ESSEX COUNTY COUNCIL

THIS IS THE STATEMENT OF REASONS OF ESSEX COUNTY COUNCIL

FOR MAKING:

THE ESSEX COUNTY COUNCIL (GILDEN WAY/SHEERING ROAD (B183) IMPROVEMENT/WIDENING/REALIGNMENT, A1025 (NEW LINK ROAD FROM B183 TO M11) SCHEME) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2018

THE ESSEX COUNTY COUNCIL (GILDEN WAY/SHEERING ROAD (B183) IMPROVEMENT/WIDENING/REALIGNMENT, A1025 NEW LINK ROAD FROM B183 TO M11 AND GRADE SEPARATED JUNCTION/ROUNDABOUTS AT M11 JUNCTION 7A SCHEME) (PHASE 1) COMPULSORY PURCHASE ORDER 2018

and relying on the:

THE HIGHWAYS ENGLAND COMPANY LIMITED (M11 HARLOW NORTH JUNCTION (7A) (SLIP ROADS, SPECIAL ROADS) SCHEME 2018

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Statement of Reasons

1.0 Introduction

1.1 This statement explains the purpose of the above-mentioned Side Roads Order, Compulsory Purchase Order (which have been made by Essex County Council) and the Special Roads Scheme which will be made by Highways England Company Limited ('Highways England') and submitted to the Secretary of State for Transport for confirmation.

2.0 GENERAL INFORMATION

2.1 Background and local context

2.1.1 The capacity of the transport infrastructure in Harlow town is recognised as a major issue for both businesses and residents. The situation is exacerbated by the location of key industrial sites on the northern and western sides of the town, which are the furthest points from the existing single connection to the strategic road network, the M11 at Junction 7 (J7), located to the south-east of the town. This single connection, via the A414, means that network resilience is poor and significant congestion and delay experienced due to minor incidents occurs in and around J7. The A414 route is the primary means of road access to the town which serves as an important through route and also acts as an alternative route when incidents occur on the M25, creating further problems on the town's road network.

2.1.2 Geographically, Harlow is close to the M11 and M25, on the West Anglia Main Line and close to Stansted Airport. Harlow is ideally placed to accommodate significant housing and economic growth, but access to Harlow is constrained with only one link to the strategic road network (via M11 J7) and two railway stations located on the edge of the town.

2.1.3 The Harlow Transport Strategy reports that there are several factors that contribute towards the traffic conditions in Harlow, especially during weekday and weekend peak periods. As well as having limited access routes into and out of the town, the 2011 Census data indicates that 16,000 outbound and 16,500 inbound travel to work trips are made each day. In addition to the demand placed on the strategic road network from these work-related trips, adjacent towns and villages have limited access to the M11 and so tend to travel through Harlow in order to reach J7. The A414 as it passes through the town is also mainly single carriageway. Access to the M11 itself is also restricted within Epping Forest District to the south of Harlow, J5 having only south-facing slips, and J4 at the southern end of the motorway is some 12 miles distance from J7.

2.1.4 Furthermore, Harlow was constructed in the 1950s and 1960s as a planned New Town. Not only is much of the town's transport infrastructure now ageing, it was originally designed for a time of lower levels of car ownership and mobility. Traffic congestion is common, particularly during weekday and weekend peak periods, with impacts felt across the town's wider road network, and particularly at J7. A significant intervention is therefore required to address the capacity challenges, in conjunction with some more local road improvements.

2.1.5 Harlow town centre is identified as an area for regeneration and two sites have been identified for employment growth as part of Harlow's designation as an Enterprise Zone, one of 24 locations across the country designated by the UK Government to provide incentives for investment. There are proposals for a further significant increase in housing within Harlow District, Epping Forest District and East Hertfordshire District amounting to an objectively assessed need for more than 51,000 homes across the Strategic Housing Market Area, 16,000 of which could be within or directly adjoining Harlow. It is noted that existing growth in Harlow is already constrained by the lack of capacity at J7, with the 2013 Local Development Order for the Enterprise Zone capped until additional network capacity is realised.

