

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

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

THE ACQUISITION OF LAND ACT 1981

THE HIGHWAYS ACT 1980

STATEMENT OF CASE OF THE ACQUIRING AUTHORITY

APRIL 2019

1. Introduction

1.1. This is the Statement of Case of the Essex County Council (referred to in this Statement as “the acquiring authority”). It is produced to comply with Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 and Rule 16 of the Highways (Inquiries Procedure) Rules 1994. It contains particulars of the case which the acquiring authority will put forward at the public inquiry which is to be convened by the Planning Inspectorate on behalf of the Secretary of State into the following orders:

1.1.1. 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 (“CPO”); and

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 (“SRO”);

The Highways England Company Limited (M11 Harlow North Junction (7A) (Slip Roads, Special Roads) Scheme 2018 (“Special Roads Scheme”);

which are collectively referred to in this Statement as “the Orders”.

1.2. The land and rights to be acquired by compulsory purchase pursuant to the CPO are referred to in this Statement as “the Order Land”.

1.3. Reference is also made in this Statement to the non-statutory Statement of Reasons served with the Orders and referred to in this Statement as “the Statement of Reasons”. A copy of the Statement of Reasons is annexed to this Statement of Case.

1.4. The purpose of this Statement is to set out the case which the acquiring authority proposes to put forward at the inquiry and to provide a list of the documents which the acquiring authority intends to refer to or put in evidence.

1.5. This Statement and the Statement of Reasons have been prepared in accordance with the guidance set out in:

1.5.1. “Guidance on Compulsory purchase process and The Crichel Down Rules” issued in February 2018;

1.5.2. Department of Transport Circular 1/97 “Highways Act 1980: Orders Under Section 14 of the Highways Act 1980 and Opposed Orders Under Section 124 of that Act”; and

- 1.5.3. Department of Transport Circular 2/97 “Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State for Transport is the Confirming Authority”.
- 1.6. The M11 Junction 7a improvement scheme is hereafter referred to as the “Proposed Scheme” throughout this Statement of Case.

2. Statutory Powers

- 2.1. The acquiring authority is the local highway authority for its area.
- 2.2. The CPO is made under the Highways Act 1980 Act: sections 239 and 240 (general powers of highway authorities to acquire land for the construction and improvement of highways), section 246 (power to acquire land for mitigating adverse effects of constructing or improving highways) and section 250 (land acquisition powers to extend to creation as well as acquisition of rights).
- 2.3. The SRO is made under sections 14 (powers of highway authorities as respects roads that cross or join classified roads), 125 (further powers to stop up private accesses to premises) and Schedule 1 of the Highways Act 1980.
- 2.4. The making and confirmation of the SRO will enable the acquiring authority to improve, raise, lower, divert or otherwise alter highways; stop up highways; construct new highways; stop up private means of access to premises, required as a consequence of the improvement / widening / realignment of Gilden Way / Sheering Road and the construction of the A1025 New Link Road from the B183 to the M11 and to provide new private means of access to premises.
- 2.5. The Special Roads Scheme is made under section 16 of the Highways Act 1980 (general provision as to special roads) and in accordance with the requirements of the Schedules thereto and the Special Road Schemes and Highways Orders (Procedure) Regulations 1993. The section 16 Scheme authorises Highways England Company Limited (and the acquiring authority 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. Need for the proposed scheme

- 3.1. Harlow is situated in the centre of the West Essex area and is the primary economic and growth centre, with relevant local planning authorities’

emerging local plans (Harlow, Epping Forest and East Hertfordshire districts) covering the period to 2033 proposing approximately 16,000 new homes and thousands of new jobs in and around Harlow as part of their vision to support the Harlow and Gilston Garden Town. Harlow, Epping Forest district and the M11 are located within the London Stansted Cambridge Corridor Core Area for economic development. The town centre has been identified as an area for regeneration, with a Local Enterprise Zone already designated for employment growth.

Harlow is an ideal location for focussed growth, as recognised in the emerging district local plans, being close to the M11 and M25, on the West Anglia main line railway and close to Stansted Airport. Access to central Harlow is, however, somewhat restricted with only one link to the strategic road network (via Junction 7 of the M11) and two railway stations located on the northern edge of the town. The primary means of road access to the town, the A414, also serves as an important through route from Junction 7 of the M11 to the south-east of Harlow towards the A10 in Hertfordshire to the north-west. With high levels of traffic using this one route, congestion is common with its impacts often felt across the town's wider road network. A significant intervention is required to address the challenges of capacity, alongside road improvements. Furthermore, having largely been constructed in the 1950s and 1960s, much of the town's transport infrastructure is now ageing and was originally designed for a period of lower levels of car ownership and mobility.

