

## Highway Maintenance - The Conservation of Character

### **An account of a representation from the Friends of Lewes to the East Sussex County Council, on their proposals for repairs to pavements in Lewes town conservation area, December 2020, by Peter Earl**

The County Council recognise that East Sussex has a wealth of historic towns and villages which contribute to the overall character and distinctiveness of the county and the importance of these areas and the impact that the local highway network can have on their character. At present they have highway policies that set out the approach to maintenance of footways and street lighting within areas of particular conservation or historical interest. The County Council consider that current policies no longer reflect local priorities and that a new more flexible approach, covering all types of highway assets is proposed to help to maximise value for money where resources are limited. Accordingly, it has been proposed that all reinstatement works should be undertaken with a single use bituminous macadam throughout such areas in the town's conservation areas, with the exception of the High Street, from Cliffe Bridge to Irelands Lane, where the present materials would be reinstated (it is a mixture of paving slabs and red brick paviors). A report was prepared for the Lead Cabinet Member for Transport and Environment on the 17th November ([see ESCC website](#)) which following representations from the Friends of Lewes, and we believe others, was withdrawn for further consultation.

The Executive Committee of the Friends of Lewes objected to the proposals, which it is felt would be detrimental to the character of the historic core of the town of Lewes and which would make policy actions, which have hitherto been only available as temporary fixes, (for example utility repairs) before proper reinstatement of highway and footway surfaces could be made. Further, in view of the lack of proper consultation with relevant stakeholders it was the view of the Executive Committee that any decision must be delayed until the essential information that informed the change of policy was publicly available and that adequate consultation with Parish, Town and Borough Councils (where there are conservation areas), in addition to Civic Societies and relevant amenity groups was undertaken. It is recognised that this matter can be considered a difficult balance, particularly at a time of financial constraint. However, the implications for streets such as Keere Street, Southover High Street and many other streets, twittens and passages is considered to be highly detrimental and unacceptable. Furthermore, it seems that most damage to footways is caused by vehicles (see picture of 4 axle HGV cutting the corner of East Street into Albion Street, below) and poor quality of utility repairs. Accordingly the focus of action and financial reimbursement should be directed to these areas, rather than a simplification of repair with an unsympathetic material.

The County Council proposals were considered to represent a fundamental policy change in the way that the built environment is protected and did not appear to be backed up by proper reference to permission to make these changes in the legislation that protects conservation areas and the settlements within the South Downs National Park. The County Council were reminded that they were the authority which designated the Lewes conservation area, having already done so in Rye in 1968, and subsequently supported many others across the county, including Bexhill Old Town. The designation of the Lewes conservation areas have followed the preparation of a detailed character

assessment and designation reports, meaning that there has been a high level of information available for many years delineating the special architectural and historic interest of the Lewes Conservation area. By its nature this means that this character is considered worthy at least of preservation or if possible enhancement.

Over the years the importance of enhancement works has been recognised by the County Council, particularly within Lewes in Southover High Street, Cliffe High Street, Friars Walk, Station Street and most recently St Andrew's Lane. These works have often been supported with financial support from the Friends of Lewes and other sources. These are good examples of local groups working with the council to protect the conservation area and show the willingness of bodies like the Friends of Lewes to take an active part including a financial contribution.

In legislative terms the duty under section 72 of the Town and Country Planning (Listed Building and Conservation Area Act) 1990 is considered to remain applicable and the County Council still need to discharge their duty in respect of conservation areas and continue to pay special attention to 'the desirability of preserving or enhancing the character or appearance of that area'. Furthermore, as the Lewes Conservation areas are within the South Downs National Park, the highway authority has a duty to have regard to the National Park purposes including, conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park (sections 61 and 62 of the Environment Act 1995). Neither of these clear legal requirements were considered in the report or the consequences of the action on the appearance that the change in approach will bring, including the impact on the enhancement works. In consequence we challenged the suggestion in the report that 'There are no other direct legal requirements on the authority to maintain historic assets or use sympathetic materials' and referred to a meeting with the Friends of Lewes, Lewes Conservation Area Advisory Group and the Lewes District Council conservation officer, and ESCC officers in August 2018 when the legislative protection to conservation areas was accepted.

It is relevant to note that the County Council derives considerable income based on the business and domestic rates from properties in the conservation area and receipts from on street parking. Should the attractiveness and tourist interest in the town be undermined through highway maintenance works which detract from the essential character of the conservation area and the historic core of the town, a commensurate loss of income could be anticipated, not only to the people living in the town but also through the effect on business a reduction in income to the County Council.

It is intended to set up a small working group within the Friends of Lewes, drawing on the different expertise that exists, to clarify the County Council proposals and understand more fully the degree of harm that could arise, particularly on streets where enhancement works have been undertaken. Additionally, there is a need to understand and record the different pavement surfaces, finishes and other features which are maintainable by the Highway Authority, such as the granite kerbstones and cobbles. If there are any members willing to assist with this work or wish to identify streets and tways that should be subject to special protection they are encouraged to get in touch through the Secretary.



*HGV cutting the corner of East Street into Albion Street, Lewes; Pavement repairs, Lewes High Street*