2.2 Scheme Objectives

2.2.1 In order to facilitate and support this growth it is essential to improve access to the M11 and the transport flows in and around Harlow. With additional employment and housing development proposed in the three districts a long term solution to the current problems identified and the likely impacts of new traffic generation has to be delivered. This proposal to create an additional junction onto the M11 will not only

relieve the congestion at J7 but also improve traffic flows in and around Harlow by providing an alternative route in the east of the town.

2.2.2 The desired Scheme objectives are:

- To improve accessibility to and from Harlow.
- To reduce congestion primarily for the A414 corridor.
- To ensure the proposed infrastructure is of the appropriate scale for the future traffic demands of the Essex County Council projected growth.
- To facilitate future housing developments around Harlow and employment growth to the east of Harlow.

2.3 Development of the Scheme

2.3.1 Initial modelling work has shown that the existing M11 Junction 7 is now at capacity. An increase in road network capacity is needed to support the level of committed and proposed new housing, and jobs required to meet future needs and support economic development and regeneration in Harlow and the surrounding areas. This is evidenced in the Templefields North East Local Development Order which imposes the following condition: No development shall be begun under Schedule A or Schedule B of the Local Development Order on any land shaded red on Appendix H until a new junction on the M11 to the east of Harlow (Junction 7a) has been completed and made available for use. The reason for this is to ensure enterprise zone development is phased to take account of the transport assessment undertaken and the modelled impact of development on M11 Junction 7. To ensure that M11 Junction 7, A414 Interchange, will continue to fulfil its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, and DFT Circular 02/07 'Planning and the Strategic Road Network.

2.3.2 Without an improved link to the motorway, the town and surrounding Districts will not be able to realise their full potential and deliver their emerging Local Plan strategies. Additionally, in the absence of the M11 Junction 7A Scheme, future traffic congestion on the existing M11 Junction 7 is expected to worsen and measures would be required to address this. Traffic modelling has demonstrated that the provision of Junction 7a will, in the short to medium term, mitigate the current congestion issues.

2.3.3 Many highway infrastructure options have been identified and evaluated over the past 30 years, and range from extensive bypass routes, to more localised improvements. These studies include: investigation of alternative A1184-M11 connections; examination of northern relief routes and southern relief routes, all combined with high quality public transport corridors; investigations into the feasibility of more direct connections between A414 and M11; and assessment of the feasibility of providing additional eastern access opportunities between Harlow and the M11. These were subject to high level evaluation and comparison, with a new eastern access and link road (J7a), major improvements at J7, or a northern bypass

connecting the A414 at Eastwick with J7a being the most effective at addressing the objectives.

2.3.4 Additional more detailed highway modelling and economic evaluation was undertaken which concluded that the J7a scheme would provide relief to J7 and help to increase the capacity of the local road network and enable growth to come forward, but also that improvements at J7 would also be required at some point.

2.3.5 The distance between Junction 7 and Junction 8 of the M11 motorway is 9.7 miles. A new junction to the east of Harlow needs to be on this stretch and link in to the existing A414 taking account of topographical limitations and alignment requirements. The M11 Junction 7a Scheme would begin to the west, at the London Road Roundabout on Gilden Way (B183) and involve widening of the existing two-lane road to three lanes. When completed, two of the lanes would take traffic in a westerly direction into Harlow Town and the third lane would take the outbound traffic onto the M11 motorway. A roundabout known as the Churchgate Roundabout would have a “hamburger” configuration allowing traffic to flow through the centre of the roundabout in an east-west direction. The roundabout would also allow access into the proposed Harlowbury development. A new 2.5m wide footpath/cycleway would run from London Road to Sheering Road at The Campions.

2.3.6 Proposed improvements to Gilden Way include the construction of a combined footpath/cycleway on the north side of Gilden Way. Two existing pedestrian crossings would be signalised and upgraded and three new pedestrian crossings are proposed.

2.3.7 At Mayfield Farm, the proposed widened carriageway would begin to veer offline to the right from its present route. Here a new carriageway would be built linking the existing Sheering Road with a new roundabout known as The Campions Roundabout. The existing Sheering Road would be converted into a local access road for use by residents of The Campions only. This access road would link with the realigned Sheering Road via a new junction to the south of the new Campions Roundabout. Exiting the new Campions Roundabout, heading towards the new M11 junction, the road would connect to another new roundabout on the western side of the M11. A new two-lane road, known as the Westbound Link, would take traffic in the opposite direction, from the M11 to the new Campions Roundabout. The new Link road would rise on an embankment close to the motorway to allow for the differences in elevation between Sheering Road and the M11. Two new roundabouts and associated north and south bound slipways would be constructed on either side of the M11 and be connected by a new four-lane bridge over the motorway.