- 3.2. When Harlow District Council were proposing the London Road North, London Road South and Templefields North East Local Development Order ("LDO") an initial study undertaken by Highways England in response to the proposed LDO raised concerns that:
- a) There is a risk of traffic queuing back from junctions A414 / A1169 (Southern Way) and A414 / A1025 (Second Avenue) affecting the operation of M11 Junction 7, when the entire proposed development (at 8,790 jobs) is implemented;
 - b) The absence of specific mitigation measures to address the capacity issues highlighted at M11 Junction 7;
 - c) Lack of clarity on the amount of existing 'headroom' available (current highways capacity) at M11 Junction 7 and how much enterprise zone development can be accommodated here before additional highways capacity improvements are required;
 - d) The absence of planning conditions in the LDO to require the delivery of highways mitigation measures (capacity

improvements) on the Strategic Road Network once this 'pinch point' is exceeded;

- e) Reliance on M11 Junction 7A as a main mitigation measure in the absence of firm proposals, DfT agreement or consent for this proposed new junction;
- f) An assessment year of 2021, rather than a 10-year standard review period as required by Circular 02/2007;
- g) The use of 2008 traffic flow data for M11 Junction 7;
- h) Assumptions applied to background growth in the model with respect to modal shift from car use to public transport, walking and cycling; and
- i) The potential overestimation of trip generation rates at Templefields within the model.¹

Harlow District Council made the LDO to support the aims of the West Essex @ Harlow Enterprise Zone. The LDO lasts for 10 years from the date of adoption and provides planning permission subject to conditions for specific classes of development set out in the LDO Schedule and works alongside the formal planning application process and existing UK planning legislation to enable the long-term development of the London Road North site. This includes:

- building development and associated site infrastructure and facilities
- road infrastructure
- change of use
- extensions and alterations
- minor operations

The Enterprise Zone designation and the LDO support regeneration objectives in Harlow and aim to generate economic growth and create new job opportunities in the town. The purpose of the LDO is to simplify the planning process and help stimulate the development of the site and facilitate the provision of supporting highways infrastructure.

- 3.3. In order to facilitate and support the planned growth highlighted above it is essential to improve access to the M11 and improve the transport flows in and around Harlow. Without an improved link to the M11, the town and surrounding area will not be able to realise their full potential. The

¹ Source: Agreed Statement of common Ground between Harlow District Council and Highways Agency (now Highways England) London Road North and South Local Development Orders

Proposed Scheme will not only relieve some of the congestion at Junction 7, it will also improve traffic flows in and around Harlow by providing an alternative route to the north-east of the town.

- 3.4. In the absence of the Proposed Scheme, the growth proposed in the emerging Epping Forest and Harlow Local Plans and the adopted East Hertfordshire District Plan, particularly the allocation for East Harlow of 3350 homes together with the proposed jobs created through the full regeneration of the Enterprise Zone in Harlow, would not be able to be sustainably delivered. Future traffic congestion on the existing M11 Junction 7 is expected to worsen even without these two strategic growth areas. Traffic modelling has been carried out to predict traffic levels with and without the scheme. The results are contained within the Traffic Forecasting Report which can be made available on request. The local plans of Harlow, Epping Forest and East Hertfordshire all highlight the importance of the Proposed Scheme as a key piece of infrastructure vital to the delivery of their vision for the wider Harlow area.

4. Options Considered and Selection of Route

- 4.1. Three options of M11 Junction 7A (Options 1, 2 and 3) were developed and taken through to Public Information Exhibitions (PIE) in January 2014. These were assessed and chosen with respect to highway standards, drainage considerations, geotechnical elements, structural requirements, alignment standards, and environmental and ecological impacts. The cost impact of each of the options was also considered though at that stage of Option assessment the estimate was considered to be very preliminary. Feedback from the PIEs and further public stakeholder engagement indicated that there was a need to consider a more strategic scheme that is future proofed for the development of the Northern Bypass. The most strategic alignment was then taken forward as the proposed scheme. Consequently, a northern loop was added to the Proposed Scheme from Sheering Road to the M11 motorway. Widening of Gilden Way was proposed in late 2015 following the second PIE in July 2015 to accommodate the increased traffic flow coming through the new M11 Junction 7A. This resulted in the extension of the Proposed Scheme footprint and study area and triggered the need for further environmental surveys to assess potential impacts along the Gilden Way corridor.

The preferred option together with the all options identified through the option development stage were considered in terms of meeting the key objectives identified for intervention, fit with existing local, regional and national programmes and strategies and with the key viability and acceptability criteria to establish the appropriateness of each option for full

appraisal. The DfT's Early Assessment and Sifting Tool (EAST) was utilised to inform this process.

