



# The Planning Inspectorate

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**Report to the Secretary of State**

**by Lesley Coffey BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Date: 15 July 2025**

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**HIGHWAYS ACT 1980**

**ACQUISITION OF LAND ACT 1981**

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

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

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

Inquiry opened on 13 May 2025

OFFICIAL

Inspections were carried out on 15 May 2025

File Ref: DPI/G1140/24/5

**TABLE OF CONTENTS****List of abbreviations**

<b>1.0</b>	<b>PROCEDURAL MATTERS</b>	<b>Page 4</b>
<b>2.0</b>	<b>THE PUBLISHED SCHEMES</b>	<b>Page 5</b>
<b>3.0</b>	<b>THE ORDER LAND</b>	<b>Page 5</b>
<b>4.0</b>	<b>LAW AND OTHER GUIDANCE</b>	<b>Page 7</b>
<b>5.0</b>	<b>THE CASE OF THE ACQUIRING AUTHORITY</b>	<b>Page 9</b>
<b>6.0</b>	<b>CASE FOR THE OBJECTORS</b>	<b>Page 16</b>
<b>7.0</b>	<b>OTHER REPRESENTATIONS</b>	<b>Page 23</b>
<b>8.0</b>	<b>INSPECTOR'S CONCLUSIONS</b>	<b>Page 26</b>
<b>9.0</b>	<b>RECOMMENDATION</b>	<b>Page 34</b>

**APPENDICES**

- APPENDIX A: APPEARANCES AT THE INQUIRY**
- APPENDIX B: ORDERS INQUIRY DOCUMENTS LIST**
- APPENDIX C: CORE DOCUMENTS**

**LIST OF ABBREVIATIONS**

<b>TERM</b>	<b>DEFINITION/DESCRIPTION</b>
AA	Acquiring Authority
BSIP	Bus Service Improvement Plan
CEMP	Construction Environmental Management Plan
CPO	Compulsory Purchase Order
DMRB	Design Manual for Roads and Bridges
ES	Environmental Statement
ESCC	East Sussex County Council
The Guidance	Guidance on the Compulsory Purchase Process
HoTS	Heads of Terms
LTP	Local Transport Plan
M and B	Mitchells and Butler Retail Limited
NCN	National Cycle Network
PMA	Private Means of Access
SDNPA	South Downs National Park Authority
SoS	Secretary of State
SRO	Side Roads Order
SSSI	Site of Special Scientific Interest

**File Ref: DPI/G1440/24/5****THE EAST SUSSEX COUNTY COUNCIL (EXCEAT BRIDGE REPLACEMENT – A259 EASTBOURNE ROAD) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2023**

- The Side Roads Order was made under Sections 14 and 125 of the Highways Act 1980, and is known as the East Sussex County Council (Exceat Bridge Replacement – A259 Eastbourne Road) (Classified Road) (Side Roads) Order 2023.
- The Order was made on 3 October 2023.
- The Order would provide for the improvement and construction of highways; the stopping up of highways and private means of access; and the provision of new means of access.

**Summary of Recommendation: That the Order be confirmed.**

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

- The Compulsory Purchase Order was made under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and The Acquisition of Land Act 1981 by East Sussex County Council on 3 October 2023.
- The purpose of the Order is:
  - (i) 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;
  - (ii) 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 East Sussex County Council (Exceat Replacement Bridge - A259 Eastbourne Road)(Classified Road) (Side Roads) Order 2023;
  - (iii) the provision of new means of access to premises in pursuance of the East Sussex County Council (Exceat Replacement Bridge - A259 Eastbourne Road)(Classified Road) (Side Roads) Order 2023;
  - (iv) 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;
  - (v) 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;
  - (vi) the carrying out of drainage works in connection with the construction of the highways; and
  - (vii) mitigating the adverse effect which the existence or use of highways proposed to be constructed or improved will have on the surroundings thereof.

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**Summary of Recommendation: That the Order be confirmed with modifications.**

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

- The Bridge Scheme was made under Section 106(3) of the Highways Act 1980, and is known as The East Sussex County Council (Exceat Bridge Replacement – A259 Eastbourne Road) Bridge Scheme 2023
- The Order was made on 3 October 2023.

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**Summary of Recommendation: That the Order be made.**

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**1. PROCEDURAL MATTERS**

- 1.1 I have been appointed to hold a public local inquiry into the above Orders, and to report to the Secretary of State (SoS) for Transport.
- 1.2 The Inquiry opened on 13 May 2025 and closed on 15 May 2025. I carried out an accompanied site visit following the close of the Inquiry.
- 1.3 The Acquiring Authority (AA) is East Sussex County Council (ESCC), the Highway Authority for the local road network. The Scheme proposes the construction and replacement of an existing single lane bridge at the A259 over the Cuckmere River Exceat 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 replacement bridge will be known as the new Exceat Bridge.
- 1.4 The AA confirmed at the Inquiry that it had complied with all necessary statutory formalities in relation to both the Compulsory Purchase Order (CPO), the Side Roads Order (SRO) and the Bridge Scheme. This compliance was not disputed.
- 1.5 At the time the Inquiry 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. Their submissions are reported below.
- 1.6 Following agreement with the South Downs National Park Authority (SDNPA) the extent of the land to be acquired in respect of Plots 1/1c, 1/6c, 1/7b and 1/8b was reduced,<sup>1</sup> The Schedule to the Order and the Order map have been amended accordingly.<sup>2</sup>
- 1.7 Planning permission for the Scheme was granted by SDNPA on 16 August 2023. The planning permission was subject to conditions and a section 106 agreement. The application for planning permission was supported by an Environmental Statement (ES), Design Input Statement and Planning Statement.

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<sup>1</sup> These changes are summarised at INQ11

<sup>2</sup> INQ12 and INQ 14

## 2 THE PUBLISHED SCHEMES

- 2.1 The Scheme proposes a new bridge to the north of the existing Exceat Bridge with a span of 30m in length. It would comprise a two-lane carriageway with verges (6.5m wide) and two footways, one on the north side of the new bridge (1.5m wide) and a wider footway on the south side (3m wide) to be used as a shared cycle/pedestrian route. The footway on the south side would also provide a viewing platform over the Cuckmere Estuary so that users can admire the landscape and wildlife.
- 2.2 The Scheme includes the creation of a safe crossing point for non-motorised users which would be connected to surrounding public footpaths and public rights of way. It also includes an improved road alignment, with better visibility splays for the local road access and pedestrians. Upon completion of the new Exceat Bridge, the existing bridge will be demolished and the banks regraded and allowed to vegetate naturally.
- 2.3 The Scheme can be seen on the 2 general arrangements drawings which accompanied the Scheme.
- 2.4 The land included in the CPO comprises the land which is required for the delivery of the Scheme. This includes all of the land for which the title to the land is required, including the land that is required for the Scheme works; the land which is required for use in connection with the construction of the Scheme (including working space and works compounds etc); and land over which new rights are required to facilitate the construction of the Scheme.
- 2.5 The Order Land is required for the purpose of constructing the replacement bridge and implementing the SRO and Bridge Order. Individual plots are depicted in the CPO Plans and are more fully described in the Schedule to the CPO. The Order Land which is required for the Scheme (as modified) is shown on the Order Map and plans at INQ13 and INQ14.<sup>3</sup>

## 3 THE ORDER LAND

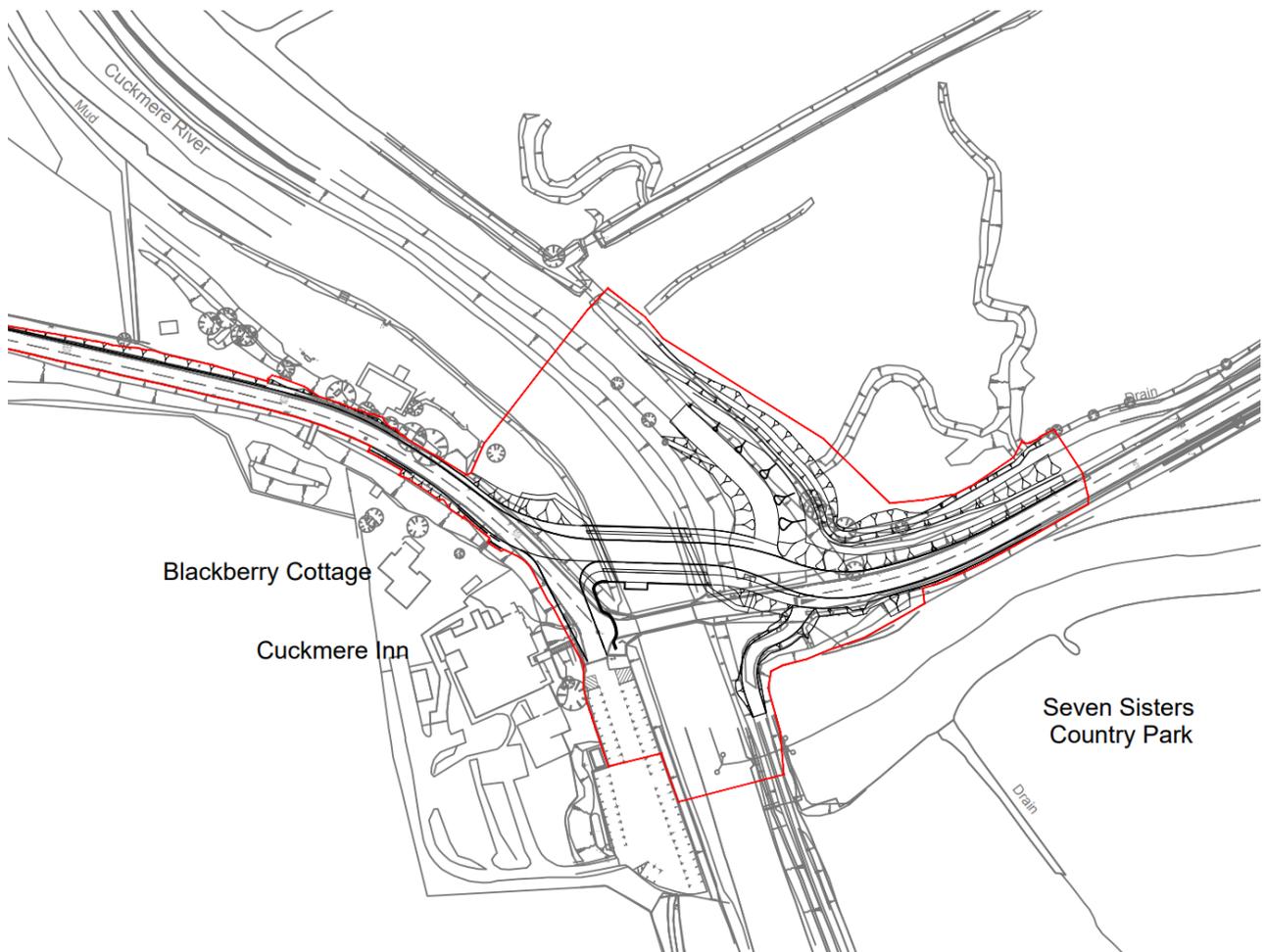
- 3.1 The Order Land is located at the southern end of the Cuckmere Valley, approximately 1km east of Seaford and encompasses Exceat Bridge, the footway extending to the east to (and slightly beyond) the Seven Sisters Visitor Centre, and all associated construction areas. It is located within the South Downs National Park, the Seaford to Beachy Head Site of Special Scientific Interest (SSSI), the Seven Sisters Country Park and the Sussex Heritage Coast.
- 3.2 The area of land in the CPO as made comprised approximately 28,493 square metres. As set out above, following agreement with SDNPA the extent of the land to be acquired was reduced, and the Schedule to the Order and the Order map have been amended accordingly. As a result of these changes to the necessary land take the area of land which ESCC seeks to acquire compulsorily is 27,493 square metres.
- 3.3 The Order Land crosses the Cuckmere River (which is tidal as it passes beneath Exceat Bridge) and includes highway land and verge, saltmarsh riverbank and