2.3.8 The works for the scheme are split into three parts, based on the preferred procurement method:

- Diversion of the High Pressure Gas Main in summer 2018: This involves the diversion of a National Grid (now Cadent) gas main asset beneath the M11,

which is currently in conflict with the earthworks and construction of the proposed slip roads.

- Advanced Works Contract: This comprises the construction of the large attenuation pipes, works relating to the utility diversions and ecological mitigation. Except for the ecological works, this element of the contract will predominantly occur on Gilden Way and is currently scheduled to commence in mid-2018.

- Main Works Contract: All other works required to complete the Scheme as shown on the Planning Application drawings such as the grade separated junction, slip roads, the new link road and widening of Gilden Way will be packaged under the Main Contract, which is scheduled to start in mid-2019. The road opening date is set for 2021 but local road improvements are expected to be opened as they are completed where it is safe to do so.

2.4 Consultations

2.4.1 The development of the design was also informed by a series of consultation events to which the public and / or key stakeholders were invited to participate:

- Public Information Exercise, held December 2013 to March 2014;

- Public Information Exercise was organised in June 2015;

- Formal Public Consultation followed in July 2016.

2.4.2 These public involvement and engagement programmes were satisfactorily conducted with participation by interested parties to obtain feedback on the proposals. All the feedback and recommendations received during the engagement programmes have been analysed and incorporated into the preliminary design as much as reasonably practicable. This includes:

- Additional crossing points along Gilden Way

- Provision of a local access road to The Campions opposite Mayfield Farm entrance

- Closure of the subway between Mulberry Green and Churchgate Roundabout

- Closure of Old Road to prevent rat running

- Speed Reduction along Gilden Way

- Additional link road construction re phased development.

2.4.3 The preferred route of the Scheme encompassing the link roads was announced in December 2016. Following the Preferred Route Announcement, the Scheme was developed into a Preliminary Design and packaged together with a robust Environmental Statement (ES) and an Interim Outline Business Case (OBC) for the submission of a Planning Application in January 2017.

2.4.4 The land required for the Scheme is shown bounded by a red line on drawing reference B3553F05-0000-DR-0500 as submitted in the Planning Application in January 2017. The proposed Scheme includes proposals for lighting, surface water drainage ponds, landscape planting and noise attenuation as well as the highway construction and improvement works.

2.4.5 Land outside the existing highway boundary that needs to be acquired to construct the M11 Junction 7A Scheme is:

a) Land to the east and west of the M11 corridor for the construction of the proposed slip roads and roundabouts;

b) Land to the west of the M11, extending to the B183 along the proposed highway alignment, for the construction of the link road between the new grade separated junction and the local network; and

c) Land outside the B183 highway corridor between London Road Roundabout to the south and the Ealing Bridge on the Pincey Brook, to the north for widening the existing highway and to realign the existing highway to the new roundabout (Campions Roundabout) on the link road.

2.4.6 Early consultation with the affected landowners commenced in 2013 and is continuing in pursuit of settlements without the need for a Compulsory Purchase Order. The Council will continue to make meaningful attempts to reach agreement on a voluntary basis, however, the delivery programme has allowed sufficient time should landowners be unable to agree a reasonable settlement and a Public Inquiry is required.

2.4.7 All landowners have been identified and therefore a Certificate B accompanied the Planning Application and each of the owners have been served with the relevant planning notice. A significant proportion of the land required is freehold and principally used for arable purposes. The Agricultural Holdings Certificate that accompanied the Planning Application reflects this.

2.4.8 Although most of the land sought is required for highway construction works, some land is needed for other purposes and ancillary works such as landscaping, ecological mitigation, drainage and surface water runoff control as detailed in the Environmental Statement submitted with the Planning Application. Some land contained within the red line boundary is required temporarily for delivery of the project. This includes utility diversions, construction access, site compounds,

materials haulage, including areas necessary to enable construction of the work elements and is intended to be returned to the landowners upon completion of the works.