	Option description	Assessment results
Option 1	New M11 junction east of Harlow, Junction 7A, with local link to Gilden Way	<ul style="list-style-type: none"> • Less traffic on route through villages around Harlow; • Improved accessibility for Harlow-related trips; and • Likely to improve network resilience particularly on the A414 north of Junction 7 with additional potential peak period traffic on M11 north and south of Harlow, on Gilden Way and along the A414 around the north of Harlow.
Option 2	Improved M11 Junction 7	<ul style="list-style-type: none"> • Travel time reductions, but less than Option 1; • Likely to increase flow on M11 south of Junction 7 as well as approaches to the junction; and • Less likely to result in improved accessibility on the local road network within Harlow with any additional traffic on the A414 not improving the network resilience.
Option 3	Both Option 1 and Option 2	<ul style="list-style-type: none"> • Greater travel time savings than Options 1 and 2 alone; • Improved accessibility for Harlow related trips and could improve network resilience on the A414 and through the town; and • Changes in traffic flows are broadly the same as Option 1 and 2, with increases in traffic on the M11 north and south of the town.
Option 4	'Northern Bypass', which includes a dual carriageway link from Junction 7A through to A414 at Eastwick, and an additional single carriageway access into Harlow via River Way.	<ul style="list-style-type: none"> • Higher levels of traffic on the M11 than for Junction 7A in isolation leading to greater use by strategic traffic rather than Harlow-related traffic; • Traffic reduced on less suitable rural route east of Harlow but there are indications that traffic could increase on rural routes to the northwest of the town; and • Key benefit of the Proposed Scheme is achieved through Junction 7A section with the bypass element itself likely to provide network resilience benefits.

	Option description	Assessment results
Option 5	'Northern Northern Bypass', which comprises a dual carriageway link from A414 at Eastwick, aligned to the south of Gilston, and then to the west of Sawbridgeworth, connecting with the M11 via a new junction south of Little Hallingbury	<ul style="list-style-type: none"> • Lower time savings than Option 4 in almost all time periods and years; • Attraction of more strategic traffic from the A10 and A120 particularly to the north of its connection to the M11 than other options; • Key beneficial areas would be in Bishop's Stortford and Sawbridgeworth; and • Less likely to improve accessibility to Harlow, although could provide strategic network resilience.
Option 6	'Southern Relief Road', comprising a dual carriageway link from the A414 east of Roydon, skirting the western and southern edges of Harlow, and connecting with Junction 7 via the B1393	<ul style="list-style-type: none"> • Performed less well than both Option 4 and Option 5 in terms of time savings; • Little impact to the level of traffic on M11 but flows along the A414 west of Harlow would be likely to increase; and • Least overall effect on the traffic within Harlow and therefore would not improve accessibility within the town.

- 4.2. In 2016, further elaboration of the design with in-house environmental specialists included the removal of the loop between Sheering Road and the M11 and replacing it with a roundabout (Pincey Brook Roundabout) on a terrace approximately at existing ground level to reduce visual impacts. This has resulted in the current version of the scheme taken forward to the Formal Public Consultation (May to July 2016). The alignment of the Proposed Scheme has since been shifted southward to protect rows of mature oaks south of Pincey Brook adjacent to Sheering Road. A slight realignment to the north was also incorporated to avoid damage to The Mores Wood.
- 4.3. In August 2016, the proposed M11 southbound off-slip road was extended north of the Pincey Brook. This was to mitigate the impacts of generated traffic on the junction.
- 4.4. The table below summarises each of the options considered.

	Option description	Assessment results
Option 1	New M11 junction east of Harlow, Junction 7A, with local link to Gilden Way	<ul style="list-style-type: none"> • Less traffic on route through villages around Harlow; • Improved accessibility for Harlow-related trips; and • Likely to improve network resilience particularly on the A414 north of Junction 7 with additional potential peak period traffic on M11 north and south of Harlow, on Gilden Way and along the A414 around the north of Harlow.
Option 2	Improved M11 Junction 7	<ul style="list-style-type: none"> • Travel time reductions, but less than Option 1; • Likely to increase flow on M11 south of Junction 7 as well as approaches to the junction; and • Less likely to result in improved accessibility on the local road network within Harlow with any additional traffic on the A414 not improving the network resilience.
Option 3	Both Option 1 and Option 2	<ul style="list-style-type: none"> • Greater travel time savings than Options 1 and 2 alone; • Improved accessibility for Harlow related trips and could improve network resilience on the A414 and through the town; and • Changes in traffic flows are broadly the same as Option 1 and 2, with increases in traffic on the M11 north and south of the town.
Option 4	'Northern Bypass', which includes a dual carriageway link from Junction 7A through to A414 at Eastwick, and an additional single carriageway access into Harlow via River Way.	<ul style="list-style-type: none"> • Higher levels of traffic on the M11 than for Junction 7A in isolation leading to greater use by strategic traffic rather than Harlow-related traffic; • Traffic reduced on less suitable rural route east of Harlow but there are indications that traffic could increase on rural routes to the northwest of the town; and • Key benefit of the Proposed Scheme is achieved through Junction 7A section with the bypass element itself likely to provide network resilience benefits.
Option 5	'Northern Northern Bypass', which comprises a dual	<ul style="list-style-type: none"> • Lower time savings than Option 4 in almost all time periods and years;

	Option description	Assessment results
	carriageway link from A414 at Eastwick, aligned to the south of Gilston, and then to the west of Sawbridgeworth, connecting with the M11 via a new junction south of Little Hallingbury	<ul style="list-style-type: none"> • Attraction of more strategic traffic from the A10 and A120 particularly to the north of its connection to the M11 than other options; • Key beneficial areas would be in Bishop's Stortford and Sawbridgeworth; and • Less likely to improve accessibility to Harlow, although could provide strategic network resilience.
Option 6	'Southern Relief Road', comprising a dual carriageway link from the A414 east of Roydon, skirting the western and southern edges of Harlow, and connecting with Junction 7 via the B1393	<ul style="list-style-type: none"> • Performed less well than both Option 4 and Option 5 in terms of time savings; • Little impact to the level of traffic on M11 but flows along the A414 west of Harlow would be likely to increase; and • Least overall effect on the traffic within Harlow and therefore would not improve accessibility within the town.

