

Agenda Item 10
Report NPA 20/17

Report to	National Park Authority
Date	19 October 2017
By	Countryside and Policy Manager – Wealden Heaths
Title of Report	Response to Highways England Consultation for route options for the proposed A27 Arundel By Pass

Recommendation: The Authority is recommended to:

- 1. Agree that Members and appropriate officers continue to be engaged with the specific consultation and technical groups that Highways England (HE) have set up, to ensure NP purposes are fully represented**
- 2. Note that, all three routes are considered to constitute major development as set out in Paragraph 116 of the National Planning Policy Framework and have the potential to have significant adverse impacts on the natural beauty and recreational opportunities provided by the National Park, and therefore its special qualities.**
- 3. Note that proposals for mitigation measures to address the likely significant adverse impacts have not been included in the consultation. Proposals for compensatory woodland planting for the loss of ancient woodland which is irreplaceable and therefore cannot be mitigated is also omitted.**
- 4. Agree that the lack of definitive mitigation and compensatory proposals and other relevant information precludes any 'ranking' of the route options by the SDNPA.**
- 5. Agree that, on the basis of the evidence so far provided, the Authority's opinion is that an Inspector could not reach a conclusion that the tests in Paragraph 116 of the NPPF had been satisfied with regard to any of the options under consideration**
- 6. Agree, therefore, to object to all three schemes on the basis of the evidence so far provided**
- 7. Agree that regardless of which route is selected for the preferred option SDNPA should continue to work with Highways England and other stakeholders to achieve appropriate mitigation and compensatory measures**
- 8. Endorse officers to continue working with HE to ensure HE's nationally designated funds are utilised for maximum benefit locally**
- 9. On the basis of all of the above, delegate to the Director of Countryside Policy and Management - in consultation with the Chair of the P&R Committee and the Authority Chair - to finalise and submit the response to the Highways England Consultation.**

1. Introduction

- 1.1. The SDNPA was set up with two statutory purposes which Parliament laid down for all National Parks in England. Highways England, along with all public bodies and utility companies, when undertaking any activity which may have an impact on the designated area, have a duty to have regard to these purposes:
- 1.2. **Purpose 1:** To conserve and enhance the natural beauty, wildlife and cultural heritage of the area
- 1.3. **Purpose 2:** To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public
- 1.4. There is corresponding social and economic duty upon National Park Authorities – to be considered when delivering the two purposes: to seek to foster the social and economic wellbeing of the local communities within the National Park
- 1.5. This reciprocal arrangement is designed to ensure a high degree of mutual cooperation, avoiding the risk either that the needs of National Park residents and businesses will be ignored, or that others will ignore its designation when undertaking activities.
- 1.6. The SDNPA is therefore looking at the impacts of the options presented by Highways England at Arundel purely from a National Park perspective.

2. Background

- 2.1. Members will recall the background and discussions which led to the adoption of the SDNPA 'Position Statement' as the basis for responding to proposed road schemes for the A27 (Arundel, Chichester, Worthing & Lancing, East of Lewes) at the 23 September 2014 SDNPA meeting, see **Appendix I, Annex I**
- 2.2. Members will also recall that at the Part 2 discussions of the SDNPA meeting of 1 December 2015 an approach was agreed to collect information on the impacts of these schemes on the Special Qualities to inform our response to the consultation by Highways England (HE) and their consultants.
- 2.3. Officers have subsequently gathered evidence and commissioned research which is contained or linked within the appendices with regards to the proposed route options for the Arundel bypass to help Members form a view and assess the impacts. This assessment cannot however be definitive at this stage due to a lack of clarity from HE about detailed design, mitigation and compensation.
- 2.4. Members also requested that the impacts of the four schemes at Chichester, Arundel, Worthing and east of Lewes should be assessed as to their cumulative impact on the economy of the SDNP at a high level.
- 2.5. The subsequently commissioned economic report by Steer Davies Gleave was published in March 17, and is attached as **Appendix I, Annex 7** to this report.
- 2.6. Members will recall the workshop session on 18th May 2017 when a site visit to key locations along the route options for Arundel was undertaken by members and officers to consider the range of positive and negative impacts which the 3 route options present. **Appendix I, Annex 3** summarises these impacts based on the reports included in the appendices
- 2.7. Highways England presented their route options and were available for a Q&A session at the Members Development Day on 8th Sept 2017, and afterwards members debated the issues privately
- 2.8. The P&R committee debated the report and recommendations on the 19th September 2017 which have shaped this paper to the NPA,