2.4.9 As a result of feedback at a further Public Exhibition exercise in May 2018 the closure of the subway between Mulberry Green and Churchgate Roundabout has been deleted from the scheme but could be addressed separately if necessary.

2.5 Financial Viability and Funding

2.5.1 The Scheme is fully funded with the funding provided by Central Government, the Local Enterprise Partnership, Essex County Council and Section 106 Agreements under the Town and Country Planning Act 1990 (as amended).

2.5.2 The Scheme costs of £75m were submitted to Central Government for funding. In August 2016, the Council made a successful bid to the Department of Transport (DfT) through the South East Local Enterprise Partnership (SELEP) and received £1.5m towards the development costs.

2.5.3 In January 2017, the Council received DfT commitment to support the new junction as part of Central Government's £1.2 billion local roads funding to improve roads, cut congestion and improve journey times.

2.5.4 On 6 March 2018 the Council entered into an agreement with Highways England Company Limited (HECL) in relation to the delegation of powers in relation to the Scheme and is able to deliver the entire Scheme if the Compulsory Purchase Order is confirmed.

2.6 Planning Statement

2.6.1 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

2.6.2 Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Both the Epping Forest District Local Plan and the Harlow District Local Plan are now out of date.

2.6.3 Paragraph 216 of the NPPF states, in summary, that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

2.6.4 All four districts within the West Essex and East Herts Strategic Housing Market Area are in the process of delivering their Local Plans: East Herts undertook their Examination in Public in October 2017; Epping Forest are looking to submit their Local Plan to the Inspectorate in May. Harlow are likely to consult on their Regulation 19 Local Plans in May/June 2018 Uttlesford will consult on their Regulation 19 Local Plan in June/July 2018. Each of the districts includes specific references to the need for J7a within their Plans. In addition, as part of the Duty to Co-operate a Highway Infrastructure Memorandum of Understanding has been signed by each of the districts, both Essex and Hertfordshire County Councils and by Highways England, which agrees the need for J7a and other schemes.1.35 In the foreword to Harlow Council's 2014 'Harlow Local Development Plan: Emerging Strategy and Further Options' document, it states that Harlow *'experiences a number of complex socio-economic and environmental issues; the town centre needs to be rejuvenated, the mix of housing needs to be broadened and the town's infrastructure needs upgrading. In particular Harlow needs a new junction on the M11 to alleviate congestion and to accommodate future growth in housing and employment'*. With regard to infrastructure needs, Paragraph 2.17 further states that *'evidence shows that junction 7 on the M11 is operating close to its planned capacity and that any significant growth (housing and/or employment) in the Harlow area will cause the junction to exceed this capacity. Therefore, a new junction on the M11 (Junction 7a) is required to deliver growth in and around the town'.* Paragraph 2.25 highlights that *'the Council, in partnership with Essex County Council and the Local Enterprise Partnership, is promoting a new junction on the M11 (J7a). Without this part of the Enterprise Zone development and substantial additional growth (housing and commercial) to meet the needs of the community cannot be delivered'*. The Plan Period for the Harlow and Epping Forest is 2011 - 2033 and East Hertfordshire Local Plans is 2011 to 2031.

2.6.5 Taking into account the NPPF and the relevant policies of the Development Plan taken as a whole the proposal represents sustainable development in the context of the NPPF.

2.6.6 Following notice to, and no intervention by the Secretary of State, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission for the scheme was granted on 21st July 2017.

2.6.7 Additionally Part 9 A of Schedule 2 of the GPDO 2015 provides planning permission for highway improvement works by any highway authority on land within highway boundaries of a road, or on land adjoining the boundaries of an existing

highway. The Council has its own powers and, by virtue of its section 8 agreement with HECL, HECL's in this respect.

2.6.8 Cadent, previously National Grid, is to use its own powers and permitted development rights (under Part 15, power related development, of the GPDO 2015) for the purpose of diverting the High Pressure Gas Main and for access thereto, including construction access.

3.0 COMPULSORY PURCHASE ORDER LAND REQUIREMENTS

Outline of purpose and justification for making Order

The Compulsory Purchase Order is entitled The Essex County Council (Gilden Way/Sheering Road (B183) Improvement/Widening/Realignment, A1025 New Link Road from B183 to M11 and Grade Separated Junction/Roundabouts at M11 Junction 7A Scheme) (Phase 1) Compulsory Purchase Order 2018.