4.5. Three options of M11 Junction 7A (Options 1, 2 and 3) were developed and taken through to Public Information Exhibitions (PIE) in December 2013. Feedback from the exhibitions and further public stakeholder engagement indicated that there was a need to consider a more strategic scheme that is future proofed for the development of the Northern Bypass. Consequently, a northern loop was added to the Proposed Scheme from Sheering Road to the M11 motorway. Widening of Gilden Way was proposed in late 2015 following the second PIE in July 2015 to accommodate the increased traffic flow coming through the new M11 Junction 7A. This resulted in the extension of the Proposed Scheme footprint and study area and triggered the need for further environmental surveys to assess potential impacts along the Gilden Way corridor.

4.6. In 2016, further elaboration of the design with in-house environmental specialists included the removal of the loop between Sheering Road and the M11 and replacing it with a roundabout (Pincey Brook Roundabout) on a terrace approximately at existing ground level to reduce visual impacts. This has resulted in the current version of the scheme taken forward to the Formal Public Consultation (May to July 2016). The alignment of the Proposed Scheme has since been shifted southward to protect rows of mature oaks south of Pincey Brook adjacent to Sheering Road. A slight realignment to the north was also incorporated to avoid damage to The Mores Wood.

- 4.7. In August 2016, the proposed M11 southbound off-slip road was extended north of the Pincey Brook. This was to mitigate the impacts of generated traffic on the junction.

5. Description of the Proposed Route

- 5.1. The route of the road, the side road and the proposed special road are described in the Statement of Reasons and evidence will be given describing the proposed route and its design together with the reasons for the extent of the land and rights required. It should be noted that the planning permission was granted for a three-phase scheme:
- Phase 1 – widening and improvement of Gilden Way;
 - Phase 2a – construction of the new Junction 7a motorway and the southern arm of the link road; and
 - Phase 2b – the northern link road and roundabout.
- 5.2. It should be noted that this Statement of Case for CPO and SRO only relates to Phase 1 and Phase 2a.
- 5.3. In addition, it should be noted that there will be no proposed closure of the underpass between The Oxleys and Gilden Close. This was proposed by Harlow District Council but, following public consultation as part of the Orders Exhibition, this element was removed from the Proposed Scheme as a result of feedback from the public, and the underpass will remain open.

6. The Planning Position

- 6.1. Evidence will be given as to the planning position and will show that planning permission for the Proposed Scheme was granted by the acquiring authority in its capacity as local planning authority under the reference CC/EPF/08/17 on 21 July 2017 and that the planning officer's report concluded that the planning balance was significantly weighted in favour of approval.
- 6.2. Evidence will also be given that the Proposed Scheme accords with national planning policy set out in the National Planning Policy Framework 2018 and local planning policy set out in the adopted and emerging district Local Plans and is an important part of the delivery of the proposed allocations in the district Local Plans.
- 6.3. The planning application process took account of all the relevant environmental considerations for the scheme.
- 6.4. The planning permission contains pre-commencement conditions relating to the following matters:

A dust management plan (to be submitted and approved) (condition 3);

A scheme of archaeological investigation and mitigation strategy (to be submitted and approved) (conditions 4-5);

A detailed landscaping scheme (to be submitted and approved) (condition 7);

Tree protection measures and notices required before any development or preliminary groundworks (condition 8)

A Bird Hazard Management Plan (to be submitted and approved) (condition 9);

A detailed surface water drainage scheme, permanent and during construction, and Maintenance Plan (to be submitted and approved) (conditions 10-12);

A construction environmental management plan (to be submitted and approved) (condition 13);

A borehole management scheme (to be submitted and approved) (condition 18);

A Noise Mitigation Plan / Acoustic Barriers Detailed Design (to be submitted and approved) (condition 20);

A Topographical Survey (to be submitted and accepted) (condition 22); and

A Flood storage scheme (to be submitted and approved) (condition 23).

In addition the following requirements apply post-commencement in relation to particular elements or phases of the approved works:

a Land Remediation Strategy and Land Remediation Verification report is required in advance of each phase of approved development (conditions 14-15);

a Lighting Detailed Design (to be submitted and approved) before fixed lighting is erected or installed on site (condition 21); and

a Piling Method statement is to be submitted and approved before any piling takes place (condition 19).

6.5. Condition 22 (Topographical Survey) has already been discharged.

It is not anticipated that condition 17 is an issue as the drainage design does not provide for infiltration of surface water into the ground. Continued compliance with this planning condition is required.