3. Current Situation

Highways England Consultative/Steering group structure

- 3.1. Throughout the process HE and their consultants have engaged with stakeholders in a variety of ways. This includes talking to key stakeholders, formal stakeholder events, and different levels of officer/member groups.
- 3.2. The assessment of impacts to date by Highways England (HE) has been carried out in accordance with the *Highways Design Manual for Roads and Bridges* (DMRB) process and is not a full Environmental Impact Assessment (EIA). In accordance with the work stages set out in DMRB the full EIA will not be prepared until the preferred option for the scheme has been selected.
- 3.3. The following assessment is therefore based on the information made available to the SDNPA which is included in the consultation document released by HE on 22nd August 2017 and other material provided at various stakeholder meetings prior to this. Further detailed assessment of the detailed design of the scheme at the preferred option stage in the future will be undertaken by SDNPA in order to refine this early impact assessment of options and test proposals for mitigation and compensation.
- 3.4. The SDNPA involvement for the scheme at Arundel has involved;
 - 3.4.1. a Steering Group for directors or their deputies
 - 3.4.2. a Focus Group for officers and communications teams
 - 3.4.3. a Technical Working Group for officers
 - 3.4.4. Key Stakeholder workshops
 - 3.4.5. General stakeholder workshops
- 3.5. The focus of the SDNPA discussions with HE and consultants at Arundel has been on;
 - The direct impacts on the Special Qualities of the SDNP, both within the National Park and also in its setting;
 - Discussions around the impact and interplay of the route options on the setting of the Castle/Cathedral and the setting of the SDNP
 - Improving accessibility for non-motorised users (NMU) alongside and across the A27 to access the SDNP
 - Journey time reliability, accident records and speed limits, and the extent to which a new route can be reliably be predicted to alleviate congestion on other routes within the National Park
 - National Planning Policy 115 and 116¹ and the National Network Planning Policy Statement²— (that road building should be avoided in National Parks unless no alternatives)

4. SDNPA position and draft response to the Highways England Consultation

- 4.1. After obtaining legal advice the response in **Appendix I** is proposed in draft, with the final response being delegated to the Chairs of the NPA, P&R and the Director of CPM for submission.

5. Planning Considerations

- 5.1. It is understood that the application for the A27 Arundel Scheme will be made through the National Infrastructure Planning process which is undertaken by the Planning Inspectorate (PINS) on behalf of the Secretary of State. The National Park Authority would be considered

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60772/116950.pdf

² <https://www.gov.uk/government/publications/national-policy-statement-for-national-networks>

to be a 'relevant' Local Authority in this process and will be invited to produce a *Local Impact Report*³ to submit to PINS for their consideration during the application process.

- 5.2. The relevant planning policies are outlined in the draft response in **Appendix I**

6. Impacts on the Special Qualities of the SDNP

- 6.1. **Appendix I Annex 3** summarises the evidence regarding the impacts of the schemes on the special qualities of the SDNP. The full reports/evidence on the impacts are contained in appendices 6 – 13
- 6.2. Though expert advice has been taken to assess some aspects of the direct impacts of the routes, the SDNPA has not been able to add to the information provided by HE, particularly where the impacts are geographically divorced from the proposals, ie impacts of traffic on the internationally protected areas, or the impact on the road network further afield through the SDNP or indeed on the local network around the A27, the impacts on the communities and economy in the SDNP in places which may experience changes due to traffic movements either increasing or decreasing. Notwithstanding this lack of information provided by HE (and detailed elsewhere), from the evidence/reports in the appendices it is clear that on balance all 3 schemes have the potential to have significant adverse impact on the National Park.
- 6.3. Mitigation is not possible for the loss of Ancient Semi-Natural Woodland as it is irreplaceable habitat. Individual agreements have to be struck between Natural England and Highways England as to the appropriate level of compensatory plantings. The removal of ancient woodland is in conflict with recent government guidance and planning policy,

