

# Arun District Council

<b>REPORT TO:</b>	<b>Planning Committee - 8 February 2023</b>
<b>SUBJECT:</b>	<b>Fitzalan Link Road Acoustic Barrier</b>
<b>LEAD OFFICER:</b>	<b>Neil Crowther, Group Head of Planning</b>
<b>LEAD MEMBER:</b>	Councillor Terence Chapman
<b>WARDS:</b>	<b>Wick &amp; Brookfield</b>
<b>CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:</b> Use regeneration opportunities to attract new and relocating businesses to the district.	
<b>DIRECTORATE POLICY CONTEXT:</b> The proposals will help to enhance the quality of the natural and built environment, protect the district's natural and heritage assets and to promote economic growth in a sustainable manner, striking a balance between the need for development and the protection of scarce resources.	
<b>FINANCIAL SUMMARY:</b> The decision of the Committee in respect of the Fitzalan Link Road acoustic barrier potentially has substantial financial implications for the Council.	

## 1. PURPOSE OF REPORT

- 1.1. For the Committee to determine whether it wishes to continue to pursue the resolution of the Committee in May 2022 as a result of increased certainty around the scale of likely costs.

## 2. RECOMMENDATIONS

That the Committee resolve to cease exploring options to secure the reduction in height of the acoustic barrier due to the prohibitive high costs involved that the Council would expose itself to, should it proceed.

## 2. EXECUTIVE SUMMARY

- 2.1. This report follows on from previous reports to Planning Committee in May 2021, December 2021 and May 2022. The outcome of these reports was that the Committee stated a preference to secure the reduction in height of the acoustic barrier to 2.5m. The Committee had resolved to seek expert advice (to be reported back to Committee) on the likely costs associated with this. A brief for this work was prepared and issued but no fee proposals were received.
- 2.2. During this time, further discussions have taken place with West Sussex County Council as they have extensive experience of the project and many of the issues associated with the potential reduction in height of the barrier. From these discussions, it is clear that the overall costs and potential compensations costs would be significant and would be likely to far exceed £2mil. The Committee will

consider whether the exposure to this level of costs is something that the Council should pursue or not.

### **3. DETAIL**

- 3.1. In May 2022, following a targeted consultation, Planning Committee resolved the following
  - i. Support the principle of reducing the height of the acoustic barrier to 2.5m subject to further work being undertaken regarding the quantification of the costs that the Council would be liable for the physical works, potential scale of any future compensation claims, and the likely costs associated with pursuing a formal modification of the planning permission through Section 102 & 103.
  - ii. Confirm that discussions continue with West Sussex County Council and Persimmon Homes to seek an agreed solution seeking to negate the need for any formal legal process.
  - iii. Require a further report to be provided to the committee on progress on these matters.
- 3.2. A brief was prepared seeking to instruct a suitably qualified professional to complete this work but no fee proposals were received.
- 3.3. At the same time, further discussions took place with West Sussex County Council because they have extensive experience on road building issues and, whilst they are not able to provide definitive cost estimates, they were able to provide some guidance on some of the matters that the Council were seeking some expert advice on.
- 3.4. The overall costs involved in reducing the height of the acoustic barrier would be made up of the following elements.
  - Submission of planning application
  - Part One compensation
  - Physical costs of the work involved in reducing the height of the barrier
  - S278 and traffic management costs for the time period where traffic management will be required during the physical works
  - Replacement landscaping and repair any highways damage
- 4.5 Whilst it has not been possible to get a detailed breakdown of the above costs, it is apparent that the addition of the above would amount to a very substantial figure; one which the Council is very unlikely to want to expose itself to. Some of the costs referred to below will not be referred to as exact figures or highlight the source of these because of commercial confidentiality and the desire for this report to be in the public realm.
- 4.6 Officers estimate that the preparation of a planning application with the required technical assessment reports would cost a minimum of £150,000.
- 4.7 Budgets required for potential Part One Compensation claims would need to be upwards of £1mil. As stated in previous reports, if the Council were to carry out any changes to the barrier, they would become liable for these claims (the County

Council have the current liabilities, but these have been negotiated with Persimmon through the adoption process).

- 4.8 The costs of the physical works involved in removing the top two panels to reduce the height to 2.5m and then cutting the supports down to this height would be significant. It is estimated that this is likely to be far more than £1mil.
- 4.9 Estimating a 6-month period for the works to be carried out and that traffic management would be required during this period, then a section 278 agreement would need to be entered into with the County Council (as highway authority). The costs of traffic management over this period would exceed £500k.
- 4.10 Whilst it has not been possible to obtain a detailed breakdown of these costs, there is a high degree of certainty around the elements that will need to be included within any overall costs. It is also clear that the final costs that the Council will expose itself to will very likely be upwards of £2.5mil.
- 4.11 If the decision of the Committee is to not agree with the recommendation in this report, then the May 2022 resolution would stand, and Officers would seek to get these recommendations dealt with and presented back to Committee. As set out in paragraph 4.2, there may be practical issues involved in seeking expert cost estimates but these will be re-visited.

#### **4. CONSULTATION**

- 4.1. Nothing specific at this stage.

#### **5. OPTIONS / ALTERNATIVES CONSIDERED**

- 5.1. The Committee must determine if they wish to pursue the resolution made in May 2022 or to agree to cease this and do nothing as a result of the likely scale of costs.

#### **6. COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER**

- 6.1. I endorse the recommendation contained in the report to “cease exploring options to reduce the height of the acoustic barrier”. As stated in the report the cost of such action is prohibitive (excess of £2.5m). This would form significant discretionary expenditure at a time that the Council is facing significant financial pressures.

#### **7. RISK ASSESSMENT CONSIDERATIONS**

- 7.1. None at this stage.

#### **8. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER**

- 8.1. The democratic and governance implications are set out within paragraph 4.11 of the report.

**9. HUMAN RESOURCES IMPACT**

10.1 None

**10. HEALTH & SAFETY IMPACT**

10.1. None

**11. PROPERTY & ESTATES IMPACT**

11.1. None

**12. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE**

12.1. None

**13. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE**

13.1. Carrying out the works would result in additional carbon emissions over the course of the physical works on site.

**14. CRIME AND DISORDER REDUCTION IMPACT**

14.1. None

**15. HUMAN RIGHTS IMPACT**

15.1. None

**16. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS**

16.1. n/a

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**CONTACT OFFICER:**

Name: Neil Crowther  
Job Title: Group Head of Planning  
Contact Number: 01903 737839

**BACKGROUND DOCUMENTS:**

Planning Committee agenda May 2021, December 2021 and May 2022.