- 6.6. To the extent required for the advance works the following conditions have been partially discharged:
- 3 (dust management plan);
 - 4 - 5 archaeological investigation and mitigation strategy;
 - 7 (detailed landscaping scheme);
 - 8 (tree protection)
 - 11 (surface water drainage scheme during construction);
 - 13 (construction environmental management plan);
 - 14 (Land Remediation Strategy); and
 - 18 (borehole management scheme).
- 6.7. An application for discharge is pending in relation to Condition 9
- 6.8. The acquiring authority's evidence will confirm that it can meet the pre-commencement of development conditions attached to the planning permission and that accordingly there are no planning impediments to the scheme proceeding if the Orders are confirmed.
- 6.9. Evidence will confirm that the approved scheme can be delivered as a single project, notwithstanding the flexibility provided by the phasing suggested in the planning application submission.

7. Side Road Order

- 7.1. Evidence will be presented to demonstrate that the SRO is required to enable the acquiring authority to improve the existing private road leading into Mayfield Farm and to create a new private means of access required as a consequence of the main works.
- 7.2. As will be demonstrated in evidence, the new means of access which is to be provided as part of the scheme is considered to be as suitable as the existing access which it is intended to replace.
- 7.3. Although implementing the SRO will result in changes to an existing Public Right of Way in the locality, this change has been designed to maintain the connection of the original route and provides a safe diversion and crossing to re-join the original route where necessary. Evidence will be presented to show that overall, the diverted route along with the new footpath provision will be as suitable as the existing situation.

8. Section 16 Special Road Scheme

- 8.1. No objection has been made to the Section 16 Special Road Scheme.
- 8.2. Evidence will be presented to demonstrate that the Special Roads Scheme linked to the Proposed Scheme and the CPO detailed in section 7

below and the Side Roads Order detailed in section 9 is intended to enable alterations and improvements to the highway network and ensure that the part of the new road to be constructed as part of the Proposed Scheme is added to the existing 'special road' (motorway) network so that it will deliver the efficiencies and future growth capacity necessary to realise the economic dependencies in the local region which need to be achieved. The four slip roads included in the Section 16 Scheme are a key part of the Proposed Scheme improvements and the Proposed Scheme cannot be delivered without their construction as special roads.

- 8.3. The delegation agreement sets out which parts of the overall Proposed Scheme will become the responsibility of Highways England following construction.
- 8.4. The Section 16 Special Road Scheme has been made in the format supplied by Highways England and signed by them in accordance with the requirements set out in the delegation agreement. It is proposed that confirmation of the Section 16 Special Road Scheme should appropriately be dealt with alongside the other orders i.e. the Compulsory Purchase Order and the Side Roads Order for the Proposed Scheme.

9. Need for Compulsory Purchase

- 9.1. The need for compulsory purchase, and the existence of a compelling case in the public interest, will be demonstrated in evidence. In particular, it will be shown why each plot included within the CPO Land is required either for the construction of the Proposed Scheme or to provide the areas of ecological mitigation incorporated into the scheme.
- 9.2. Compulsory acquisition powers are sought in order to be able to obtain access to all the land required to allow the Proposed Scheme to be constructed between 2019 and 2022 and opened during 2022 to enable the planned delivery of local housing and employment growth. These powers would guarantee that all the land required for the scheme can be acquired in a realistic timescale and that no individual landowner can hold up the Proposed Scheme through a refusal to sell their interest. It would also ensure that no adverse interests in land can prevent the Proposed Scheme going ahead. It is extremely unlikely that it would be possible to assemble all the necessary land interests in a reasonable timescale without the use of such powers, and their use also would prevent the uncertainty for landowners and tenants and for residents in the area, of land being acquired with no guarantee of the Proposed Scheme being implemented.

- 9.3. The land required for the Proposed Scheme effectively divides into four parcels of ownership: New Hall Projects Limited; Harlow District Council; Harlowbury Estates, and; a consortium of a number of landowners who up until recently had been represented together in discussions to date.
- 9.4. Property consultants have been appointed by the acquiring authority to enter into negotiations with landowners to seek to acquire land in advance of the confirmation of the Orders. The consultants have been in contact with most of the known landowners affected by the project, as well as other parties who are impacted by the Proposed Scheme though without land being affected.
- 9.5. The majority of landowners have appointed land agents to represent their interests, and undertakings in respect of fees incurred in entering into discussions for the early acquisition of land for the Proposed Scheme have been provided, to ensure that landowners' interests are fairly and professionally represented.
- 9.6. The parcel of land required from New Hall Projects has been purchased subsequent to the publication of the Orders.
- 9.7. Heads of Terms have been agreed in principle for the acquisition of the land from Harlow District Council, subject to respective solicitors agreeing the detailed documentation.
- 9.8. It has been agreed in principle that the parcel of land required from the Harlowbury estate development will be provided as part of a section 278 Highways Act 1980 Agreement, although completion of this Agreement is still awaited.
- 9.9. In respect of the remaining plots, a number of meetings and detailed discussions have been held with the consultants representing the consortium of landowners, and with the company promoting the site for development on behalf of the landowners. Detailed Heads of Terms had been proposed by the acquiring authority but, at the date of this Statement, agreement has not been reached.
- 9.10. In February 2019 the various landowners making up this consortium began to represent themselves individually and seek professional advice from alternative sources. The acquiring authority's consultants have re-engaged with each party to try and negotiate terms for land acquisition by agreement, although none has been secured at the time of writing.
- 9.11. A number of occupiers in the Mayfield Farm complex are impacted by changes to the access to Mayfield Farm. The freehold owners of Mayfield Farm are part of the consortium of landowners referred to above, and

discussions with them have included consideration of how access can be maintained for the occupiers as part of the works.