3.1 The Council's purpose in making the Order is to secure the acquisition of all relevant interests in the Order land to facilitate not only the delivery of the Junction 7A Scheme but of the wider corridor strategy and improvements back into Harlow town and to Sheering Lower Road. The need for the Scheme is explicitly recognized in emerging development plan policy at the local level.

3.2 The Order is intended to enable alterations and improvements to the highway network to ensure it will deliver the efficiencies and future growth capacity necessary to realise the economic dependencies in the local region which need to be achieved. Accordingly the objectives of the land acquisition are to bring them into beneficial use as an enabling component of a wider Infrastructure Delivery Plan for the emerging Harlow, East Hertfordshire, Uttlesford and Epping Forest districts' Local Plan strategies.

Enabling Powers

3.3 Section 239(1) of the Highways Act 1980 states that:

"*....any highway authority may acquire land required for the construction of a highway which is to be maintainable at the public expense…..*"

3.4 Compulsory Purchase Order is required to expedite the land acquisition to enable the construction of the M11 Junction 7A Scheme.

3.5 Other land not included in the Order schedule on which works of construction to deliver the Scheme will be carried out either form part of the existing publicly maintainable highway, are in the ownership of the Council, are in the ownership of HECL and subject to rights granted to the Council by HECL or already under contract for acquisition by the Council.

Description of Order land

3.6 The land required includes:

- Farmland (predominantly Arable);
- Land in ownership of housing developers; and
- Land in public ownership owned by Harlow District Council.

There are no ancient monuments or listed buildings within the compulsory purchase order land. The compulsory purchase order land is not within a conservation area and none of its land is owned by the National Trust or held by or on behalf of the Crown. None of the order land is ecclesiastical or burial ground. The compulsory purchase order land is not common land, village green or public open space.

3.7 In addition to land for construction, land is also required for landscaping, ecological purposes, working purposes, rights of construction and future maintenance.

Land Ownership and Order Schedule

3.8 The Order land comprised in plots 2, 7, 7A, 10, 11 and 12 of the Order schedule is adjacent to the existing publicly maintainable highway and presents the only opportunity to widen the corridor and link the existing or widened highway to the new link road.

3.9 The Order land comprised in plots 13, 15, 18 and 20 of the Order schedule forms part of the link road and necessary realignments to ensure coherency with the existing highway network.

3.10 The Order land comprised in plots 20A, 21, 23, 25, 26 and 30 of the Order schedule forms part of the new slip road onto the M11 and necessary realignments to ensure coherency with the adjoining new link road.

3.11 The Order land comprised in plots 4, 5, 6, 8, 9, 16 and 24 of the Order schedule is to ensure satisfactory drainage of the new or improved highway and to put in place flood mitigation measures.

3.12 The Order land comprised in plot 12 of the Order schedule is to provide a new access to Mayfield Farm from the realigned Sheering Road.

3.13 The Order land comprised in plot 12A of the Order schedule is to provide an alternative alignment for public footpath 30 which is severed by the realigned Sheering Road.

3.13 The Order land comprised in plots 22, 23 and 30 of the Order schedule is required for the high pressure gas main diversion necessitated by the proposed works on HECL's land. Some plots are also required for diversion during construction.

3.14 The Order land comprised in plots 3, 14, 17, 17A, 19, 27, 28 and 29 of the Order schedule is required for temporary use as a site compound and/or materials storage area during the construction works.

3.15 The Order land comprised in plots 6, 13, 15A of the Order schedule are required for ecological or environmental mitigation.

3.15 Contact has been made with all landowners affected and some negotiations are underway. The Council's appointed professional surveyors, Lambert Smith Hampton, are dealing with the land issues.

3.16 HECL land is not included in the Order because HECL have agreed that the Council can access the land and construct the new slip roads and other ancillary operations including temporary and permanent works. This has been facilitated under a section 8 Highways Act 1980 agreement.