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<sup>3</sup> The Order as originally submitted is at CD 1.1

bed, agricultural land, land and accesses associated with properties in the vicinity of the existing Exceat Bridge, including The Cuckmere Inn, The Boat House, 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.

- 3.4 There are no Scheduled Monuments in close vicinity to, 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.
- 3.5 ESCC's Statement of Case confirms that in respect of Plots 1/1e, 1/1f, 1/4c and 1/6b it 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, ESCC requires the right to permanent acquisition to enable the Scheme to proceed and for the Plots to be included in the Order Land.
- 3.6 It also confirms that in respect of the 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, it 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, ESCC requires the right to permanent acquisition to enable the Scheme to proceed and for the Plots to be included in the Order Land.



**Except Bridge Location Plan**

#### **4 LAW AND OTHER GUIDANCE**

- 4.1 The SRO is made under Sections 14 and 125 of the Highways Act 1980. These provisions allow the SoS, by Order, to authorise the stopping up of any highway or private means of access (PMA) and the provision of any improved or replacement highway, footpath and PMA, or new means of access to premises adjoining or adjacent to a highway. For an Order stopping up a PMA under section 125 of the Act to be approved, the SoS must be satisfied that continued use of the access is likely to cause danger to, or to interfere unreasonably with, traffic on the highway, and either no access is reasonably required, or that another reasonably convenient means of access to the premises is available or will be provided.
- 4.2 It is a requirement that provision be made for the preservation of any rights of statutory undertakers in respect of their apparatus.
- 4.3 The CPO is made under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and Parts II and III of Schedule 2 to the Acquisition of Land Act 1981. For the CPO to be confirmed, the land affected must be required for the construction or improvement of, or the carrying out of works to, a highway maintainable at public expense, or for the provision of buildings or facilities to be used in connection with the construction or maintenance of a highway maintainable at public expense. The powers extend to the acquisition of land to

- mitigate any adverse effects which the existence of a highway would have on the surroundings of that highway. The powers also extend to the acquisition of rights over land.
- 4.4 The CPO would authorise the acquisition of land and rights for the construction and improvement of highways and new means of access to premises in pursuance of the SRO. It would also authorise the acquisition of land and rights to enable mitigation measures to be implemented as an integral part of the Scheme.
- 4.5 The CPO is made under The Ministry of Housing, Communities and Local Government Guidance on the Compulsory Purchase Process (The Guidance). The Guidance was updated in January 2025. The Guidance states that a CPO should only be made where there is a compelling case in the public interest and reasonable efforts have been made by the AA to negotiate the purchase of land by agreement. It further states that the purposes for which the CPO is made should justify interfering with the human rights of those with an interest in the land affected.
- 4.6 Whilst a decision whether to confirm an Order will be made on its own merits, the AA should have a clear idea of how it intends to use the land which it is proposing to acquire and show that all the necessary resources are likely to be available to achieve that end within a reasonable timescale. This includes the sources and timing of funding and whether there are any other legal impediments to the Scheme. The Guidance also states that the confirming authority will need to be satisfied that the interests of those affected by the exercise of the compulsory purchase powers have been considered and it will also have regard to any mitigation offered by the AA.
- 4.7 The Guidance states that compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. It does however recognise that it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the AA to plan a compulsory purchase timetable as a contingency measure or initiate formal procedures.
- 4.8 The AA also need to demonstrate that the implementation of the Scheme following the confirmation decision being made is unlikely to be blocked by any physical or legal impediments, including any need for planning permission.
- 4.9 The Guidance outlines the benefits of undertaking negotiations and engagement prior to, and in parallel with, preparing and making a CPO.<sup>4</sup> It encourages AAs to engage early and communicate regularly with those whose interests are affected, since it could help to identify what measures can be put in place by the AA to minimise the impacts of the exercise of the compulsory purchase powers.
- 4.10 The SRO tests require the SoS to be satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up.

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<sup>4</sup> Paragraph 2.8

- 4.11 Section 20 addresses special land, which includes land held by a statutory undertaker for the purposes of their undertaking and references the power under section 16 of the Acquisition of Land Act 1981.
- 4.12 In addition, DfT Circular 2/97 explains that the SoS would always wish to be sure that the Scheme for which she was authorising the compulsory acquisition of land would go forward as proposed in the Order. Consequently, it is her practice not to confirm a CPO until she is satisfied that the planning permission aspect of the Scheme, to which the Order relates, has been granted.

## 5 CASE FOR THE ACQUIRING AUTHORITY

- 5.1 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.
- 5.2 The A259 between Brighton and Eastbourne is part of the major road network and one of Transport for the South East's priority corridors. The road crosses the South Downs National Park and connects with the A26, A27 and the A22. The road is considered to be vital to facilitate access to, and movement between, coastal communities suffering from low productivity and deprivation. It plays a vital part in supporting the Newhaven Enterprise Zone's aims and Eastbourne and South Wealden's growth plans. The bridge is used by local traffic to move between Seaford and Eastbourne and other small villages along the A259 route. Over 10,000 vehicles cross the bridge daily.
- 5.3 Congestion is a key challenge with peak traffic backing up at the bridge in both directions. The bridge was extensively repaired in the 1970s, but the bottleneck for traffic still exists with queues predicted to stretch over 1km for 6 hours per day by 2028.
- 5.4 The existing bridge is over operational capacity and does not comply with current safety standards for motorised and non-motorised users. It is also in need of significant repairs to correct a number of structural defects, which would be costly and disruptive to local traffic.
- 5.5 The existing bridge provides a coastal route for tourism and is the main access to the Seven Sisters Country Park providing an important source of local income. The proposed National Coastal Path, South Downs Way and National Cycle Route 2 cross the existing Exceat Bridge.
- 5.6 The Scheme was consulted upon in the summer of 2020 (when COVID-19 measures were least restrictive), and over 1,000 responses were received. These showed that there was very strong support for the ESCC's proposals, both locally and over a wider area. Support for the project has been received from a number of bodies including Brighton and Hove Buses and the Impact Seaford Board.
- 5.7 Traffic queues at the existing Exceat Bridge have also caused increasingly unreliable bus journey times between Brighton and Eastbourne (affecting c. 6m passenger trips per year). This has 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.

- 5.8 SDNPA granted planning permission for the redevelopment of the bridge and ancillary works and habitat creation on 16 August 2023.
- 5.9 The bridge is situated in a highly sensitive environment within the South Downs National Park, the Seaford and Beachy Head SSSI and the internationally renowned Seven Sisters Country Park. There were a number of objections to the proposals, including from Sustrans, but SDNPA was satisfied that the proposals should be permitted, accepting that “*the need for the Scheme has been well demonstrated*”, being satisfied with ESCC’s consideration of alternatives as set out in the ES in support of the application and concluded that the proposals accorded with the development plan, the NPPF, the National Park Management Plan, the Defra Circular and the purposes of the National Park.

#### *Planning Position*

- 5.10 The original planning permission included a construction compound on land belonging to Dymock Farm, south of the farm itself and just to the east of Seaford. A planning application was submitted in 2023 for a revised location, still on Dymock Farm, on a site corresponding to Plot 1/2 under the CPO. A current planning application, for a location to the east of the 2023 compound is the subject of a current planning application.