- 9.12. Discussions and meetings have also been held with parties who are not proposed to have land interests acquired as part of the Proposed Scheme but who are impacted by the proximity of the works. Where possible the acquiring authority will work with affected parties to mitigate the impact of the Proposed Scheme or will clearly signpost any statutory rights to compensation those parties may have.
- 9.13. The acquiring authority is committed to reaching agreement to acquire land in advance of the exercise of statutory powers where possible, and to making early advance payments of compensation to support landowners in planning for any changes in business operations as a result of the Proposed Scheme.
- 9.14. Where land is included in the Orders for the carrying out of construction works, but not required for permanent works, landowners will be offered the opportunity to grant temporary licences for the acquiring authority's occupation of the land, so that the land can be returned to landowners once construction is complete, and the land taken for the Proposed Scheme kept to a minimum.
- 9.15. All property owners directly affected by the Proposed Scheme will be entitled to claim compensation and the acquiring authority is committed to paying compensation in accordance with the Compensation Code, which provides for a consistent approach to the assessment of fair compensation (as may be varied from time to time by law). In addition to compensation being paid for the value of the land taken, permanently or temporarily, compensation would also be payable in respect of any loss in a landowner's retained property caused by it being severed from the land acquired or by the Proposed Scheme itself, and in respect of any disturbance losses that result from the construction of the Proposed Scheme. The acquiring authority is hopeful that the total of compensation to be paid will be reached by agreement between the respective parties, but in the event that agreement cannot be reached then fair compensation can be independently determined by the Upper Tribunal (Lands Chamber).
- 9.16. A number of property owners, particularly of residential properties, may be affected by the use of the new road once it is opened. The acquiring authority has included a number of measures within its Scheme to mitigate against the impact of the road in use, but any property owner, particular of residential property, who feels that the value of their property has been affected will be able to submit a claim for compensation under

Part I of the Land Compensation Act 1973, and the acquiring authority is committed to considering those claims in accordance with the provisions of statute and case law.

10. Human Rights Assessment

- 10.1. The acquiring authority will show that it has considered the provisions of the Human Rights Act 1998 in deciding whether to make the Orders.
- 10.2. The acquiring authority will show in evidence that the use of compulsory purchase powers will not constitute an unlawful interference either with property rights protected under Article 1 of the First Protocol of the European Convention on Human Rights, or the respect for private and family life and the home protected under Article 8 of the Convention because:
- 10.3. The Orders have been made in accordance with the provisions of national legislation which provides the opportunity through the development plan process of the acquiring authority in its capacity as local planning authority (which is also the acquiring authority under the CPO) to make representations on the planning policies which support the development and, through the planning application process, to make representations on the specific development proposals.
- 10.4. Those directly affected by the Orders will have the opportunity to make objections and representations in respect of the Orders and to appear at a public inquiry and, if the Orders are confirmed and the scheme constructed, they will be entitled to compensation as provided for under national law. Compensation is also available under national law in respect the adverse effect on the value of properties arising from the use of the scheme, once opened to traffic, including the provision of noise insulation to qualifying properties.
- 10.5. National legislation provides for independent and impartial judicial oversight of the decision-making in respect of the Orders through the statutory challenge and judicial review procedures.

11. Protected Habitats and Species

- 11.1. Evidence will show that included in the CPO are areas of land required for mitigating the adverse effects of the highway on its surroundings by ensuring the availability of habitat for great crested newts, bats and badgers disturbed by the new road to maintain their population in a favourable conservation status. The acquiring authority requires powers to acquire the land to ensure that the effects of the works on European protected species are minimised and to ensure that consents required for the Proposed Scheme to proceed can be obtained from the relevant

national authority under The Conservation of Habitats and Species Regulations 2010/490 and the Wildlife and Countryside Act 1981 (as amended). As explained in the Statement of Reasons, land and new rights will also be acquired for the creation of ecological and environmental mitigation.

- 11.2. The objectives of the Proposed Scheme (as set out in paragraph 3.4 above) are consistent with the public interest. The acquiring authority will show that the Order Land is the minimum amount of land necessary to achieve those objectives and that the distance limits referred to in section 249 and schedule 18 of the Highways Act 1980 have not been exceeded.
- 11.3. The acquiring authority will demonstrate in evidence that overall, the making of the Orders is a proportionate action when the compelling public benefits of the Proposed Scheme and the process whereby the routes were selected and approved are balanced against the Proposed Scheme's effects on private interests. There is accordingly a compelling case in the public interest for the Orders to be confirmed.
- 11.4. The acquiring authority will demonstrate in evidence that in designing the scheme it has had regard to its duty under the Natural Environment and Rural Communities Act 2006, which places a duty on public bodies and statutory undertakers to ensure due regard to the conservation of biodiversity.

