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Our Ref: NATTRAN/SE/HAO/297

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Dear Mr Dickinson

THE EAST SUSSEX COUNTY COUNCIL (EXCEAT BRIDGE REPLACEMENT – A259 EASTBOURNE ROAD) BRIDGE SCHEME 2023 (“the Bridge Scheme”)
THE EAST SUSSEX COUNTY COUNCIL (EXCEAT BRIDGE REPLACEMENT – A259 EASTBOURNE ROAD) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2023 (“the SRO”)
THE EAST SUSSEX COUNTY COUNCIL (Exceat Bridge Replacement – A259 EASTBOURNE ROAD) COMPULSORY PURCHASE ORDER 2023 (“the CPO”)

SECRETARY OF STATE’S DECISION – SCHEME AND ORDERS TO BE CONFIRMED
THE SCHEME AND CPO WITH MODIFICATIONS

1. I refer to your application, submitted on behalf of East Sussex County Council (“the Council”), for confirmation of the above-named Scheme and Orders. The Secretary of State for Transport (“the Secretary of State”) has decided to confirm the Bridge Scheme with modifications, the SRO as made, and the CPO with modifications and this letter constitutes her decision to that effect.
2. The confirmed Bridge Scheme, SRO and CPO will, respectively, authorise the Council to:
 - i. construct over the navigable waters of the Cuckmere River, the bridge specified in the Schedule to the Scheme as part of the highway which they are proposing to construct as a replacement for the Exceat Bridge carrying the A259 Eastbourne Road in the Parish of Cuckmere Valley and the Parish of Sutton with Seaford in the County of East Sussex;
 - ii. construct highways; stop up highways and private means of access; and provide new means of access, all on or in the vicinity of the route of the Classified Road which is the A259, which the Council propose to construct to replace the bridge to carry the A259 over the Cuckmere River 22 metres north of the existing Exceat Bridge; and

- iii. purchase compulsorily the land for the purposes of the construction of a replacement bridge at the A259 over the Cuckmere River with a two lane bridge with footpath including re profiling of the river and road bed embankments, alterations to access, provision of shared surface and habitat creation; the construction of other highways and improvement of existing highways in the vicinity of the route of the above mentioned highway in pursuance of the SRO; the provision of new means of access to premises in pursuance of the SRO; the diversion of water courses and the carrying out of other works on water courses in connection with the construction and improvement of highways and the provision of new means of access to the premises as aforesaid; the use by the acquiring authority in connection with the construction and improvement of highways and the provision of new means of access to premises as aforesaid; the carrying out of drainage works in connection with the construction of the highways; and mitigating the adverse effect which the existence or use of highways proposed to be constructed or improved will have on the surroundings thereof.

MODIFICATIONS

3. The Secretary of State will make the modifications to the CPO as proposed by the Council at the Inquiries and as recommended by the Inspector (IR 9.2). These modifications are the reduction of the following plots; Plot 1/1c: 907 square metres to 772 square metres; Plot 1/6c: 851 square metres to 814 square metres; Plot 1/7b: 982 square metres to 698 square metres; and Plot 1/8b: 376 square metres to 300 square metres.

4. The Secretary of State will make additional modifications to the Bridge Scheme, which have been agreed to by the Council and are: In the Schedule under 'Points of Commencement and Termination' at the end of the first sentence replacing the word 'highway' with 'A259 Eastbourne Road at the western commencement point of the existing bridge structure'; at the end of the third sentence replacing the word 'highway' with 'A259 Eastbourne Road at the eastern commencement point of the existing bridge structure'; and under 'Headway and Waterway' at the end of the paragraph add the wording 'The waterway is retained at 26.3 metres. The proposed structure has a clear span of 30.3 metres to accommodate the skew in structure as it passes the river.'

CONSIDERATIONS FOR DECISION

5. As statutory objections remained outstanding to the Orders it was decided that concurrent Public Local Inquiries should be held for the purposes of hearing those objections. An independent Inspector, Lesley Coffey BA (Hons) BTP MRTPI, was appointed by the Secretary of State. The Inquiries opened on 13 May 2025 and closed on 15 May 2025. At the time the Inquiries opened there were 4 objections to the Orders, including 3 statutory objectors. The Crown Estate withdrew its objection by email dated 12 May 2025. Mr Parr, and Mr Brown, neither of whom made any previous submissions also participated in the Inquiry. The Inspector held an accompanied site visit on 15 May 2025 following the closure of the Inquiries.

6. The Inspector considered all representations and objections about the Scheme and Orders during the Inquiries and has since submitted a report to the Secretary of State, a copy of which is enclosed with this letter. The Secretary of State has given careful consideration to the Inspector's report and also to a number of relevant issues, as set out in *The Highways Act 1980* and *Compulsory purchase process: guidance*, in reaching her decision on the Orders. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report.

