



Arundel Bypass Neighbourhood Committee

Secretary: Emma Tristram, Stable Cottage, Binsted
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The Rt. Hon. Chris Grayling MP
Secretary of State for Transport, Department for Transport
Great Minster House, 33 Horseferry Road, London SW1P 4DR

Cc – Lord Adonis, Chair, National Infrastructure Commission; Michael Gove MP, Secretary of State for the Environment; Nick Herbert MP; Cllr Derek Whittington and Louise Goldsmith, West Sussex County Council; Cllr Norman Dingemans, Arun District Council; Suzy Clark, Walberton Parish Council; Trevor Beattie and Andy Beattie, South Downs National Park Authority; Alan Feist, Highways England

10 September 2017

RE: Arundel Bypass, a flawed consultation which will mislead respondents and conceals the true damage caused by Option 5A

Dear Mr Grayling

The current 'public consultation' being carried out about the Arundel Bypass is seriously flawed. Highways England have presented data with a large number of mistakes, significant omissions, out of date information, and misleading visual aids, about crucial aspects of the evidence.

These, together with surprising changes since 2015 to the financial calculations which tend to raise the Benefit Cost Ratio (BCR) for Option 5A, while lowering it for Option 3, make the route through the village of Binsted (5A) look better than the others to those who do not know the area.

In reality, Option 5A is by far the most damaging in terms of rural communities (severely impacting two villages, Binsted and Tortington). Mitigation costs will be higher than estimated because of damage to heritage assets, high-quality woodland and the Special Qualities of the National Park. The supposed increased benefits are unlikely to occur.

Below is an outline of the errors followed by a detailed explanation. More evidence can be provided if required.

1. No indication of the impact on the village of Binsted
2. Unconvincing changes to Cost Benefit Analysis
3. Important heritage asset wrongly omitted
4. Previous comparisons' conclusions ignored
5. No indication of the impact on Binsted Woods
6. Misleading maps with woodland omitted
7. Incorrect and outdated ecological data
8. Conclusion



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1. No indication of the impact on the village of Binsted

Binsted is a spread-out village of 38 houses with 8 listed buildings, partly within the vast, mysterious woodlands of Binsted woods and with a history bound up with the woods. It has its own yearly fund-raising event for its 12th-century church and local charities, an active community environmental group, many businesses, a pub, its own Arts Festival and a vibrant community spirit.

Binsted's beauty and tranquillity are much loved by visitors, walkers, riders and cyclists. Its magnificent woods, all in the South Downs National Park, and its countryside are very easily accessible to people from the surrounding villages and towns towards the coast, without crossing a major road, and to people who find steeper hills too difficult.

Option 5A would cause massive damage to Binsted village as a village and a place. Four of the village's houses are less than 75m from Option A. Four are cut off from the rest of the village. This is nowhere shown in Highways England's materials and bad mistakes disguise it further.

- An out of date Google Earth image from 2009 has been used as the base image for the plans exhibited, which gives an impression of a landscape with virtually no houses in it. The locations of Binsted's houses and businesses are nowhere indicated.
- Hidden in the Tables are some figures on listed buildings. One is 25m from Option A – of that house Highways England states that the new road will be 'beneficial' because of an increase in trade. That house ceased to be a pub 5 years ago and is now two private dwellings. The true impact should be 'Major Large Adverse'.
- Binsted Manor, a very large house on a historic site 75m from Option 5A, appears as bare earth as in 2009 it was about to be rebuilt. A Highways England staff member at the exhibition was surprised to be told of its existence. This illustrates well the unreliable way in which the Options Selection process has been executed.
- Binsted is not even mentioned in the Appendix which details the effects on communities.

A petition against Option 5A has received nearly 2000 signatures. The campaign Facebook page opposing 5A has had over 2000 'Likes'. A lot of people care about Binsted.

2. Unconvincing changes to Cost Benefit Analysis

The supposed benefit for the route through Binsted has been revised upwards by 71 per cent compared with the 2015 A27 Feasibility Study (where it was studied as Option B), without the costs changing. The benefits of the 2015 Option B were calculated at £320.6m, those of the present Option 5A are calculated at £547.9m without any justification for the large uplift being given. This gives a BCR of 2.6: however, if the old benefits are put in, Option 5A comes out as just under 1.6 – much less good. This will be challenged.

In addition, Option 3 costs have been raised by nearly £70m, explained to us at the exhibition as 'largely' due to Ancient Woodland mitigation costs. By contrast, Option 5A costs remain unchanged.

We note that mitigation has been accounted for on the basis solely of designations and old survey data: no account was taken at this stage of recent MAVES survey data (www.maves.org.uk) supplied by us to Highways England in September 2016 and March 2017. Therefore mitigation costs will be seriously underestimated for the previously under-surveyed Binsted area.