#### *Justification for Compulsory Purchase*

- 5.11 ESCC 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.
- 5.12 ESCC has negotiated with the owners of the Plots 1/1e, 1/1f, 1/4c and 1/6b for a licence to temporarily occupy and carry out works during construction and to secure rights of access once works are completed, rather than permanent acquisition. However, in the absence of agreement being reached with the landowner, ESCC requires the right to permanent acquisition to enable the Scheme to proceed and for the Plots to remain in the Order Land.
- 5.13 In respect of Plots 1/1g, 1/3b, 1/3c, 1/3d, 1/4a 1/4b, 1/7a, 1/8a and 1/8c, ESCC 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. Again, however, in the absence of agreement being reached with the landowner, ESCC also requires the right to permanent acquisition.

#### *Need for the Scheme*

- 5.14 The Scheme aims to remove the existing bottleneck for users, improve biodiversity permeability through the riverbanks and enhance existing habitats by creating a new wetland area to the north-west of the bridge. It will use passive traffic management to reduce speed and control the amount of traffic flow.
- 5.15 The existing bridge at Exceat is a one-way (single lane) bridge originally constructed in the 1800s and is in need of significant repair to correct a number of

structural defects. These 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. It is inspected at approximately 3 monthly intervals so that the deterioration and safety of the bridge can be monitored. If repairs are undertaken for a like for like replacement, they would result in closing the A259 for an estimated 10 weeks with lengthy detours. Once reinstated the negative impacts of congestion, severance, safety and pollution caused by road traffic would continue. Due to the location of the bridge in a SSSI and over a classified main river, maintenance work, such as changing the bridge bearings, would be heavily constrained, expensive and complicated.

- 5.16 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 where vehicles have failed to negotiate the bend. The bottleneck at the bridge creates tailbacks during peak periods each morning and evening, at weekends and during holiday periods, frequently extending eastwards from the bridge for over a kilometre, and occasionally much further. The extent of queuing is predicted to double over the next 15 years. The bridge is therefore considered to be over operational capacity.
- 5.17 Conditions are 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 existing cantilevered footway on the north side 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.
- 5.18 The traffic queues do not befit the natural landscape surrounding the bridge. The noise and pollution of cars idling has negative effects on 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.
- 5.19 There have been a number of recorded slight and serious incidents within the last ten years. These were caused by failure to observe priority, rear shunts in advance of the priority system, and motorcyclist and cyclist collisions.
- 5.20 Further key challenges/barriers to growth in the area include:
- *Overcoming low productivity*: East Sussex suffers from poor productivity with all districts in the lowest quintile of English local authorities. The existing Exceat Bridge causes major congestion on the A259 exacerbating this challenge.
  - *Boosting education and skills*: Newhaven and Peacehaven are in the bottom 40% and 50% in terms of educational attainment and skills in England respectively. 29% of Peacehaven's population have no qualifications, Newhaven 25.6% compared to the UK average of 23%. 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 and could be improved by a more reliable A259.

- *Travel improvements:* Around 1,000 people work in Eastbourne from Seaford, Newhaven and Peacehaven, with around 800 travelling to work by car and likely to be crossing the bridge each day. Additionally, around 1,300 people from Eastbourne work in Brighton. The Scheme will address the above issues of congestion, severance, safety and pollution and will contribute towards the public good – in securing a safe crossing of the River Cuckmere at Exceat resulting in economic east-west connectivity.

### *Benefits*

5.21 The Scheme will deliver social, environmental and economic benefits. 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/rest at the viewing platforms on 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) and thus improve air quality;
- Remove the constriction created by the existing road layout and solve the problem of 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 provision being made for this in the design process for the new bridge;
- Enable faster and more reliable journeys along the A259 to better connect deprived towns along the coast, thus supporting improvements in productivity and opening up greater opportunities for residents, businesses and visitors alike; and
- Ensure improved provision for pedestrians and public transport users, thereby increasing sustainable travel options, with positive impacts on individual opportunity, tourism, health and carbon emissions.

- 5.22 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.

*Other factors for consideration*

- 5.23 It is submitted generally that the Scheme is justified when judged against the factors that the SoS can be expected to consider in deciding whether to confirm a CPO. There is a clear need for the Scheme; its benefits outweigh any disbenefits; and there are no impediments – whether financial or procedural – to its delivery.

*Viability of Scheme/Availability of Resources*

- 5.24 The cost of the Scheme is currently estimated at £17,120,000 including land/property acquisition costs.
- 5.25 To date the Scheme has been funded from a combination of ESCC funding and funding from the UK Government's Levelling Up Fund. The Department for Transport confirmed on 31 March 2025 that ESCC can utilise Government resources from the ESCC's Bus Service Improvement Plan (BSIP) grant to make up the shortfall in funding. This followed letters of support from the main local bus operator that resolving the Exceat Bridge pinch point is a higher priority to the bus company than other bus priority measures along the same route that have already been funded under the BSIP measures.
- 5.26 The Scheme is viable and resources are available to fund it and Levelling Up Fund funding must be spent by March 2026 so the Scheme will be implemented soon.

*Whether the Scheme could be achieved by other means/Consideration of alternatives*

- 5.27 Several alternative options were considered by ESCC to address the issues of the existing Exceat Bridge.
- 5.28 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 a 3-way traffic light system. This option was 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, 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.
- 5.29 Option 2 - Construct a 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 (DMRB) or the Manual for Streets.
- 5.30 Option 3 - Construct a new bridge at a straighter alignment to the north at a skewed angle across the river. This option was discounted as it did not 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.

- 5.31 ESCC also assessed other options such as encouraging behaviour change or other infrastructure interventions. However, these were not considered suitable due to safety concerns or because of planning constraints in this sensitive location.
- 5.32 The uncertainties over funding led ESCC to consider in March of this year a further option involving the construction of a replacement single-lane bridge on the line of the existing bridge, confined to the extent of the existing public highway. However, this option would have entailed closing the road for 22 weeks to enable the existing bridge to be dismantled and a new bridge constructed and would perpetuate the substandard performance of the existing bridge. It also resulted in the strong support of the local bus operator for ESCC's preferred option and the discussions on funding referred to above.
- 5.33 The Scheme remains the preferred option to solve the current issues with the existing Exceat Bridge and will deliver all the benefits referred to above.

*Reasonable steps to acquire all of the land/rights included in the Order by agreement*

- 5.34 The details of the negotiations undertaken on behalf of ESCC are set out in sections 6 and 7 of Ms Blackman's evidence which demonstrates how the Guidance was followed in preparing for and making the Orders. The AA submits that it has complied with the requirements of the legislation and the Guidance and has made genuine efforts to acquire the land and rights required and understand and mitigate the impact of the exercise of compulsory purchase powers on those affected.

*Physical/legal impediments*

- 5.35 Full planning permission for the Scheme was granted on 16 August 2023 and there was no challenge to the grant of planning permission. ESCC therefore consider there is no planning impediment to the Scheme. Save for the SRO and the Bridge Scheme to be considered concurrently in this Inquiry, no further consents are required.

*Special considerations affecting the Order Land*

- 5.36 The Order Land is within the South Downs National Park and within the Seaford to Beachy Head SSSI, the Seven Sisters County Park and the Sussex Heritage Coast.
- 5.37 No listed buildings or Scheduled Monuments are affected by the Order, nor is any of the land within a conservation area.
- 5.38 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. ESCC has

confirmed 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.

- 5.39 The Order Land includes land in which the Crown has a legal interest but ESCC has agreed terms 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.
- 5.40 As the River Cuckmere is a navigable waterway where the new bridge will cross the river, ESCC has made the Bridge Scheme in respect of the new bridge to be constructed.

#### *The Side Roads Order*

- 5.41 The SRO will, subject to the SoS's confirmation, empower ESCC to stop up existing side roads and PMA affected by the Scheme to improve existing side roads and to create new side roads and PMA as a consequence of the main works.
- 5.42 The proposed alterations to existing highways and PMA that would be affected by the Scheme are detailed in the Schedule attached to the SRO and shown diagrammatically on the SRO plans.<sup>5</sup>
- 5.43 The Scheme will require the alteration of side roads and accesses and the SRO implements these alterations. 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. Other sections of existing highways will be closed permanently but convenient alternative routes are, or will be, available.
- 5.44 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*

- 5.45 The Bridge Scheme will, subject to the SoS's confirmation, empower ESCC 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.
- 5.46 The Bridge Scheme provides for the construction of a 30 metre span bridge carrying the A259 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.
- 5.47 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. The Bridge would be

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<sup>5</sup> CD1.2

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 affected.

*Human Rights/Public Sector Equality Duty considerations*

- 5.48 The AA has had appropriate regard to the Human Rights of those affected by the Orders and Bridge Scheme and the Public Sector Equality Duty is set out in the Statement of Case. The AA submits that it has complied with its obligations in those respects.

*Conclusion*

- 5.49 For the reasons set out above and below the AA is satisfied that there is a compelling case in the public interest for confirmation of the Orders.
- 5.50 The AA 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 ESCC 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, ESCC 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 area, and as such ESCC considers that the tests described above are satisfied and that there is a compelling case in the public interest for confirmation of the Orders.
- 5.51 In the light of the above, the AA respectfully requests that the Inspector recommends to the SoS that the CPO, SRO and Bridge Scheme be confirmed. It is to be noted that there has been no direct challenge to the AA's evidence on the need for the Scheme (both on highways grounds and having regard to the bridge's current state of disrepair and inadequacy of design) or to the substantial benefits that the Scheme will bring with it.

## 6 THE CASE FOR OBJECTORS

- 6.1 At the commencement of the Inquiry there were three remaining statutory objections and one non-statutory objection. I report the statutory objections and the AA's response to them first, followed by the non-statutory objection.