7. The Secretary of State needs to be satisfied:

In relation to the Bridge Scheme, namely that:

- i. under section 107(1) of the Highways Act 1980 that the reasonable requirements of navigation over the waters affected by the Scheme have been taken into account; and that
- ii. under section 107(2) of the Highways Act 1980 that the Scheme includes such plans and specifications as are necessary to indicate the position and dimensions of the proposed bridge including its spans, headways, and waterways.

In relation to the SRO, namely that:

- i. where a highway is to be stopped up another reasonably convenient route is available or will be provided before the highway is stopped up; and
- ii. where a private means of access to premises is to be stopped up either no access to the premises is reasonably required or another reasonably convenient means of access to the premises is available or will be provided.

In relation to the CPO, namely that:

- i. whether there is a compelling case in the public interest to justify conferring on the acquiring authority powers to compulsorily acquire and use land for the purposes of the scheme, including whether reasonable efforts have been made by the acquiring authority to negotiate the purchase of land by agreement;
- ii. whether the purposes for which the compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected (having regard to the Human Rights Act 1998);
- iii. the acquiring authority should have a clear idea of how it intends to use the land that it wishes to acquire;
- iv. sufficient resources should be available to complete the compulsory acquisition within the statutory period following confirmation of the Order, and to implement the scheme; and

- v. there should be a reasonable prospect of the scheme going ahead and it should be unlikely to be blocked by any impediment to implementation.

POST INQUIRIES CORRESPONDENCE

8. Following the close of the Inquiries the following correspondence was received:
- (i) A letter from Mr Peter L Parsons who raised concerns regarding the design of the new bridge which Mr Parsons considered would result in a higher risk of accidents. He also considered that the Road Safety Audit carried out on behalf of the Council and presented to the Inquiry by the Council was inadequate. He also questioned the need for the two footways on the bridge, where one he considered was sufficient, a cycleway on one side, given there are no dedicated cycleways on the approach roads, and the viewing platform, which he considered a vanity project, as the footpaths would lead them to the hills for magnificent panoramic views.
 - (ii) A letter in response to Mr Parsons from the Council dated 8 August 2025. The Council responded that the Inquiry was in relation to the CPO and not an Inquiry on the design of the bridge itself which was the subject of a separate detailed planning process. The Council stated that there had been several years of engagement between the Council and specialist bridge designers with the South Downs National Park authority as local planning authority, road safety experts, and other key stakeholders. The design of the Bridge was granted planning permission by the South Downs National Park Authority in December 2022 with conditions in place to protect the natural landscape. The design for the scheme and road safety audits have confirmed the new arrangements will be considerably safer than they are currently. The proposals include: footways on both sides of the bridge which will mean that pedestrians do not have to cross the road twice when walking along the south side of the road; a reduction of the speed limit to 30mph; features added such as natural landscape traffic calming; two (non-signalised) pedestrian crossing points at safe points to cross. The Council have carried out two stages of a four stage of a Road Safety Audit in accordance with Design Manual for Roads and Bridges guidance document GG119 and best practice and the third audit will be carried out at the appropriate time following the bridge installation. In line with the memorandum of understanding, the Council has recently commissioned a feasibility study – funded by the National Park – to explore potential pedestrian crossing options between the Seven Sisters Centre and the Country Park.
9. The Secretary of State has taken matters raised in post inquiries correspondence into account, but they do not alter her decision to accept the Inspector's conclusions and recommendations.