12. Effects on Land Use and Agriculture

- 12.1. For the proposed scheme area, the majority of the Proposed Scheme area would be classified as Agricultural Land Classification Grades 2 and 3. This can be broken down as follows:

Grade 2	26.3 ha (53% of scheme footprint)
Grade 3	16.5ha (33% of scheme footprint)
Urban land	6.8ha (14% of scheme footprint)

- 12.2. The Environmental Statement submitted with the planning application reported the significance of the impact of the scheme on both Mayfield Farm and Morgans Farm. The land along Gilden Way required for the widening of Gilden Way is owned by Harlow District Council and is public amenity land which contributes to the green corridor along Gilden Way. While the character of Gilden Way will change as a result of the Proposed Scheme, the green corridor is largely retained. The overall impact of the Proposed Scheme is considered to be outweighed by the benefits of the Proposed Scheme to the residents and economy of Harlow.

- 12.3. At the time of writing, there are proposals that significant areas of agricultural land on the urban fringes of Harlow be allocated for development in the emerging local plans, of which the land required for this scheme forms part. It is therefore envisaged by such proposals that significant areas of agricultural land are proposed to be lost from active agricultural production to enable the planned growth of Harlow.

13. Special Categories of Land

- 13.1. Evidence will confirm that the Order Land does not contain land that is special category land within the meaning of the Acquisition of Land Act 1981 (open space, common land, allotments or field gardens), land held inalienably by the National Trust, consecrated ground, land in a general improvement area or land in a housing action area, nor is any ecclesiastical property affected, listed building or building of local architectural interest affected.
- 13.2. Evidence will also confirm that the Pincey Brook is a non-navigable watercourse.

14. Scheme Funding and Viability

- 14.1. Evidence will be given of the intended funding of the Proposed Scheme in accordance with the arrangements outlined in section 10 and section 2.5 of the Statement of Reasons.
- 14.2. Evidence will be given of the funding arrangements in place for the full development and construction of the Proposed Scheme. These include arrangements with the Central Government, South East Local Enterprise Partnership (“SELEP”) and the acquiring authority and Section 106 Agreements and CIL under the Town and Country Planning Act 1990 (as amended).
- 14.3. It will be demonstrated that the Proposed Scheme costs of £72m were submitted to Central Government for funding. In August 2016, the acquiring authority made a successful bid to the Department of Transport (“DfT”) through SELEP and received £1.5 million.
- 14.4. In January 2017, the acquiring authority 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.
- 14.5. On 6 March 2018 the acquiring authority entered into an agreement with Highways England Company Limited in relation to the delegation of powers in relation to the Proposed Scheme and is able to deliver the entire Proposed Scheme if the CPO is confirmed.

14.6. Since then, the estimates have been revised down to £72m with the elaboration and refining of design. The bulk of the funding will be contributed by Highways England Company Limited, followed by the Acquiring Authority and finally SELEP.

14.7. To demonstrate the viability of the scheme evidence will be given how the scheme viability was analysed using the economic appraisal tools to come up with the present value of benefits (PVB), giving the monetised value of all user benefits arising from the Scheme:

- Travel time;
- Vehicle Operating Cost;
- Accident analysis;
- Indirect Impact cost (indirect tax);
- Carbon (Greenhouse gases), noise and air quality;
- and Delays during construction and future maintenance.

14.8. Evidence will be presented to understand the source of the benefits and that without the scheme, the pressure of new housing and employment will increase traffic flows, congestion and delays, particularly in Harlow and the A414. With the proposed scheme, although some areas will experience increase in traffic and delays, there will be a large decrease in flows approaching the M11 J7 from Harlow along the A414 London Road, relieving this heavily congested road. It will be shown that the scheme also appears to improve most of the junctions that would experience congestion in a do-minimum situation.

14.9. It will be demonstrated that the programme and sequencing of works was based on a number of strategic objectives and outcomes. Procurement options were assessed against these. These include:

- achieving 'cost certainty' that the scheme can be delivered within the available funding constraints;
- minimising further preparation costs with respect to scheme design;
- include constructability in the design input to de-risk construction;
- successful/Timely delivery of the statutory process;
- to ensure that the programme for start and completion of the works is achieved; and
- cost certainty.

14.10. As a result of the analysis referred to in 14.9 above, the scheme development and procurement programme was divided into three discrete packages as follows;

- The High-Pressure Gas Main (HPGM) diversion
- The Advance Works Contract and Advance Ecological Mitigation works, and
- the Main Works.

14.11. The HPGM works involved diverting a 600mm HPGM and, because of national congestion of Infrastructure projects and the need for outage during diversion, the only window of opportunity was summer 2018. The Advance Works Contract and Advance Ecological Mitigation works were required to sterilise the Gilden Way from utilities and ecological constraints to de-risk the Main Works.