***Mitchells and Butler (Plots 1/6, 1/6a, 1/6b, 1/6c, 1/6d)***

*[The case below is based on the submissions within the proofs of evidence submitted by Mitchells and Butlers (M and B), as well as the submissions at the Inquiry, including INQ10]*

- 6.2 The Cuckmere Inn is a public house with significant reliance on its car park due to its remote location. It relies upon destination and passing trade and seasonal

- tourism. It is accessed directly from the A259 and is located directly opposite the Exceat Bridge.
- 6.3 The Cuckmere Inn benefits from a large car park of approximately 32 spaces, an overflow car park and a servicing yard to the rear of the pub, accessed via the main car park, and prominent visibility from the A259 which provides a benefit of passing trade.
- 6.4 The CPO includes permanent acquisition of Plots 1/6, and sub-plots 1/6a to 1/6d, which affect areas of the Cuckmere Inn's operational land. These include:
- Access and entry points to the car park;
  - Roadside verges and site frontage;
  - Sections of the car park and service yard;
  - Pedestrian walkways.
- 6.5 At the close of the Inquiry M and B confirmed that the parties have worked together effectively to agree Heads of Terms ('HoTs'). HoTs have been signed by both parties and avoid the need for reliance on the CPO and provide mechanisms for temporary occupation and use of those plots that ESCC accept are not required on a permanent basis. They also provide assurances from ESCC that it will seek to minimise the impacts of construction on the pub, such as by minimising restrictions on vehicular access and endeavouring to avoid disruption at peak trading times.
- 6.6 The HoTs go some considerable way to resolving the issues set out in M and B's objection and expanded upon within its written evidence. However, M and B are not willing to formally withdraw its objection to the CPO until the HoTs are recorded in a legally binding agreement. M and B will provide an update to the SoS on progress at periodic intervals and certainly prior to the SoS's decision.
- 6.7 It is important that the parties work together to achieve this so that Mitchells and Butlers are in a position to formally withdraw its objection before the decision as to the confirmation of the CPO is taken.
- 6.8 M and B raise four main concerns in respect of the Scheme:
- A lack of engagement around acquisition by agreement;
  - Lack of clarity over the extent of both permanent and temporary land take;
  - Potential disruption to business operations, particularly parking and servicing;
  - Uncertainty around access arrangements and the impact on trading viability.
- 6.9 The AA has indicated that only a small area is to be acquired permanently and suggests most land is to be occupied temporarily during construction. At present there is no mechanism to guarantee the return of land post-construction, nor any proposed licence terms for the temporary possession of the land by agreement.
- 6.10 The AA's subsequent draft objection response provides some assurance that access to the Cuckmere Inn will be maintained throughout the construction period, it does not specifically address whether this will be uninterrupted access

from the east and west and if it comprises vehicular access for customers and deliveries.

- 6.11 In the absence of a detailed construction programme, phasing plan, access arrangements or firm commitments, the extent of disruption remains unclear, and the business is exposed to operational risks.
- 6.12 Notwithstanding the general statements by the AA, as to the maintenance of access, no detailed access plan for the duration of the works has been provided, other than a signalised access arrangement plan.
- 6.13 There are unresolved issues summarised below:
- No firm commitments to maintaining vehicular access during construction;
  - No commitments or assurances on construction impacts such as working hours, noise and dust;
  - No licence or agreement governing temporary land use and compensation, which would avoid the need to rely on the CPO for those areas that are not required permanently;
  - No phasing plan or works programme to allow operational planning;
  - No detail on how site conditions will be reinstated post-works or mechanisms for handing back the land once works have completed.

M and B is open to resolving these matters through agreement.

#### *AA Response*

- 6.14 As confirmed on behalf of M and B (INQ10) HoTs are now agreed which provide a mechanism to resolve their concerns and both parties anticipate that the SoS will be updated on their resolution in due course.
- 6.15 The AA recognises the potential impact that the construction of the Scheme and the implementation of the Orders may have on the Objector's business. The AA has therefore carried out further work on the detailed design and construction plan, and details of the land that will be required permanently and temporarily have been provided to the Objector's agent together with details of how access to the property will be maintained during construction of the Scheme.
- 6.16 A small area of the car park at the property will be required temporarily during the construction period and, post construction, there will be no permanent acquisition of any of the car parking spaces. The Objector, and their agent, will also be provided with a named contact within the construction team to ensure that day-to-day liaison on the construction works is maintained.
- 6.17 ESCC considers that there is a compelling case in the public interest to justify the compulsory acquisition of the Objector's land required for the Scheme.

#### **Christopher and Lisa Blay ( Plots 1/4,1/4a,1/4b,1/4c and 1/4d)**

*[The case below is based on the submissions within the proofs of evidence submitted by Mr and Mrs Blay, as well as the submissions at the Inquiry]*

- 6.18 At the Inquiry Mr and Mrs Blay confirmed that they did not object to the permanent acquisition of Plots 1/4 and 1/4d. They were however opposed to the acquisition of Plots 1/4a, 1/4b and 1/4c. They also explained that they did not object to the SRO. Their concerns were in relation to the effect of construction on them and their family, particularly in terms of access and the implications of construction for their health and that of their family.
- 6.19 Mr and Mrs Blay's family of 5 have lived at Blackberry Cottage since July 2016. The vehicular access to their property is via the Cuckmere Inn car park over which they have a right of way and a single lane. They have invested significant monies and time improving their property.
- 6.20 The family have a range of disabilities recognised by the Equality Act 2010, previously disclosed to ESCC and their agents. This necessitates them requiring reasonable adjustments that include working from home and frequent vehicular access in both road directions.
- 6.21 Mr and Mrs Blay's concerns relate to the need to maintain access to their home during construction, the effects of construction on their living conditions, including noise and dust, and that their rights of way are maintained and legally secured.
- 6.22 They consider that they have been unable to secure sufficient clarity and assurances around the impacts of the CPO and SRO from the AA to address their concerns. Mr and Mrs Blay contend that they have been subjected to physical and emotional disruption, through the requirement for them to relocate from their home to a rental property for the duration of the project with access to remain available for security and maintenance of Blackberry Cottage. Seven days after their tenancy commenced, they were advised that the project start date was delayed by a further 6 months. They were subsequently instructed to lapse the rental tenancy and return home due to a change of approach.
- 6.23 They were subsequently advised that their access would be available throughout the life of the 18-24 month project, but their concerns regarding other key impacts from living directly adjacent to the site that would prevent them from living/working and having reasonable enjoyment of their property were ignored. Contrary to the AA's Statement of Case, Mr and Mrs Blay state that they have never agreed that they are content to remain in occupation of the property during construction.
- 6.24 It remains unclear from the access plan provided by ESCC (IM/0111/AP/000) how the road layout and access changes during the various phases will be managed, such as the timing/impact of the stopping up order and how their access will be maintained in reality. It is imperative that this is correctly defined and is feasible.
- 6.25 Plots 1/4a 1/4b and 1/4c (Appendix F) are only required for building works and/or ongoing maintenance. Mr and Mrs Blay consider that a license should be put in place between Blackberry Cottage and ESCC to allow this and leaving these parcels of land in the Blackberry Cottage title. They do not agree to sell these plots of land.
- 6.26 Mr and Mrs Blay have existing rights of way over land currently owned by M and B that it is proposed to acquire. They contend that no discussions have taken

place with them in relation to this land. They require confirmation that access rights to Blackberry Cottage are not negatively impacted.

### *AA Response*

- 6.27 Mr and Mrs Blay's objection does not amount to an assertion that the Scheme should not go ahead. They have understandable concerns that there will be impacts on them (during construction) but the AA submits that these can be suitably addressed through the Construction Environmental Management Plan (CEMP). This is a "living"/dynamic document and with built in measures for communication with those affected by construction and construction management generally.
- 6.28 The project team has carried out further detailed design and construction planning work which has confirmed that uninterrupted access to the property can, and will, be maintained during the construction period of the Scheme allowing Mr and Mrs Blay and their family to remain living at the property. The Objectors will also be provided with a named contact within the construction team to ensure that day-to-day liaison on the construction works is maintained.
- 6.29 The Blays clearly have genuine concerns and Mr Taylor for the AA sincerely apologised for the breakdown in communication when the Scheme was paused due to uncertainties over funding and for the inevitable frustration caused to them by having to move out of their home and then go back again. Mr Taylor also committed expressly to acting as a direct point of contact to respond to their concerns over the construction process to avoid any breakdowns of communication in the future. This was against the background of the specific (but personal and confidential) family health issues of which the AA is well aware and will continue to take into account in liaison over the sequence and detail of the construction process. Mr Taylor also confirmed that provision for emergency access would always be ensured.
- 6.30 Ms Blackman also gave evidence on her genuine attempts to negotiate either side of the gap in discussions and did her best to allay the Blays' concerns.<sup>6</sup>
- 6.31 Mr and Mrs Blay responded reasonably and constructively to the explanations by the AA's witnesses as to how access to their home will be maintained over the Cuckmere Inn car park (and how dialogue would continue to minimise impacts when road closures are in place – a maximum of 19 days over the two year estimated construction period) and as to how the road layout and remodelled vehicular and pedestrian shared access to Blackberry Cottage have been designed (in accordance with the Stage Two Road Safety Audit) to ensure the safety of all users in accordance with up to date standards and ultimately to provide an overall improvement in terms of road safety. In particular the road geometry, footway provision, the formal crossing points and the 30 mph speed limit on the new length of road over the bridge would contribute to the safety of road and footway users (a point accepted by SDNPA in granting planning permission).

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<sup>6</sup> Ms Blackman's proof of evidence and INQ9.