CONCLUSIONS

10. The Secretary of State has considered carefully all the objections to, and representations about the Scheme and Orders.
11. The Secretary of State agrees with the Inspector at IR 8.36 that, in accordance with s. 107(1) of the Highways Act 1980, the new Exceat bridge will not impede the reasonable requirements of navigation. The Secretary of State notes that there has been no objection from the Environment Agency and is satisfied that the Bridge Scheme includes such plans and specifications as are necessary to indicate the position and dimensions of the proposed bridge including its spans, headways, and waterways.
12. The Secretary of State agrees with the Inspector's conclusion at IR 8.6 with regard to the statutory tests in relation to the SRO being met and is satisfied that where a highway or private means of access is to be stopped up as a result of the scheme the SRO would ensure that a reasonably convenient alternative route or access would be provided.
13. The Secretary of State agrees with the Inspector that on the evidence provided at the Inquiry that the Council has a clear idea of how it intends to use the land to be acquired (IR 8.8).
14. The Secretary of State notes the Inspector's conclusions that all the necessary resources are likely to be available to implement the scheme within a reasonable timescale (IR 8.10).
15. The Secretary of State like the Inspector is satisfied that there are no known legal or physical impediments to the implementation of the scheme (IR 8.13).
16. The Secretary of State like the Inspector is satisfied that the purpose of the scheme could not be achieved by other means, such as through alternative proposals (IR 8.23).
17. The Secretary of State notes the Inspector's conclusions at IR 8.28 regarding the Council's negotiations with Mitchells and Butler and Mr and Mrs Blay at times falling short of the reasonable expectations of these parties, which the Council has acknowledged and has taken steps to remedy, that looked at in the round that Council has taken reasonable steps to acquire the necessary land and rights by agreement and is continuing to do so.
18. The Secretary of State agrees with the Inspector that the scheme would deliver significant social, environmental and economic benefits (IR 8.35).
19. The Secretary of State agrees with the Inspector that the benefits of the scheme, including improvements to road safety, the provision of a cycleway/footway and crossing points for pedestrians, reductions in pollution and traffic congestion, including for bus services, the reduction in maintenance and the associated closures, improvements to air quality and other social, economic and environmental benefits, would be significant public benefits of the scheme. The Secretary of State agrees with the Inspector, that given the very considerable public benefits of the proposal, that any interference with rights under Articles 1 and 8 of the First Protocol is proportionate (IR 8.55).

20. The Secretary of State notes the Inspector comments that there had been no conduct by the Council that has been brought to their attention that is prohibitive under Equality Act 2010 and the Inspector also had regards to their duties under the Public Sector Equality Duty throughout the conduct of the CPO proceedings and concludes that the duty has been fully complied with (IR 8.59).

21. The Secretary of State notes the Inspector's conclusion at IR 8.62 that the CPO would facilitate the carrying out of the scheme and the implementation of the SRO and would therefore make a positive contribution to the promotion or achievement of the economic social and environmental well-being of the area. The Secretary of State agrees with the Inspector's conclusion that there is a compelling case in the public interest for confirmation of the CPO.

22. Having considered all aspects of the matter the Secretary of State is satisfied that there are no compelling reasons brought forward which would justify not confirming the Scheme and Orders. Accordingly, the Secretary of State agrees with the Inspector's recommendations, subject to additional modifications to the Bridge Scheme, and has decided to confirm 'The East Sussex County Council (Exceat Bridge Replacement – A259 Eastbourne Road) Bridge Scheme 2023' as modified, 'The East Sussex County Council (Exceat Replacement Bridge - A259 Eastbourne Road)(Classified Road) (Side Roads) Order 2023' as made and 'The East Sussex County Council (Exceat Bridge Replacement - A259 Eastbourne Road) Compulsory Purchase Order 2023' as modified.

23. In confirming the Scheme and Orders, the Secretary of State has relied on the information that the Council and others have provided, as contained in the Scheme and Orders and any related plans, diagrams, statements, or correspondence, as being factually correct. Confirmation is given on this basis.

24. Where not otherwise stated in this letter, the Secretary of State can be taken to agree with the findings, conclusions and recommendations set out in the Inspector's report and the reasons given for the Secretary of State's decision are those given by the Inspector in support of the conclusions and recommendations.

COMPENSATION

25. Details of compensation arising as a consequence of confirmation of a CPO are a matter for negotiation with the acquiring authority and not the Secretary of State. Accordingly, qualifying persons in relation to the land included in the CPO will need to be approached by the Council about the amount of compensation payable to them in respect of their interests in the land. If the amount cannot be agreed the matter may be referred for determination by the Upper Tribunal (Lands Chamber) under the Lands Tribunal Act 1949 and the Land Compensation Act 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

AVAILABILITY OF DOCUMENTS

26. A copy of this letter, together with a copy of the Inspector's report, have been sent to those parties who appeared at the Inquiries, other interested parties, and relevant Members of Parliament. Copies will be made available on request to any other persons directly concerned.

27. Please arrange for a copy of the Inspector's report and of this letter to be made available for inspection at <https://live.eastsussexhighways.com/highway-schemes/exceat-bridge/3> and at all other places used to deposit the Scheme and Orders for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at the address shown on this letter within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report.

RIGHT OF CHALLENGE

28. Notice is to be published of confirmation of the Scheme and Orders. Any person who wishes to question the validity of the confirmed Scheme and Orders, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded her powers or has not complied with the relevant statutory requirements in confirming them may, under the provisions of Schedule 2 to the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such an application must be made within six weeks of publication of the notice that the Scheme and Orders have been confirmed. The High Court cannot entertain an application under Schedule 2 or section 23 before publication of the notice that the Secretary of State has confirmed the Scheme and Orders.

Yours sincerely

A large black rectangular redaction box covering the signature area.

TIM BRIMELOW

Authorised by the Secretary of State for Transport
to sign in that behalf