order will have on various groups of persons with protected characteristics.
- 11.13. An Equalities Impact Assessment was undertaken in November 2019 and reviewed in June 2021 and March 2023. This analysis identified no negative impacts for those with protected characteristics as a consequence of the outcomes of the project. There will be a significant positive impact on accessibility and it will be easier to reach the Seven sisters County Park, cycleway, walkway and information centre. Additionally, for those who live in rural areas and/or rely on a vehicle to get to work, the creation of a 2 way bridge will reduce congestion, making travel times quicker and reducing the environmental impact of the congestion.
- 11.14. The Environmental Statement Addendum in support of the Planning Application, 5 September 2022 includes a full analysis of the physical impact of the proposals on the residences, bridge and footpaths at sections 4.6.43 and 13.5.5 of that document.
- 11.15. An Equalities Impact Assessment specifically for the Orders was completed in June 2023. This analysis identified that the Orders will mainly affect the landowners and residents of the properties. This will vary depending on the nature of the Orders and individual circumstances. Information is being sought on the legally protected characteristics of all those affected by the proposals and mitigation options are being explored. Mitigations or compensation will be put in place to minimise the impact e.g. creating new accesses, relocation, carrying out work at times of the year when there are less walkers etc. Where full details of affected occupiers have not yet been received, the EqIA will be reviewed when details are available, to assess impacts.
- 11.16. There could potentially be some impact on walkers using the footpaths, however the plans in place and mitigations in the Environmental Statement should make this minimal. For example, notices regarding stopping up orders will be placed on affected routes so that walkers are informed of changes and can make plans appropriately or contact the Council if there is an issue. It is considered that the long term positive impacts of the Scheme for those with and without protected characteristics justify the inconvenience of the construction period.

11.17. No other negative impacts were identified and the assessment will be regularly reviewed and updated

## 12. **ADDITIONAL INFORMATION**

### *Contacts*

12.1. For any enquiries related to the Orders the first points of contact at the Council are –

Barry Ling, Senior Estates Consultant Surveyor, East Sussex County Council, County Hall, St Anne’s Crescent, Lewes, East Sussex BN7 1UE

Telephone: 0345 608 0190, email: [barry.ling@eastsussex.gov.uk](mailto:barry.ling@eastsussex.gov.uk)

12.2. Owners and occupiers of property affected by the Scheme who wish to negotiate or discuss matters of compensation should contact –

Tayo Araoye of Avison Young, 65 Gresham Street, London EC2V 7NQ

Telephone: 07771-506347

Email: [tayo.araoye@avisonyoung.com](mailto:tayo.araoye@avisonyoung.com)

### Objections

12.3. Any letter of objection, comment or support should be addressed to –

Secretary of State for Transport c/o the National Transport Casework Team,

Department for Transport,

Tyneside House,

Skinnerburn Road,

Newcastle Business Park,

Newcastle Upon Tyne NE4 7AR

Or by email [nationalcasework@dft.gov.uk](mailto:nationalcasework@dft.gov.uk)

Objections are to be made in writing and received by the Secretary of State by [                      ]  
2023.

12.4. In submitting an objection, it should be noted that your personal data and correspondence will be passed to the Council to enable your objection to be considered. If you do not wish your personal data to be forwarded, please state your reasons when submitting your objection and the Secretary of State will copy your representations, with your name and address removed, to the Council and if there is to be a Public Inquiry they will be seen by the Inspector who may give them less weight as a result.

## 13. **DOCUMENTS TO BE REFERRED TO AT THE INQUIRY**

13.1. Should it be necessary to hold a Public Inquiry into the Orders, the Council may refer to, or put in evidence, the following documents. The Council reserves the right to add or amend the list as necessary –

- Council reports and minutes to grant planning permission and resolving to make the Orders.
- Planning application for the Scheme and selected related accompanying material and correspondence.

- Selected Scheme drawings.
  - Relevant Guidance.
  - Accompanying material and correspondence relevant to the above planning applications.
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## Appendix – Book of Plans

- Plan 1-2 - Plan showing route of the proposed new Exceat Bridge
- Plans 3-5 - Plan showing position of existing Exceat Bridge and relocation

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