- 6.32 Mr and Mrs Blay's main issues related to the construction process. They agreed in principle to acquisition of plots 1/4 and 1/4d but that they did not believe that it was necessary to acquire plots 1/4a, 1/4b and 1/4c. It was explained that these plots could either be the subject of an agreed licence,<sup>7</sup> or in any event they could be acquired and returned to them after the Scheme was built. Mr Blay said that he was happy with that. The SoS could be advised in due course if a licence is agreed.
- 6.33 On the SRO, the Blays' concern was to ensure that their rights of access were documented and preserved. The AA confirms that Mr and Mrs Blay's access will be preserved.<sup>8</sup> They lastly requested that temporary fencing be provided around plot 1/4b and the AA confirms that that can be put in place.
- 6.34 Post-construction, access will be maintained to the property, either over land retained by ESCC as highway or with the necessary private right of way being granted from the property to the public highway.

### **SUSTRANS (Plots 1/5, 1/5a)**

*[The case below is based on the written objection from Sustrans]*

- 6.35 Sustrans objects to the CPO on the basis that the Scheme is designed principally to ease and encourage motor vehicle use, with the importance of the wider route for cycling not reflected in the design of the proposed replacement bridge, or the limited scope of the Scheme. It contends that the Scheme will deliver dis-benefits for active travel users and more vulnerable road users. People cycling on the new bridge, including families with young children and people with disabilities would have to mix with the vehicular traffic. This is neither compliant with the current design practise guidance nor safe. As such it considers that the Scheme does not accord with the aims and objectives of Sustrans and there is no compelling case in the public interest for the compulsory acquisition of Sustrans land.
- 6.36 The bridge is crossed by National Cycle Network 2 (NCN2). This runs from Dover to St Austell and also joins the NCN21 at Polegate which runs along the Cuckoo Trail to London.
- 6.37 The Exceat Bridge also forms part of a short cycling route between Seaford and attractions such as the Seven Sisters Country Park and Friston Forest within the South Downs National Park. Cycling is welcome in both the Country Park and Forest.
- 6.38 Sustrans acquired the land at Exceat in 1998 to provide a landing point for a proposed active travel bridge over the river. The Public Rights of Way team at ESCC, the South Downs Area of Outstanding Natural Beauty board<sup>9</sup>, Sustrans and others had an ambition to create a cycle route between Chyngton Farm and Litlington. There was also a strong aspiration to build a high quality NCN to route all the way through from Seven Sisters to Seaford.

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<sup>7</sup> See INQ9 paragraph 4

<sup>8</sup> See INQ9 paragraph 3

<sup>9</sup> Now National Landscape

- 6.39 The ESCC Local Transport Plan 3 (LTP) includes the Newhaven and Seaford transport measures in relation to cycling and walking. The bridge proposal does not align with the LTP implementation plan and prevents the future implementation of the original cycling and walking Scheme envisaged for this location and for which the land was acquired by Sustrans in 1998.
- 6.40 Section 6.1 of the Local Cycling and Walking Infrastructure Plan states that it will be treated as a supplementary planning document to the LTP strategy document and implementation plan.
- 6.41 The replacement bridge should not be considered in isolation. Improved provisions for cycling on sections of NCN2 in close proximity via off-site highway works should be part of the proposal.
- 6.42 The Statement of Reasons accompanying the CPO confirms that the Scheme will comprise a two-lane carriageway with verges and two footpaths with a three metre wide footway to the South being capable of being used as a shared route for walking and cycling so that cyclists can use it as well. Sustrans understands that although the footway is capable of being used as a shared use path, it will not be used as such. Its purpose is to future proof a separate Scheme potentially coming forward in the future.
- 6.43 The existing bridge constraints currently act as a form of traffic calming, and this would be removed thus facilitating faster vehicle speeds and likely additional vehicular traffic over the replacement bridge. The traffic calming proposed is very modest, namely speed limit changes from 40 to 30 mph which will not make a significant difference for walking and cycling when the highway realignment provided by the replacement bridge would encourage greater speeds when compared to the existing situation.
- 6.44 DMRB guidance explicitly states that the minimum level of provision for cyclists at greater than 5,000 average annual daily traffic is the cycle track separate from the main carriage way for use by cyclists. The Exceat Bridge carries more than 10,000 vehicles per day.
- 6.45 Even if people were legally permitted to cycle along the new footway on the south side of the replacement bridge, those cycling eastwards would have to dismount at the bridge cross the A259 with no controlled crossing in place, cycle along the bridge and dismount once they reach the other side and then cross the A259 again. This is not conducive to safe cycling.
- 6.46 Sustrans contends that to satisfy the test of a compelling case in the public interest the Scheme should be broader in scope, incorporating 2 related sets of NCN2 highway improvements.
- 6.47 Firstly, this Scheme should be broadened in scope to include highway works to improve the causeway for cycling. Otherwise, there is a real risk that the causeway will not be upgraded, and cycling along the causeway would be a major disincentive. The three-metre-wide footway on the south side of the bridge would remain in use for people walking only. For so long as the new path on the bridge is pedestrian only and the Scheme is limited in scope, the overall outcome will be negative for cycling.

- 6.48 Sustrans is also of the view that the Scheme should form part of a wider Scheme to secure improvements to the permissive shared used walking/cycling route between Seaford and the Exceat Bridge via the Cuckmere Inn car park.

*AA Response*

- 6.49 ESCC recognises the importance of promoting and encouraging active travel. The replacement bridge includes improved provision for walking and cycling than is currently provided on the existing Exceat Bridge. The new bridge would provide a footway on the north side with a combined/shared footway and cycleway on the south side.
- 6.50 The Scheme for which the Orders are being sought is for the construction of the bridge to replace the current Exceat Bridge. The scope of the Scheme does not extend to cycling provision or other active travel measures within the wider area including the South Downs National Park.
- 6.51 ESCC does however remain committed to working with the Objector to identify opportunities to improve the facilities for cycling and walking within the area.

**Dr Nicholas Taylor**

- 6.52 At present, with the existing bridge and 'temporary' traffic lights, safe crossing is possible at times when traffic is stopped in both directions, which can be for many seconds. This is particularly necessary given the almost continuous streams of traffic arriving from both directions.
- 6.53 With the new bridge and 'improved' geometry, Dr Taylor anticipates traffic speeds would increase and there would be fewer gaps. He is concerned about the implications for pedestrian safety and the enforcement of the 30mph speed limit.
- 6.54 There appears to be no bus stop sign marked on the south (westbound) lane. If it is to be understood that the bus stop is on both sides there appears to be no footway giving access to the bus stop on the south side. Where would the westbound bus stop be located?

*AA Response*

- 6.55 As part of the design and planning process a full safety audit was undertaken which covered pedestrians as well as vehicular users. New traffic calming measures and crossings would be provided to enable better accessibility for non-motorised users. ESCC is satisfied that pedestrian safety would be improved on the new bridge and surrounding access to the bridge.
- 6.56 Speed limits will be enforced using traffic management and speed control measures. The westbound bus stop will not be moved from its current location.

## 7 OTHER REPRESENTATIONS

*Mr Parr*

*[The case below is based on Mr Parr's drawings and written and oral submissions to the Inquiry]<sup>10</sup>*

- 7.1 There is much controversy surrounding the huge cost so far for the A259 Exceat Bridge crossing; £1.7M spent on design, around £4.7M spent so far, estimated cost £22M and no closer to a truly viable solution.
- 7.2 The Exceat Bridge is not beyond its sell by date as often stated. Using the existing Exceat Bridge as part of a one way system means that it will carry half of the present traffic volume in one direction only and can be repurposed and strengthened. A new single lane only bridge could be erected north of the existing bridge. The refurbishment of the old bridge could be undertaken while the new single bridge is operated using traffic signals as at present.
- 7.3 The concept drawing of Mr Parr's scheme satisfies all the constraints that he proposed for the Exceat crossing. It allows for public safety at two single lane pedestrian crossing points, No serious traffic or bus disruption during construction and no detours required. No traffic lights required after construction, construction site prepared in the north field with no disruption to the Cuckmere Inn, [later this site used for tourist amenities and viewing/picnic areas], subtle landscaping in the sensitive SDNPA to encourage tourism and finally street signage, speed limits, sensible bus stop siting and safe access to the Cuckmere Inn and also from the Inn to Seaford and Eastbourne.
- 7.4 The siting of a single two way bridge option fails, in his view, to satisfy essential design criteria and may cost considerably more.
- 7.5 The existing proposed Scheme requires closure of the A259 for around 19 days with a 22 mile detour which is totally unacceptable. The number one priority is public safety (crossing points etc), and secondly is minimal obstruction to traffic flow and so on down to cost considerations.
- 7.6 As a major tourist destination this Exceat River crossing is key to monies flowing into the area and Mr Parr believes that his one-way system offers safety and visual interest attracting tourism.
- 7.7 The construction site north of the river crossing point allows for minimal traffic disruption with materials and machinery entering the site from the east at non-peak night time traffic conditions.
- 7.8 In his scheme, traffic flow west to east, Seaford to Eastbourne, is uninterrupted. Traffic from east to west is controlled only by stop signs which allows safe access to and from the Cuckmere Inn to either Seaford or Eastbourne.
- 7.9 Mr Parr's biggest worry with the proposed two-way bridge is pedestrians crossing a two way road on a small traffic island. What about those with prams, bicycles, children in tow, pets – with his scheme, the crossing points are on one way only traffic lanes with a large central safety area for pedestrians to gather safely.
- 7.10 He can confidently propose his scheme largely on safety grounds but also on cost considerations.

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<sup>10</sup> INQ2 and INQ7

- 7.11 The double bridge could work but, in Mr Parr's view, there needs to be more attention to detail such as bus stop sitings, cross hatching areas where traffic must stop to allow safe movement of vehicles or pedestrians, more information on speed limits, signage, access to and from the Cuckmere Inn and for the 'Boathouse' property.
- 7.12 He is also not convinced that public safety was put before economic considerations as the current two-way solution does not prevent pedestrians wandering near traffic flow which his one-way plan does.