7. Maps of Schemes

- 7.1. Complete sets of the maps were available by HE during their 10 week consultation period
- 7.2. A working draft route maps for the scheme is attached at **Appendix 2**

8. Conclusions

- 8.1. The South Downs National Park was designated with the two Purposes set down by Parliament, and the SDNPA has considered its response to the schemes with these two purposes and its own duty in mind.
- 8.2. On the basis of the incomplete evidence so far presented by HE, all three routes have the potential to have a serious adverse impact on the natural beauty and recreational opportunities provided by the National Park, and therefore its special qualities. They would thus constitute major development within a National Park as set out in Para 116 of the National Planning Policy Framework.
- 8.3. Because of HE's failure to include specific mitigation and compensation proposals, in this consultation, and the lack of detail on important design aspects of the scheme proposals themselves, the SDNPA is unable to properly assess the impacts on the special qualities of the National Park, and therefore can offer no preference for schemes, finding all route options to be likely to result in significant adverse impacts.
- 8.4. It is noted that HE's own assessment of the likely impacts of the 3 route options also finds that all 3 would be likely to have a significant adverse impact on the SDNP and its special qualities (page 28 & 29 of the HE Consultation document)

9. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No
Does the proposal raise any Resource implications?	Yes - Officer time to respond to information and subsequently once the preferred route is announced to comment on and influence the decisions made
How does the proposal represent Value for Money?	No VfM issues
Are there any Social Value implications arising from the proposal?	No
Has due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	This report relates to the Authority's consultation response on the A27 Arundel proposals and it is considered that there are no equalities implications arising from the Authority's response.
Are there any Human Rights implications arising from the proposal?	No
Are there any Crime & Disorder implications arising from the proposal?	Yes – considerable public action against option 3 putting a bypass through ancient woodland at Arundel is anticipated from Sussex Police. Informal estimates are in the low £10's of millions.
Are there any Health & Safety implications arising from the proposal?	No
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy: 1. Living within environmental limits 2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly	The proposals have complex implications in terms of all five principles and a sustainable development approach requires that all be considered by HE in reaching preferred option

10. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
Opposing a bypass option through the SDNPA at Arundel is seen as;			
Stifling economic development opportunities.	Likely	Not significant	The economic study provides evidence that even with the most ambitious schemes the impact on the SDNP economy is likely to be low Purposes of the SDNPA, Evidence gathered, NPPF,
Putting wildlife, landscape ahead of people	Likely	Possibly significant	

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Appendices

1. Draft Response to Highways England
 - Annex 1 NPA Position Statement
 - Annex 2 Excerpts from the PSDNP Inspectors Report for Arundel and Binsted
 - Annex 3 Summary of Impacts on Special Qualities
 - Annex 4 i. Landscape and Visual Assessment and Impacts on access of Arundel route Option 3
 - ii. Landscape and Visual Assessment and Impacts on access of Arundel route Option 1 & 5A
 - Annex 5 Biodiversity Report
 - Annex 6 Cultural Heritage Report
 - Annex 7 Impacts of the A27 Schemes on the SDNP Economy
 - Annex 8 Arundel Castle Heritage Setting Assessment
 - Annex 9 Map of crossing points for access across A27

2. Location plan of Arundel Scheme

SDNPA Consultees Chief Executive; Director of Countryside Policy and Management; Director of Planning; Chief Finance Officer; Monitoring Officer; Legal Services, Cultural Heritage Strategy Lead, Landscape and Biodiversity Strategy Lead (Water), Landscape and Biodiversity Lead (Chalk), Landscape Officer, Access and Recreation Strategy Lead, Planning Policy Manager, Sustainable Economy Strategy Lead

External Consultees None

Background Documents NPA Dec 14
NPA Dec 15

Members workshop Jan 16
Pre P&P workshop Mar 16
P&P Committee Mar 16
NPA Mar 16
P&R Committee Sep 17