The Side Roads Order

The Side Roads Order is entitled The Essex County Council (Gilden Way/Sheering Road (B183) Improvement/Widening/Realignment, A1025 (New Link Road from B183 to M11) Scheme (Classified Road) (Side Roads) Order 2018 and is made under sections 14 and 125 of the Highways Act 1980 and will, if confirmed by the Secretary of State for Transport, authorise the Council to make the following changes.

3.17 To divert 106 metres of public footpath 30 in the vicinity of Mayfield Farm along a new highway (footpath) 180 metres to meet the new classified road and the improved.B183 Sheering Road. The length of footpath to be diverted under the Side Roads Order to facilitate the construction of new carriageway and the separation of the new carriageway from the existing Sheering Road. The Council is of the view that the proposed replacement route under the Side Roads Order will provided another reasonably convenient route for all current users of the highway to be stopped up.

3.18 To stop up part of the private means of access to Mayfield Farm and provide for an alternative approximately 30 metres west of the existing. This is to ensure that the private access joins the new and improved roads in a safe junction. The Council is of the view that the new private access junction will provide another reasonably convenient access to the properties needing to use it.

ASSOCIATED ORDERS

3.19 Orders under the Road Traffic Regulation Act 1984 will be required to achieve the following:

- Reduce traffic speeds on Gilden Way for safety during construction works;
- Reduce traffic speeds on the M11 for safety during construction works;
- Reduce traffic speeds along Gilden Way following road opening;
- Introduce a Clearway on Gilden Way;
- Permanently restrict the right of vehicular traffic to use the existing section of Sheering Road which will become the local access road to the Campions;
- Permanently restrict the right of vehicular traffic to use the existing section of Sheering Road commencing approximately 60 metres south of the Ealing Bridge on Pincey Brook to a point approximately 110 metres south.
- Restrict access for heavy goods vehicles (over 7.5 tonnes) on the network from Gilden Way through Old Harlow to Cambridge Road (A1184);
- Restrict access for heavy goods vehicles (over 7.5 tonnes) on the network from Gilden Way through Churchgate to Hobbs Cross Road and Moor Road;
- Prohibit vehicular traffic on the existing/new footway/cycleway on Gilden Way; and
- Provisions to restrict through-traffic at Lower Sheering;
- Right Turn ban at Mulberry Green except for buses and emergency services
- Right turn ban at the junction of Gilden Way with Harlowbury Eastern Access (new access road approximately 200 metres north east of the central island of the Churchgate roundabout)
- Bus gate provision on London Road, south of London Road Roundabout

3.20 Classification for the link road between existing Sheering Road and the new junction on the M11.

3.21 A special roads scheme for the M11 slips by a section 16 Highways Act 1980 order by HECL which will, if confirmed by the Secretary of State for Transport, authorise HECL (and the Council on its behalf) to provide four new Slip Roads to connect the northbound and southbound carriageway of the M11 Motorway which will be provided

for the use by standard motorway traffic (Classes I and II of the classes set out in Schedule 4 of the Highways Act 1980).

3.22 With the exception of the special roads scheme, these orders will be made by the Council.

4.0 HUMAN RIGHTS and PSED

4.1 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights' ("the Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual (including companies).

4.2 In resolving to make the Order the Council should consider the rights of property owners under the Convention, notably under the following articles:

Article 1 (of the First Protocol)

4.3 This protects the rights of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.

Article 8

4.4 This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and it is necessary in the interest of national security, public safety or the economic well-being of the country.

Article 14

4.5 This protects the right to enjoy rights and freedom in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

4.6 The European Court of Human Rights has recognised in the context of Article 1 that regard must be had to the fair balance which has to be struck between the competing interests of the individual and of the community as a whole. Similarly any interference with Article 8 rights must be necessary for the reasons set out. Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local highway authority. Any interference with Convention rights must be necessary and proportionate.

4.7 In the case of each of these Articles (and indeed other provisions of the Convention) the Council should be conscious of the need to strike a balance between the rights of the individual and the interests of the public. In the light of the significant public benefit that will arise from the construction of the proposed road it is considered that it would

be appropriate to make the Order. In considering this Order, the Council has considered the balance to be struck between individual rights and the wider public interest. Any interference with Convention rights is considered to be necessary and proportionate in the context of the delivery of the Scheme and is justified in order to secure the economic, social and physical regeneration that the highway works will bring. In the circumstances, it is not considered that the Order would constitute an unlawful interference with the individual property rights.