*AA Response*

- 7.13 Mr Parr initially proposed a "two-bridge" alternative to the CPO Scheme and this was only produced on day 1 of the Inquiry. He confirmed that he had never put it to SDNPA as part of the planning application process.
- 7.14 Mr Parr's proposal still requires a two-way solution, similar to the AA's preferred option which is the subject of the CPO, SRO and Bridge Scheme and the planning permission granted by SDNPA.
- 7.15 Mr Parr then proposed an alternative design to a "two way scheme with a large traffic island i.e. proposing only a modification to the Scheme proposal."<sup>11</sup>
- 7.16 The AA maintains that their preferred option, which is the subject of the Scheme, is the optimum solution to the issues with the existing Exceat Bridge and will provide a safe, designed-to-standard new bridge and connecting roads.
- 7.17 The AA seeks confirmation of the CPO and the SRO (with modifications), noting finally under this heading that the alternative to the Scheme going ahead would be the current situation of traffic queuing and the current unsatisfactory operation of the bridge and the associated lengths of the A259 continuing indefinitely.

*Mr Brown*

- 7.18 Mr Brown supports the Scheme and the provision of a wider bridge and considers that it would be beneficial for walkers. He is a member of Vanguard Way Association. The Vanguard Way is a long distance footpath from Newhaven to Croydon that crosses the Exceat Bridge.<sup>12</sup>
- 7.19 At present pedestrians must cross the bridge twice to get to the Cuckmere Inn car park. The road would improve links between Eastbourne and Seaford which is important to Seaford residents for facilities such as hospitals.

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<sup>11</sup> See INQ7

<sup>12</sup> See INQ6

## 8 INSPECTOR CONCLUSIONS

*References being given in square brackets [] to earlier paragraphs where appropriate.*

- 8.1 Bearing in mind the submissions and representations I have reported, I have reached the following conclusions.

### ***Proposed Modifications to the Orders***

- 8.2 As set out above, the land interests to be acquired from the SDNPA have been reduced. The proposed modifications to the CPO reflect this reduction in the land interests to be acquired and would not be prejudicial to any party. It is therefore recommended that they be accepted.[1.6,3.3]

### **SRO**

- 8.3 The SRO<sup>13</sup> proposes the
- (a) Stopping up of the existing bridge.
  - (b) Reconfiguration of the stepped private means of access serving Blackberry Cottage.
  - (c) Reconfiguration of the stepped private means of access serving The Cuckmere Inn.
  - (d) Stopping up of a section of footpath CMV/15/7 and its replacement via the reconfigured field access serving land east of the Cuckmere River and north of the A259 Eastbourne Road.
  - (e) Stopping up of a section of footpath CMV/24/1 and its replacement via the reconfigured field access serving land east of the Cuckmere River and south of the A259 Eastbourne Road.
  - (f) Reconfiguration of the private means of access east of the Cuckmere River serving land east of the Cuckmere River and north of the A259 Eastbourne Road.
- 8.4 The SRO tests require the SoS to be satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up. The Scheme would provide a replacement bridge with improved provision for pedestrians and cyclists. The steps leading from the A259 to Blackberry Cottage and those to the Cuckmere Inn would be re-configured, thereby maintaining access to these properties. It would also provide a reconfigured access to the Cuckmere Inn.[4.1]
- 8.5 A short distance of Footpath CMV/15/7 and footpath CMC/24/1 would be stopped up and an alternative route would be provided reflecting the alignment of the proposed bridge. In both instances that alternative route would be reasonably convenient for pedestrians.

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<sup>13</sup> CD 1.2

- 8.6 In each case I am satisfied that a reasonably convenient alternative route or access would be provided, as described in the Schedules and Site Plans of the SRO. Therefore, the statutory tests in relation to the SRO are met.

### **CPO**

#### *Whether the Acquiring Authority has a clear idea of how it intends to use the land*

- 8.7 Planning permission for the Scheme was granted on 23 August 2023. The planning application was supported by an ES, Design Input Statement and Planning Statement. The planning permission was subject to conditions and a section 106 agreement.<sup>14</sup>
- 8.8 On the basis of the evidence submitted to the Inquiry I am satisfied that the AA has a clear idea of how it intends to use the land to be acquired.

#### *Whether all the necessary resources are likely to be available to achieve that end within a reasonable timescale*

- 8.9 The cost of the Scheme is currently estimated at £17,120,000 including land/property acquisition costs. It will be funded from a combination of ESCC funding and the Government's Levelling Up Fund and following the Department for Transport's confirmation on 31 March 2025 that ESCC can utilise Government resources from the ESCC's BSIP grant to make up the shortfall in funding. This followed letters of support from the main local bus operator that resolving the Exceat Bridge pinch point on the A259 is a higher priority to the bus company than other bus priority measures along the same route that have already been funded under the BSIP measures. The Levelling Up Fund funding must be spent by March 2026 so the Scheme will be implemented in a timely manner.[5.24,5.25,5.26]
- 8.10 I conclude that the necessary resources are likely to be available to implement the Scheme within a reasonable timescale.

#### *Whether there are any other impediments to the Scheme going ahead*

- 8.11 Full planning permission for the Scheme was granted on 16 August 2023 and there was no challenge to the grant of planning permission. Subsequent planning applications have sought to amend the location of the construction compound. At the time of the Inquiry the most recent application, submitted to SDNPA on 15 April 2025 had not been determined. It proposed the relocation of the site compound to a location to the east of the permitted site compound, to make use of the existing entry to Dymock farm from the A259. The AA advises that there is also an agreement with the landowner for the revised location of the site compound. [5.35]
- 8.12 Should planning permission for the revised site compound not be forthcoming there is planning permission in place in respect of the previously permitted compound. ESCC therefore consider there is no planning impediment to the Scheme.

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<sup>14</sup> See Mr Fernandes appendices 1 and 2

- 8.13 I am satisfied that there are no known legal or physical impediments to the implementation of the Scheme.
- Whether the purpose could be achieved by other means, such as through alternative proposals*
- 8.14 Several alternative options were considered by ESCC to address the issues of the existing Exceat Bridge. Chapter 5 of the ES and Chapter 5-1 of the ES addendum include a description of the alternatives studied by the AA and the reasons for the selection of the preferred route, with a comparison of environmental effects as is required by the Environmental Impact Assessment Regulations. These options are set out at Table 5-1 of the ES Addendum. This provides an overview as to how each option would perform against a range of criteria.<sup>15</sup>
- 8.15 The Do Minimum Scheme would not deliver the benefits in terms of increased capacity, improved pedestrian and cyclist provision, and improved safety. It would also require prolonged road closures to carry out the works safely.[5.28]
- 8.16 Two alternative alignments were also considered. One was discounted for a number of reasons including the fact that the alignment option does not comply with either the DMRB or the Manual for Streets. The other was discounted as it did not closely align with the existing road alignment and did little to recognise the river crossing, due to its straight and faster alignment.[5.29,5.30,5.31]
- 8.17 The preferred option would allow the existing movement of traffic to be maintained during construction and remove all liability and maintenance requirements for the existing structure. It would therefore be the most complete and cost-effective solution for all highway users. It is the only option that addresses the problem of queuing traffic and improves air quality and would have the least impact on the surrounding landscape and the most potential for environmental enhancements.[5.33]
- 8.18 Mr Parr, a non-statutory objector submitted an alternative scheme on the first day of the Inquiry, which he updated on the second day.<sup>16</sup> This alternative was not put forward at the time of the planning application or considered within the ES. [7.1,7.3]
- 8.19 The main difference between Mr Parr's scheme and the AA's is the retention of the existing bridge with a new single lane bridge to accommodate two-way traffic. Mr Parr contends that this would reduce costs and avoid the closure of the A259 and would be preferable in terms of pedestrian safety.
- 8.20 Whilst a single lane bridge may be less expensive to construct, Mr Parr's scheme would also require the retention and repair of the existing bridge. Although the repair costs of the existing bridge were not submitted to the Inquiry, there is insufficient evidence to indicate that the combined cost necessary for Mr Parr's scheme would be significantly less expensive than the preferred Scheme.

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<sup>15</sup> INQ8 Pages 5-6-5-12 PDF pages 103-109

<sup>16</sup> INQ2 & INQ7

- 8.21 Although Mr Parr suggests that a single lane bridge would avoid the closure of the A259, it would be likely to require tie in works thus necessitating the closure of the A259 in a similar manner to the preferred Scheme. The preferred Scheme has also been subject to a Road Safety Audit and this specifically considered pedestrian safety. This found that the vast majority of pedestrians crossing the bridge are doing so to travel between the Visitor Centre car parks and the pub or footways leading to the south from the Cuckmere Inn car park. The proposed highway layout will allow a significant majority of pedestrians to use the bridge safely without the need to cross the carriageway. Visibility to / from the pedestrian crossings meets the requirements of the Manual for Streets for a road with a speed limit of 30mph, being a minimum of 50m. This matter will be reviewed again at the Stage 3 Audit. Therefore, whilst crossing one rather than two lanes of traffic may be safer for pedestrians, it is evident that the Scheme has, and will continue to, address pedestrian safety. [7.9,7.10,7.13,7.14]
- 8.22 Mr Parr's scheme has not been subject to assessment in terms of its environmental impact or costing, or practical difficulties with implementation. Since it was proposed for the first time at the Inquiry and would require significant additional work and expense to be taken forward as an alternative to the preferred Scheme, it is questionable, on the basis of the available evidence, whether it would deliver the benefits he suggests. Mr Parr's scheme would prolong the traffic congestion and other disbenefits associated with the existing bridge and may also risk the funding secured for the delivery of the Scheme. I therefore afford Mr Parr's scheme little weight.
- 8.23 Overall, I am satisfied that the purpose of the Scheme could not be achieved by other means, such as through alternative proposals
- Reasonable steps to acquire all of the land/rights included in the Order by agreement*
- 8.24 The AA submits that it has complied with the requirements of the legislation and the Guidance and has made genuine efforts to acquire the land and rights required by negotiation. It stated that it understood and had sought to mitigate the impact of the exercise of compulsory purchase powers on those affected.[5.34]
- 8.25 The AA has continued to negotiate with landowners. This is reflected in the number of objections that have been withdrawn, including the objection for the SDNPA and the Crown Estate, as well as the agreement of HoTs with M and B. [1.6]
- 8.26 Negotiations with the remaining statutory objectors are continuing, including with Mr and Mrs Blay. At the Inquiry the AA acknowledged that it had not kept Mr and Mrs Blay informed of progress with the Scheme. Mr Taylor, of ESCC undertook to be a contact for Mr and Mrs Blay.[6.14,6.29,6.33]
- 8.27 Evidence on behalf of the AA confirmed that negotiations with Mr and Mrs Blay are continuing.<sup>17</sup> It was however, acknowledged that there had been a pause in negotiations when the funding situation was uncertain and that communication