Mitigation costs for the loss of the Special Qualities of the National Park in Binsted are also not yet accounted for in the Cost Benefit Analysis (CBA). They are likely to be large because they include loss of an important heritage asset (Binsted Park, 15 ha.), loss or deterioration of a large amount of very high-quality woodland, and loss of valuable mixed habitat with good public access and long views.

3. Important heritage asset in the path of Option 5A wrongly omitted

Binsted Park is historic parkland within Binsted Woods. It is surrounded by woodland and is one of the most beautiful parts of the woods. It also contains three houses, including the Park’s original grand house now rebuilt as Binsted Manor. Binsted Park is directly in the path of Option 5A. It is recommended by name for conservation in the National Park’s ‘South Downs Integrated Landscape Character Assessment’, along with its setting.

Binsted Park is not discussed or correctly identified in the consultation materials. It seems Highways England think it is the name of part of Tortington Common. A photo purporting to show Binsted Park is of a metalled road on Tortington Common.



Figure 1: Above left: the real Binsted Park. Above right: Highways England’s ‘Viewpoint’ picture labelled Binsted Park.

This error has led to multiple other errors. In a table of Historic England Heritage Assets, ‘Park – Binsted House’ (indicating Binsted Park) is listed as ‘outside’ the scheme area, when it is directly in the path of 5A. The label ‘Binsted Park Ancient Woodland’ (a non-existent entity) is used several times to refer to woodland on Tortington Common.



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4. Previous comparisons' conclusions ignored

Routes very similar to the two offline routes proposed, Option 5A (previously Green route or Binsted route) and Option 3 (previously Pink-Blue or 1993 Preferred Route), have been compared by studies for the Department of Transport twice before, in 1992 and 2002, and both times Option 3 (across Tortington Common) was found to be less damaging.

The 1992 report stated that Binsted Woods (250 acres, broad-leaved semi-natural woodland) are 'nationally important' and that 'destruction or fragmentation would substantially damage their national importance'.¹ Option 5A would destroy parts of Binsted Woods and fragment others.

Binsted Woods have not changed since 1992, but through the surveys of MAVES the ecological value of the Binsted area is now known to be greater than was then understood. Tortington Common has changed and is regenerating from its coniferization in the 1970s. This does not make the 1992 consultants' statement less true.

Highways England show no sign of knowing that Binsted Woods are 'nationally important'. They appear to be trying to reverse the results of the 1992 and 2002 comparisons.

5. No indication of the impact on Binsted Woods

The Highways England supporting evidence does not correctly describe or characterise Binsted Woods (250 acres). Their report drastically downgrades Binsted Woods, and erases the difference between them and Tortington Common (180 acres).

Highways England nowhere explains the difference (in the limited regulatory definition) between the two types of 'Ancient Woodland', Ancient Semi-Natural Woodland (ASNW) and Ancient Replanted woodland or PAWS (Plantation on an Ancient Woodland Site). Binsted Woods are mainly the former, Tortington Common is mainly the latter. Equal legal protection is given to both, but while Binsted Woods are 'nationally important' (see 4 above), Tortington Common is mostly a regenerating conifer plantation.

The information, seen below, is easily available from magic.gov.uk and this source is listed in the Highways England Report's Bibliography.

Understanding of the true nature of Binsted Woods is necessary to understand the true impact of Option 5A.

¹ Environmental Assessment Unit of Liverpool University Limited, 'The Binsted Wood Complex: A brief appraisal of its conservation value and context', 1992.



Figure 2: map of 'Ancient Woodland' in Binsted Woods and Tortington Common from *magic.gov.uk*. Binsted Woods are mainly Ancient Semi-Natural Woodland (vertical green stripes) and Tortington Common is mainly Plantation on an Ancient Woodland Site or PAWS (horizontal red stripes). Green shows deciduous woodland.

6. Misleading maps with woodland omitted

Parts of Binsted Woods are shown as white space instead of woodland in maps of the routes, without a key to explain the omission. In the left-hand map below, red circles indicate woodland omitted on the right-hand map.

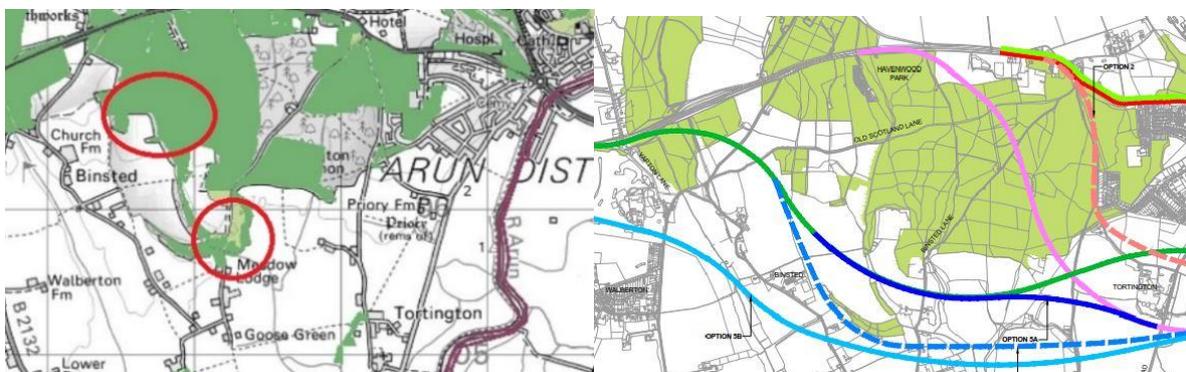


Figure 3: Above left: the true outline of the Binsted Woods as shown on the 'Deciduous Woodland Priority Habitat' map on *magic.gov.uk*. Above right: map of routes in Highways England's consultation brochure, with woodland omitted.