4.8 Extensive consultation has taken place in relation to the proposal at the planning stage with the opportunity being given for affected parties to make representations. Negotiations have also been pursued with the parties affected by the compulsory purchase order. Further representations can be made in the context of any Public Local Inquiry, which the Secretary of State for Transport decides to hold in connection with the Order. Those directly affected by the Order will be entitled to compensation proportionate to the loss, which they incur as a result of the compulsory acquisition.

4.9 The Council considers that there is a compelling case in the public interest for contemplation of the Order and that the Order, if confirmed, would strike an appropriate balance between public and private interests.

PSED

4.10 In formulating and promoting the Order, the Council has had regard to its statutory duties and obligations under the Equality Act 2010 and in particular, to its obligations under sections 149 and 150 of the 2010 Act, in taking into account the differential impact the Order will have on various groups of persons with different characteristics.

5.0 CONCLUSION

5.1 The Council is promoting the Orders to secure the required highway improvement. Confirmation of the Orders will enable the implementation of the highway improvements and associated landscaping and other mitigation works.

5.2 The Scheme is key to the enhancement of the highways network and connectivity of Harlow and the wider area. It will act as a driver for further economic activity boosting prosperity and housing development in Harlow District and the neighbouring administrative areas. It will help to resolve identified existing transport congestion issues and improve journey times and connectivity.

5.3 It will be evident that the Council considers that it has advanced a compelling case in the public interest for the compulsory acquisition of all of the Order land to support the Scheme.

5.4 The land comprised in the Compulsory Purchase Order is immediately required for the road construction/landscaping/ecological impact mitigation/water control measures incorporated in the Scheme. However, some areas are only required for use during

the construction period for working space or for access. In resolving to make this Compulsory Purchase Order the Council has taken into account the rights of property owners and occupiers under the European Convention of Human Rights, as incorporated into domestic law by the Human Rights Act 1998. In this respect the Council has had particular regard to Article 1 of the First Protocol of the Convention which relates to the protection of rights of everyone to the peaceful enjoyment of possessions and to Article 8 which relates to the protection and family life, home and correspondence. In taking into account these considerations the Council has been conscious of the need to strike a balance between the rights of the individuals affected and interests of the public. In the light of the significant benefits arising from the implementation of the Scheme, as set out in this statement, the Council has concluded that it would be appropriate to make the Compulsory Purchase Order. Negotiations have taken place and shall continue with those holding remaining land interests in order to achieve the maximum possible permissions and land take by way of voluntary agreements.

5.5 The Council is satisfied that the Compulsory Purchase Order has been promoted in the public interest and that it is fully compliant with the strategic planning and highways policies of the Council and supports the emerging Local Plan strategies of Harlow and the surrounding areas.

5.6 The Side Road Order supports delivery of the scheme by making formal changes to the legal status of public and private routes to ensure the scheme can be delivered.

5.7 The scheme is also supported by the various traffic management measures proposed which the Council can satisfactorily deliver independently and, in the case of the temporary speed restriction on the M11, with strategic partners, to ensure the scheme delivers its full potential benefits.

6 STATUS OF THE STATEMENT OF REASONS

This statement of Reasons has been prepared for the purposes of the making of the Compulsory Purchase Order and the Side Roads Order associated with the M121 J7A and Gilden Way improvement scheme. .It is not intended to discharge the Council's requirement to produce or is to be taken as their Statement of Case in the event that the Secretary of State for Transport shall call a public local inquiry to be held to consider any objections received to the Orders and will produce such Statement of Case as may be required under the appropriate rules and at the appropriate time

7 FURTHER INFORMATION AND ENQUIRIES

7.1 The formal notice contains the deadlines for objection to be made. The period to object to the Compulsory Purchase Order is shorter than the period for the Side Roads Order. It is expected that objections to the Compulsory Purchase Order and Side Roads Order for the M11 J7a Scheme will be considered at a Public Inquiry. Preparation for Public

Inquiry will begin in July should pursuits for settlement become unsatisfactory. If objections are received, the Secretary of State for Transport will take the decision on the Orders and whether they should be confirmed, with or without modifications.