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<sup>17</sup> INQ9

during this period fell short of expectations. Assurances and clarifications provided at the Inquiry, particularly in relation to access, allow for both parties to continue to negotiate with a view to the AA acquiring the land by agreement. [6.29,6.30]

- 8.28 Although the AA sought to reach agreement with M & B and Mr and Mrs Blay, at times it fell short of the reasonable expectations of these parties, with the result that both parties were unclear as to the land and rights required by the AA and the proposed mitigation. The AA acknowledges that it fell short in this regard and has taken steps to remedy the situation. In the period before the Inquiry negotiations and communication has improved with the result that HoTs have now been agreed with M and B, and it is possible that an agreement may be reached with Mr and Mrs Blay. Looked at in the round, I conclude that the AA has taken reasonable steps to acquire the necessary land and rights by agreement, and is continuing to do so. [6.5.6.6,6.29,6.30]

*The extent to which the purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;*

- 8.29 The Scheme would remove the constriction and congestion created by the existing bridge by permitting two-way traffic flow across the bridge. In doing so it would enable faster and more reliable journeys along the A259 meaning that deprived towns along the coast are better connected, thus supporting improvements in productivity and opening up greater opportunities for residents, businesses and visitors alike. [5.3,5.4,5.14,5.16,5.17,5.18]
- 8.30 The Scheme would improve opportunities for sustainable transport through the provision of a combined footway/cycleway on the south side of the bridge, and a footway on the north side of the bridge, together with two crossing points for non-motorised users and traffic calming measures. It would also facilitate more reliable bus journeys, as evidenced by the bus company preferring the use of the BSIP grant for this project in preference to others. [5.5,5.7,5.21]
- 8.31 The Scheme would assist with improving air quality through the reduction of 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) and thus improve air quality.
- 8.32 The proposed bridge could be built independently of the existing bridge enabling traffic to continue to use the existing bridge, with the exception of the tie in works, until the new bridge is ready, significantly reducing disruption during the construction period. It would also reduce future maintenance liabilities and associated disruption by using more durable, weather resistant, materials. In addition, the future inspection and maintenance of the new bridge would be easier, safer, less disruptive and cheaper to carry out than on the existing bridge. [5.33]
- 8.33 The Scheme would improve road safety from an enhanced road layout, since large vehicles would not have to encroach onto the opposite carriageway, and the provision for pedestrians and cyclists would also improve safety. It would also provide a safe location for visitors to stop/rest at the viewing platforms on the bridge. [5.21]

- 8.34 There would also be some economic benefits in terms of improved access to more skilled employment and education, but the extent of this benefit is unclear from the submitted evidence.[5.20,5.21]
- 8.35 Overall, I conclude that the Scheme would deliver significant social, environmental and economic benefits.

### **The Bridge Scheme**

- 8.36 The Bridge Scheme is made under Section 106(3) of the Highways Act 1980. The new Exceat Bridge will not impede the reasonable requirements of navigation, in accordance with s.107(1). The Exceat Bridge meets the Environment Agency's design requirements, including clearances above water level, and there has been no objection by the Environment Agency.

### **Objections**

#### ***M and B (Plots 1/6,1/6a,1/6b,1/6c,1/6d)***

- 8.37 Due to its location the Cuckmere Inn relies on destination and passing trade and seasonal tourism. For this reason, the car park is essential to the operation of the business. [6.2,6.3]
- 8.38 Both parties have signed HoTs to avoid the need for reliance on the CPO and provide mechanisms for temporary occupation and use of those plots that ESCC accept are not required on a permanent basis. M and B's concerns regarding lack of engagement and clarity were addressed shortly before and during the Inquiry.[6.5,6.6]
- 8.39 The AA confirm that there will be no permanent acquisition of any of the car parking spaces at the Cuckmere Inn, and details of the land that will be required permanently and temporarily have now been provided to the Objector together with details of how access to the property will be maintained during construction of the Scheme.[6.6,6.14,6.16]
- 8.40 It is anticipated that the agreement between the parties will be concluded in the near future avoiding the need for the CPO. Should this not be the case, following the clarification provided by the AA, it is evident that M and B's concerns could be addressed by the CEMP so that the impacts of construction on the Cuckmere Inn would minimise restrictions on vehicular access and endeavour to avoid disruption at peak trading times.

#### ***Christopher and Lisa Blay ( Plots 1/4,1/4a,1/4b,1/4c and 1/4d)***

- 8.41 Mr and Mrs Blay's concerns relate to the permanent acquisition of land needed for a temporary period, the maintenance of access to their dwelling both during and subsequent to the proposed works, the maintenance of their rights across the Cuckmere Inn car park, and the impact of the construction of the Scheme upon their living conditions. These concerns were exacerbated by the inadequate communication from the AA, but this matter has now been resolved.[6.18,6.21,6.22]

- 8.42 They object to the permanent acquisition of Plots 1/4a, 1/4b and 1/4c. These Plots can either be acquired by agreement, or should they be acquired, they could be acquired and returned to them after the Scheme is built.[6.18]
- 8.43 Mr and Mrs Blay's rights of access across the Cuckmere Inn land are dependant on the agreement reached between the Cuckmere Inn and the AA. However, the AA confirmed that Mr and Mrs Blay would have a permanent legal right of access following the completion of works which would be no less beneficial than the current rights.[6.33]
- 8.44 The AA advise that further detailed design and construction planning work has confirmed that uninterrupted access to Blackberry Cottage can, and will, be maintained during the construction period of the Scheme allowing Mr and Mrs Blay and their family to remain living at the property. Mr and Mrs Blay will also be provided with a named contact within the construction team to ensure that day-to-day liaison on the construction works is maintained.[6.28]
- 8.45 Condition 5 of the planning permission for the Scheme requires a CEMP to be submitted to and approved by the Local Planning Authority prior to the commencement of works. Amongst other matters the CEMP would include details of the Construction Traffic Management Plan. In addition, Mr Taylor provides an assurance to the Inquiry that access to Mr and Mrs Blay's property would be maintained throughout construction. The Schedule of Environmental Commitments within the ES, together with the CEMP would together safeguard the living conditions of Mr and Mrs Blay during construction. [6.27]

#### ***SUSTRANS (Plots 1/5, 1/5a)***

- 8.46 Sustrans objects to the CPO on the basis that the Scheme is designed principally to ease and encourage motor vehicle use, with the importance of the wider route for cycling not reflected in the design of the proposed replacement bridge, or the limited scope of the Scheme.[6.35]
- 8.47 The Scheme would improve facilities for cyclists in that it would provide a shared footway/cycleway on the south side of the proposed bridge. Whilst a scheme that covered a wider area may be beneficial for cyclists and pedestrians, the purpose of this Scheme is to address a specific problem and is not a reason for rejecting the CPO. It would improve facilities for pedestrians, and cyclists and would also improve the reliability of public transport and would therefore be beneficial to sustainable travel.[6.49]

#### ***Dr Nicholas Taylor***

- 8.48 Dr Taylor is concerned about the safety implications of the improved traffic flow on pedestrians and the location of the bus stops.[6.52,6.53]
- 8.49 A Road Safety Audit was undertaken which covered pedestrians as well as motorised users. ESCC is satisfied that pedestrian safety will be improved on the new bridge and surrounding access to the bridge. Speed limits will be enforced using traffic management and speed control measures.[6.55]
- 8.50 The westbound bus stop will not be moved from its current location.[6.56]

#### **Human rights and equalities**

- 8.51 The CPO has the potential to interfere with the human rights of persons who own property in the Order Land, particularly Articles 1 and 8 of the First Protocol of the Human Rights Act 1998, by compulsorily transferring property rights to the AA. Such interference is authorised by law provided that the statutory procedures for obtaining the CPO are followed, there is a compelling case in the public interest for the CPO, and any interference is proportionate to the legitimate aim served.
- 8.52 The Order Land has been kept to the minimum necessary to construct the Scheme and provide the associated mitigation measures. Those directly affected by the CPO will be entitled to compensation for any loss in accordance with the Compensation Code. Amendments to the Scheme have reduced the land interests to be acquired. The Scheme has been designed to minimise interference with rights.
- 8.53 There would be some interference with the family life of Mr and Mrs Blay. The AA has provided assurances that access to their property and their rights over the Cuckmere Inn car park would be maintained should the CPO be confirmed. There is also potential for interference during the construction of the Scheme which would impact on their access to their property and the potential for noise and disturbance during construction. The AA proposes to limit interference through the CEMP. This would ensure access to Mr and Mrs Blay's property and limit disturbance in respect of their living conditions. [6.28]
- 8.54 There would be a significant positive impact on accessibility, and it would be easier to reach the Seven Sisters Country 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 existing congestion.
- 8.55 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. In these circumstances, having regard to the very considerable public benefits of the proposal, I conclude that any interference with rights under Articles 1 and 8 of the First Protocol is proportionate.
- 8.56 An Equalities Impact Assessment for the Orders was completed in June 2023. This analysis identified that the Orders would mainly affect the landowners and residents of the properties. This will vary depending on the nature of the Orders and individual circumstances. It identified no negative impacts for those with protected characteristics as a consequence of the outcomes of the project.
- 8.57 Mr and Mrs Blay submitted evidence of a range of health conditions experienced by them and their family. The AA confirms that it has had due regard to these matters as referred to in the Statement of Case and had further specific regard in the light of the further information submitted by Mr and Mrs Blay to the Inquiry.
- 8.58 Mitigations or compensation will be put in place to minimise the impact. These measures would include creating new accesses, carrying out work at times of the

year when there are less walkers and ensuring that access is maintained to the Cuckmere Inn and Mr and Mrs Blay's property, Blackberry Cottage.

