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To Highways England

Supplement to SDNPA Response to HE proposals for A27 Arundel

1. We write this letter as a supplement to our response by way of consultation on the A27 Arundel bypass. As was pointed out in our consultation response we are acting in our capacity as a consultee (not as decision maker) pursuant to our statutory purposes of; (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the South Downs National Park and (b) promoting opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
2. It is important to understand that there is a distinction between the exercise of our powers as a decision maker, for example in considering a planning application made to the SDNPA and where we are making representations in relation to National Park purposes. It is not, therefore, for us in this regard to address all those matter set out in paragraph 5.151 of the National Policy Statement for National Networks (the “NNNSP”) which mirrors paragraph 116 of the National Planning Policy Framework. That is, of course, a matter for the Secretary of State to have regard to in considering the application for development consent.
3. However, we must as the National Park Authority, express our reservations about the way in which Highways England has dealt with the appraisal and identification of the scheme options, especially those options which avoid the National Park (namely options 4 and 5B). In particular,

we would point out that option 5B which shows a route which avoided the South Downs National Park and Ancient Woodlands completely has been discounted. The reason for this is given at page 40 of the Highways England A27 Arundel Bypass Public Consultation Document. The reason for rejection of option 5B is stated to be that this route, “Significantly exceeds the allocated budget, and provided less value for money than [sic] the options being consulted upon.” Option 4 was similar to 5A but would be routed just outside the National Park Boundary. This option was as discounted as, “it provided no additional benefit compared to more cost effective options that have been taken forward.”

4. It is, therefore, clear on the face of it that the reason for the rejection of options 4 and 5B was a financial one, namely the cost and cost benefits of the options. That appears to be the determining factor. Whilst we are not specifically advocating routes 4 or 5B we are of the view that, consistent with policy, alternative routes outside the National Park should have been considered and consulted upon. This would mean that when Highways England decides on its preferred route, such a decision will have been informed by public consultation not limited to routes which intrude into the National Park but it would also have considered those that avoid the National Park completely. For the reasons set out below it is our view that that exercise should have been carried out in order to comply with paragraphs 1.151 and paragraphs 5.152 of NNNSP.
5. Under paragraph 1.151 of the NNNSP the Secretary of State is prescribed to refuse development consent in a National Park save in exceptional circumstances and where it can be demonstrated that it is in the public interest. The same paragraph requires consideration by the Secretary of State of an assessment of three factors including “the cost of and scope for developing elsewhere, outside the designated area...” That, it seems to us, is a matter which should be considered by the Secretary of State at a Public Inquiry where Highways England will have to justify encroaching into the National Park because the cost of a route outside the Park was prohibitive.
6. Our view of this is confirmed by paragraph 5.152 of the same Guidance which says:

“There is a strong presumption against any significant road widening or the building of any new roads... In a National Park,...unless it can be shown that there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs very significantly. The planning of the Strategic Road Network should encourage routes that avoid National Parks.”

7. If, as is stated above, there is a strong presumption against any significant road widening or the building of new roads in a National Park and that, “planning of the strategic road network should encourage routes that avoid National Parks,” it is somewhat surprising that Highways England at this early stage has discarded options 4 and 5B and all other routes that avoid the National Park. The fact that it has done so without consultation, we would have thought, requires an acceptable explanation in policy terms. The explanation cannot be that it has already decided to exclude options 4 and 5B on specific grounds related to “the cost of and scope for developing elsewhere” which is expressly a matter for the Secretary of State to consider having regard to the considerations set out in paragraph 5.151 of the NNNSP. In any event, no details are given in the Report as to the financial matters which resulted the rejection of these options.
8. In making this representation we are, as a National Park authority, mindful of our obligations of seeking to foster the “economic and social wellbeing of local communities within the National Park” and for that purpose, cooperating with a public body whose functions include “the promotion of economic or social development within the area of the National Park” which as we understand it would include Highways England. But that spirit of cooperation as subsection (2) of section 11A of the National Parks and Access to the Countryside Act 1949 makes clear, should not outweigh that of seeking to uphold National Park purposes. The aforesaid subsection states that if it appears that there is a conflict between those purposes, any relevant authority should “attach greater weight to the purpose of conserving and enhancing the national beauty, wildlife and cultural heritage of the area comprised in the National Park.”
9. Furthermore, we believe we are cooperating with Highways England in making this representation because we are drawing attention to what we consider to be a proper consideration, namely the assessment of a potentially available option for entirely avoiding the National Park. Whether options 4, 5B or any other alternative route is selected is as a preferred route and ultimately adopted is, of course, not a matter for the SDNPA. It is for Highways England to choose a preferred route and for the Secretary of State to consider the application for development consent having regard to all the factors set out in paragraph 5.151 referred to above and the advantages of other alternative routes. For the reasons explained therein and above, our consultation response deals exclusively with the third consideration, namely, “any detrimental effect on the environment, the landscape and recreational opportunities.”

10. In conclusion, therefore, we respectfully ask Highways England to reconsider its decision not to consult on option 4, 5B or indeed any other alternative routes which avoid the National Park. In asking Highways England to do this we are motivated not only by our statutory obligations to pursue National Park purposes as set out above but because we also take the view that it is in the public interest in accordance with paragraphs 1.151 and 5.152 of the NNNSP to consider and consult on options outside the National Park. We do this not in any adversarial way, but with the spirit of cooperation referred to in paragraph 9 above and in this spirit we look forward to continuing dialogue.

Yours sincerely

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