

Legal challenge to Highways England bypass decision to go ahead

Environmental campaigner granted permission by the High Court to challenge the decision by Highways England over a road project that would destroy ancient woodland and pass through the South Downs National Park near Arundel, West Sussex.



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Law firm Leigh Day are taking the legal action on behalf of local environmental campaigner Dr Emma Tristram, to challenge Highways England's proposal for the new bypass which campaigners argue will destroy valuable woodlands and ruin local villages.

Dr Tristram is crowd funding her legal challenge through [CrowdJustice](#).

The decision by the High Court to grant permission for [a judicial review](#) into the Highways England decision included observations by the Court that the legal claim: "raises arguable questions of law in relation to whether something went clearly and radically wrong with the consultation in relation to the traffic figures...".

Grandmother Dr Tristram is a local historian and author of 'Binsted and Beyond', which charts the history of Binsted and its surrounds, a village set in the landscape through which the proposed bypass would run.

In 2017 Highways England ran a public consultation on three bypass options, to which Arundel Bypass Neighbourhood Committee (ABNC) responded, including evidence from local environmental survey group, the Mid-Arun Valley Environmental Survey (MAVES), which had undertaken extensive surveys and prepared reports on the wildlife and biodiversity of the local area.

Three options were consulted on: Option 1, which runs close to the present route; Option 3, which runs through Ancient Woodland at Tortington Common and the South Downs National Park; and Option 5A, which runs through Ancient Woodland at Binsted Woods, the historic Binsted Park and also through the South Downs National Park.

Despite objections and serious concerns over the level of environmental harm, and the fact that Highways England itself had found post-consultation that Option 5A would have a 'very large adverse impact' on biodiversity and a 'large adverse impact' on the landscape, Highways England announced Option 5A as its 'Preferred Route' on 11 May 2018.

In July this year lawyers from the public law team at Leigh Day issued proceedings in the High Court claiming that the decision by Highways England was unlawful as, following public consultation on the three options, there was a radical change to Highways England's projected traffic flow on surrounding roads which meant that:

- information in the consultation brochure was positively misleading;
- expressions of support by the public for Highways England's preferred route was based on out of date traffic figures;
- the public were not given the opportunity to consider revised traffic figures.

The consultation material also contained numerous material errors and omissions which, cumulatively, gave a positively misleading impression of the impact of the preferred option on Binsted village, Binsted Woods and historic Binsted Park.

The High Court, which has designated the challenge as a Significant Planning Court claim, granted permission for Judicial Review on all grounds.

Speaking about the case, Dr Tristram said:

"This legal challenge is about the damage this proposed route would cause to the South Downs National Park, to Walberton Parish, to Binsted and Tortington Villages and the Arundel watermeadows. It's about future generations, and the people who love and use these areas.

"Loss of this 'green lung' would seriously damage access to the National Park from nearby villages and towns. On top of all that, to accept a new major road through the National Park would put all National Parks in danger. These protected areas should remain protected."

Solicitor [Tessa Gregory](#), from Leigh Day, said:

"We are pleased that the Court has granted permission and we will now prepare to argue our client's case at the High Court over this decision which she believes is unlawful.

"Proper regard must be given to the potential damage to the National Park and Ancient Woodland, and all consultees should be apprised of the true extent of environmental damage that will be caused by the current preferred route."