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The map above right leaves out woodland not defined as 'Ancient Woodland' (i.e. wooded since 1600, in the limited regulatory definition). This is not explained, and is highly misleading in a general background map. It distorts the historic shape of Binsted Woods, makes them look smaller than they are, and makes them look like a few patches of unconnected woodland instead of – as they are in reality – a massive, connected area of semi-natural woodland of 250 acres.

The misleading maps described above are especially inappropriate because the 'non-Ancient' parts of Binsted Woods (in the limited regulatory definition) are as species-rich as the parts defined as 'Ancient'. The 1992 report comparing a route like Option 5A with a route like Option 3 stated of Binsted Woods: 'It should be noted that whilst a number of woodland compartments are at most 200 years old, and therefore cannot be regarded as Ancient Semi-Natural Woodland, the flora in these compartments are locally rich and include a number of uncommon species'.

Woodland supposedly not 'Ancient', i.e. with a mapped period of clearance, can over time become just as species-rich as that defined as 'Ancient Woodland', so that they are sometimes indistinguishable. This can happen if the area is adjacent to Ancient Woodland, or with only a short period of clearance. Both are true of the supposedly 'non-Ancient' areas of Binsted Woods.

An area wooded for 1000 years may have had a short period as a field or pasture, and been mapped during that time, then reverted to woodland. That woodland would be defined as 'non-Ancient Woodland'. Dr Tony Whitbread, head of the Sussex Wildlife Trust, has stated that the disturbance of the soil in 'non-Ancient woodland' can mean that the woodland flowers are more varied than in neighbouring 'Ancient Woodland'.

Highways England's reports treat 'non-Ancient' woodland as so unimportant that it can be left off maps with no explanation. But given that National Park status is at least equal to that of Ancient Woodland, impact on non-designated woodland of Ancient Woodland quality within the National Park must be mitigated at the same rate as designated Ancient Woodland. The impact and status are in effect the same. This will affect the Cost Benefit Analysis.

If Binsted Woods are massively damaged by a new bypass, this will become a scandalous case of planning legislation to protect 'Ancient Woodland', misleadingly used in Highways England's consultation, causing a nationally important woodland to be irrevocably damaged and cut off from its context.

7. Incorrect and out of date ecological evidence on important species

Highways England's Environmental Study Report is inadequate and out of date. Consultant ecologist and botanist Wildlife Splash has produced a critique of the Report and its conclusion is: 'Interested parties cannot possibly draw even the most fundamental conclusions based on such a lack of information.'

Some of the failings it highlights are:



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- The Highways England Phase 1 Habitat Survey was done on 12-16 January 2016 and was conducted only from Public Rights of Way, aerial photos and maps. This is the worst time of year to survey as no plants are visible, and, with the exception of birds, protected and notable species are mostly hibernating.
- The majority of hedgerows are described as 'very gappy' with limited commuting opportunities for Dormice. This is simply wrong.
- The farmland is described as 'intensive' and likely to support a common assemblage of birds. This does not accurately describe the landscape or the birds.
- The data search (comprising information on species in the area held at the Sussex Biodiversity Record's Centre) is two years out of date extending from 2005 to 2015. This is unacceptable as the latest records are the most relevant.
- Highways England were presented with targeted local-area species survey data commissioned by MAVES in September 2016 and March 2017, and have ignored this data.

The ecological considerations and mitigation costings for the road options are therefore based on incorrect and out of date data. Surveys are taking place this year, to understand the ecological impact on the route options, but neither that information nor the 2016 data are available for the Public Consultation. This puts into question their mitigation costs for Options 5A and 3 which feed into the viability of the various route options, and will mislead the judgement of respondents.

8. Conclusion

A Public Consultation based on such faulty information and apparent bias in the consultation materials could undermine the validity of any decision taken on this basis, whether by respondents to the Consultation, Highways England, the Department for Transport or the Secretary of State.

As it is vital that the local community has confidence in the consultation process, we would ask you to urgently review the consultation documents and to evaluate any responses to them in the light of the above shortcomings.

If the consultation results in the choice of 5A as the Preferred Route, the result may be open to challenge on the basis that the consultation materials were misrepresentative of the facts.

Thanking you for your consideration, I remain

Yours sincerely

Emma Tristram