- 8.59 With regards to the Public Sector Equality Duty, there has been no conduct by the AA that has been brought to my attention that is prohibited under the Equality Act 2010. I have also had regard to my duties under the Public Sector Equality Duty throughout the conduct of the CPO proceedings. I conclude that the duty has been fully complied with.

***Conclusion on the CPO***

- 8.60 The Order Land is needed to deliver the Scheme. The Scheme itself is necessary due to the condition of the existing Exceat Bridge and to address congestion arising from the existing single lane bridge. I am satisfied that the AA has a clear idea as to how it intends to use the land it seeks to acquire and that the necessary resources are available to achieve this end within a reasonable timescale. There are no impediments to its implementation, and I find that the benefits and objectives of the Scheme could not be achieved by any alternative means.
- 8.61 The AA has complied with the requirements of the Guidance and has made genuine efforts to acquire the land and rights required and understand and mitigate the impact of the exercise of compulsory purchase powers on those affected.
- 8.62 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. I conclude that there is a compelling case in the public interest for confirmation of the CPO.

**9 RECOMMENDATION**

- 9.1 I recommend that the East Sussex County Council (Exceat Bridge Replacement – A259 Eastbourne Road) (Classified Road) (Side Roads) Order 2023 should be confirmed.
- 9.2 I recommend that the East Sussex County Council (Exceat Bridge Replacement – A259 Eastbourne Road) Compulsory Purchase Order 2023 should be confirmed, subject to the submitted modifications at INQ13 and INQ14.
- 9.3 I recommend that The East Sussex County Council (Exceat Bridge Replacement – A259 Eastbourne Road) Bridge Scheme 2023 should be confirmed.

*Lesley Coffey*

PLANNING INSPECTOR

## **APPEARANCES**

### ***For the Acquiring Authority***

Meyric Lewis KC

Instructed by Andrew Swaffer of East Sussex County Council

#### He Called:

Mr Babajide Lawal-Shekoni CEng MICE, MBA ACMI - Senior Associate Director  
(Jacobs)Tim Mann

Nuno Fernandes MRTPI, NIPA - Associate Director (Jacobs)

Mr Karl Taylor CEng MICE - Assistant Director Operations (East Sussex County Council)

Ms Virginia Blackman – Principle (Avison Young)

### **Statutory Objectors**

For Mitchells and Butler

Daisy Noble

Instructed by Mitchells and Butler  
Mr and Mrs Blay

### **Other parties**

Mr Parr

Mr Robert Brown

**DOCUMENTS SUBMITTED DURING THE INQUIRY**

INQ1	Opening Submission on behalf of East Sussex County Council
INQ2	Mr Parr's plan
INQ3	General Arrangement Sheet 1 of 2
INQ4	General Arrangement Sheet 2 of 2
INQ5	Proposed Speed Limit Zones
INQ6	Walk the Vanguard Way Leaflet
INQ7	Comments from Mr Parr
INQ8	Environmental Statement addendum
INQ9	Correspondence between Virginia Blackman with Mr and Mrs Blay including response from the Council regarding Mr and Mrs Blay's objection – 7 May 2025
INQ10	Submission from Mitchells & Butlers
INQ11	Modifications to CPO
INQ12	Tracked CPO Schedule
INQ13	Clean CPO Schedule
INQ14	Exceat Bridge CPO Map Pre-PLI Amendment
INQ15	Closing Submission on behalf of Acquiring Authority

**Core Documents**

<b>Volume 1 – Orders, Plans and Statements</b>	
1.1	The CPO (including Schedule) and Map
1.2	Side Road Order and Site Plan
1.3	Bridge Scheme (including Book of Plans)
1.4	The Statement of Reasons
1.5	The Statement of Case
1.6	Overlay Plan Showing Order Land and Planning Permission Boundary
1.7	CPO Revised Plan
<b>Volume 2 – Legislation and Guidance</b>	
2.1	Human Rights Act 1998: Section 15 and Article 8 of the First Protocol of the Convention
2.2	The Equality Act 2010 – Section 149
2.3	The Ministry of Housing, Communities and Local Government “Guidance on the Compulsory Purchase Process” (January 2025)
2.4	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”
2.5	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”
2.6	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”
2.7	Highways Act 1980 - Sections 14, 125, 106(3), 239, 240, 246, 250 and 260
2.8	Rule 15 of the Compulsory Purchase (Inquiries Procedure) Rules 2007
2.9	Rule 23 of the Highways (Inquiries Procedure) Rules 1994
<b>Volume 3 – Cabinet Reports and Council Documents</b>	
3.1	Cabinet Report dated 18 July 2023 and Associated Minutes
3.2	Cabinet Report dated 4 March 2025 and Associated Minutes
3.3	Cabinet Report dated 22 April 2025 and Associated Minutes
3.4	Equality Impact Assessment
3.5	Levelling-Up Funding Application Form
<b>Volume 4A – Planning Documents</b>	
4.1	<b>Documents associated with planning reference 21/02342/FUL</b>
4.1.1	Planning Application – 29 March 2021

4.1.2	Location Plan – 29 March 2021
4.1.3	Design and Access Statement with Appendices – 23 April 2021
4.1.4	Extract of Environmental Statement – Chapter 5 – 23 April 2021
4.1.5	Environmental Statement Non-Technical Summary – 23 April 2021
4.1.6	Planning Statement and Appendices A, B and C – 23 April 2021
4.1.7	South Downs National Park Authority Planning Committee Report – 8 December 2022
4.1.8	Planning Permission Decision Notice- 16 August 2023
4.1.9	Section 106 Agreement - 8 August 2023
4.2	<b>Documents associated with planning reference 23/04375/FUL</b>
4.2.1	Planning Application – 3 October 2023
4.2.2	Community Infrastructure Levy Form – 28 September 2023
4.2.3	Location Plan – 15 September 2023
4.2.4	Planning, Design and Access Statement – 28 September 2023
4.2.5	Non-Statutory Environmental Assessment Report – 27 September 2023
4.2.6	Acknowledgement of Withdrawal Letter – 1 March 2024
4.3	<b>Documents associated with new site compound</b>
4.3.1	Planning Application Form - 16 August 2023
4.3.2	Location Plan
4.3.3	General Arrangements Plan – 31 May 2024
4.3.4	Block Plan - 5 June 2024
4.3.5	Proposed Main Site Compound Location Ground - 5 June 2024
4.3.6	Planning, Design and Access Statement – April 2025
4.3.7	Non-Statutory Environmental Assessment Report and Appendix A and C – March 2025
4.3.8	Road Safety Audit – July 2024
4.3.9	Comparison of Proposed Main Site Compound Location and Approved Main Site Compound Locations – 5 June 2024
4.4	<b>Planning Policy Documents and Highway Documents</b>
4.4.1	National Planning Policy Framework – December 2024
4.4.2	South Downs Local Plan - July 2019
4.4.3	Seaford Neighbourhood Plan – December 2019
4.4.4	Lewes District Joint Core Strategy – Local Plan Part 1 – May 2016
4.4.5	Lewes Local Plan Part 2: Site allocations and development management policies – May 2016
4.4.6	Saved policies of the Lewes District Local Plan - March 2003
4.4.7	Wealden District (Incorporating part of the South Downs National Park) Core Strategy Local Plan - February 2013
4.4.8	Not Used
4.4.9	Saved policies of the Wealden Local Plan (1998) and other relevant documents
4.4.10	Design Manual for Roads and Bridges – March 2025
4.4.11	Manual for Streets 1 - 2007
4.4.12	Manual for Streets 2 - 2010

<b>Volume 5 – Initial Objections, Withdrawals and Other Documents</b>	
5.1	Sustrans Objection – 30 November 2023
5.2	Mitchells & Butler Retail Limited Objection – 1 December 2023
5.3	Christopher and Lisa Blay Objection – 2 December 2023
5.4	The Crown Estate Objection – 15 February 2024
5.5	The South Downs National Park Authority Objection – 4 December 2023
5.6	Letter withdrawing Objection from South Downs National Park Authority – 29 April 2024
5.7	Dr Nicholas Taylor Objection – 11 November 2023
<b>Volume 6 – Miscellaneous</b>	
6.1	Construction Environmental Management Plan – 5 September 2022
6.2	Sustrans Objection to Planning ref: SDNP21/02342/FUL -
6.3	Site Visit Itinerary
6.4	East Sussex County Council- Local Cycling and Walking Infrastructure Plan- Summary
6.5	East Sussex County Council- Local Cycling and Walking Infrastructure Plan- Part 1
6.6	East Sussex County Council- Local Cycling and Walking Infrastructure Plan- Part 2