Further information on the Engineering aspects of the proposal should be addressed to Ian Allen, the Council's Major Project Sponsor by phone 03330 130 563 or e-mail ian.allen@essex.gov.uk. Queries relating to land negotiations and compensation may be raised with Roger Moore by phone 01245 215 543 or e-mail RMoore@lsh.co.uk. Queries in relation to the service of notices or publicity may be raised with David Rodrigues by phone 0161 235 2458 or e-mail david.rodriguez@jacobs.com. Enquiries by post should be sent to the address below.

8 LIST OF DOCUMENTS IN SUPPORT OF ORDER SUBMISSION

8.1 These documents can be inspected at the places of deposit:

Scheme Documents

1. THE ESSEX COUNTY COUNCIL (GILDEN WAY/SHEERING ROAD (B183) IMPROVEMENT/WIDENING/REALIGNMENT, A1025 (NEW LINK ROAD FROM B183 TO M11) SCHEME) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2018 dated 23 May 2018
2. Side Road Order – Plan folio
3. THE ESSEX COUNTY COUNCIL (GILDEN WAY/SHEERING ROAD (B183) IMPROVEMENT/WIDENING/REALIGNMENT, A1025 NEW LINK ROAD FROM B183 TO M11 AND GRADE SEPARATED JUNCTION/ROUNDABOUTS AT M11 JUNCTION 7A SCHEME) (PHASE 1) COMPULSORY PURCHASE ORDER 2018 dated 24 May 2018
4. Map referred to in THE ESSEX COUNTY COUNCIL (GILDEN WAY/SHEERING ROAD (B183) IMPROVEMENT/WIDENING/REALIGNMENT, A1025 NEW LINK ROAD FROM B183 TO M11 AND GRADE SEPARATED JUNCTION/ROUNDABOUTS AT M11 JUNCTION 7A SCHEME) (PHASE 1) COMPULSORY PURCHASE ORDER 2018
5. Redacted Section 8 Agreement
6. Harlow Transport Strategy

Planning Documents

7. Link to emerging Local Development Plan(s):

   (a) Harlow

   (b) Epping Forest

8. Templefields North East Local Plan
9. Planning Application Drawings

10. Environmental Statement
11. National Planning Policy Framework
12. Highway Infrastructure Memorandum of Understanding
13. Planning decision dated 21 July 2017

Legislation and Statutory Guidance

14 Acquisition of Land Act 1981
15 Highways Act 1980
16 DfT Circular 1/97 Highways Act 1980: Orders under section 14 of the Highways Act 1980 and opposed orders under section 124 of that Act
17 DfT Circular 02/07 Planning and the Strategic Network
18 Town and Country Planning General Regulations 1992 – Reg 3
19 The Town and Country Planning (General Permitted Development) (England) Order 2015
20 Human Rights Act 1998
21 Equality Act 2010

8.2 The places of deposit are:

- Essex County Council, Central Library, Cross Street, Harlow, CM20 1HA
  Monday to Tuesday and Thursday to Friday: 9am to 7pm
  Saturday: 9am to 5pm
  Closed Wednesdays, Sundays and bank holidays
  Contact number: 0345 603 7628

- Harlow Council, Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG
  Monday to Friday: 9am to 4:45pm
  Closed weekends and bank holidays
  Contact number: 01279 446 655

- Epping Forest District Council, Civic Offices, 323 High Street, Epping, Essex, CM16 4BZ
  Monday to Friday: 9am to 1pm
  Closed weekends and bank holidays
  Contact number: 01992 564 000

- Essex County Council, Council Offices, Chelmsford Library, Ground Floor, County Hall, Market Road, Chelmsford CM1 1QH
  Monday to Friday: 9am to 6:30pm
  Saturday: 9am to 5:30pm
  Sunday: 1pm to 4pm
  Contact Number: 03456 037 628

- St John's Arts and Recreation Centre, St John's Walk, Market Street, Old Harlow, Essex, CM17 0AJ
  Monday to Saturday: 10am to 12:30pm
  Closed Sundays and bank holidays
  Contact number: 01279 442 447

Ian Allen

Major Schemes Sponsor

Essex County Council

County Hall
Chelmsford
Essex
CM1 1QH

Dated: 31 May 2018