As a result, the HPGM has been carried out, the Advance Works are ongoing, and this will result in timeous delivery of the Main Works if the CPO is confirmed in the future.

15. Related Works, Orders and Procedures

15.1. Evidence will be given regarding the following procedures and consents related to the Orders:

15.1.1. Traffic orders that may be required;

15.1.2. Mitigation land required for European Protected Species licences (such as great crested newts), other protected species mitigation including badgers, overwintering and breeding birds and ancient woodland compensation; and

15.1.3. Environment Agency discharge consents (permanent and temporary).

16. Objections Received and Responses

16.1. A total of four objections have been received to the CPO, three of which remain outstanding. They are considered to be statutory objectors within the meaning of the Highways (Inquiries Procedure) Rules 1994. One of those objections is stated to be to the SRO and the CPO.

16.2. No non-statutory objections or representations were received in relation to the Orders.

16.3. The objections are summarised below, together with the acquiring authority's responses, which will be amplified in evidence in respect of any objections that have not been withdrawn as at the date of the public inquiry.

Statutory Objectors

Simon Michael Collins, Mary Jane Collins, Charles Edward Collins, Claire Collins, Stuart John Tinney and Jennifer Jane Tasker Plot Numbers 11- 30. Objection to CPO.

16.4. Summary of objection

- 16.4.1. Lack of clarity as to the extent of acquisition of land/rights for a future additional link road and roundabout running to the north. The CPO should not include such land as there is no formal planning approval or funding.
- 16.4.2. Lack of justification for the land take for soil storage to undertake land raising works and provide embankments on either side of the roundabout link.
- 16.4.3. Lack of justification for the acquisition of land as far as the underpass entrances below the existing M11 motorway which is vital to farm the land efficiently. Lack of clarity over maintenance of underpass during construction and thereafter.
- 16.4.4. Lack of provision for access from the new Junction 7A and associated links into objector's land which is identified in the emerging Harlow and Epping Forest Local Plans for major residential development. Similarly, a lack of provision for the possible relocation of the Princes Alexandra Hospital. A failure to provide suitable connections between the severed parts of the development area. The Proposed Scheme therefore fails to deliver the benefits to the area but could actively prevent growth aspirations.
- 16.4.5. Proposed Scheme does not include works for access to agricultural and retained land including access to existing borehole, continuity of water supply, demonstrable land drainage, rabbit-proof post and rail fencing and level plans to show that soil extraction does not extend into the adjacent retained land.
- 16.4.6. Objector supports the objection from Miller Homes that the CPO papers do not confirm precisely which scheme is to be built and the scheme underlying the CPO appear to differ in material respects for the scheme with planning permission.
- 16.4.7. Lack of clarity that sufficient land and rights are being acquired to prove the necessary noise attenuation scheme to comply with the planning permission.
- 16.4.8. No provision is made for the mitigation from air pollution caused by traffic using the new junction and links.

16.5. Response to Objection

16.5.1. The acquiring authority does not agree that the Orders and the Statement of Reasons is unclear about the Scheme being proposed and the land required for it. On 18 August 2018 it wrote to the objector's agents to confirm the extent of the Proposed Scheme that was reflected in the orders as follows: the Proposed Scheme which has planning consent comprises three essential elements: improvements to Gilden Way and Sheering Road (Phase 1); the Link Road from the Champions Roundabout to a new junction 7a on the M11 (Phase 2a), and; a Northern Loop to provide a future link to a northern bypass for Harlow (Phase 2b). Phase 1 and Phase 2a were amalgamated into a single Phase 1 project with Phase 2b to follow in the future as a Phase 2. The orders relate to Phase 1 only. These changes were made following discussions with this objector in advance of the orders being made, who expressed a preference for the land required for the Proposed Scheme to be acquired on an incremental basis. The current Orders do not seek to acquire any land or changes to local highways in connection with Phase 2b, other than where the implementation of Phase 2b would require significant alterations to Phase 1 works already carried out on the acquiring authority and Highways England network.

The future progression of Phase 2b will be reviewed by the acquiring authority as part of the next Local Plan Policy cycles, although there is of course nothing to prevent landowners from bringing forward their own proposals to the local planning authorities in the meantime.

16.5.2. The acquiring authority does not accept that the areas for this purpose in the CPO are not justified. On 18 August 2018 the acquiring authority wrote to the objector's agents to confirm these details and the methodology utilised. Due to the topography of the land and the environmental constraints around the site, the land required for future-proofing is not in fact significantly in excess of that required for Phase 1. It is proposed that rights in the blue land can be acquired for the works to be carried out and subsequently restored to the landowner. The pink plots denote the footprint of the permanent works for Phase 1, while the blue plots cover the areas carefully calculated and designated for construction works, which include Laydown Areas for the receipt, storage and treatment of 'cut' materials (soils), and the haulage and storage of the earth 'fill' material for the embankment. A drawing was supplied to the objector with the letter which shows the use of these plots in detail and demonstrates that the land subject to compulsory purchase has been kept to the minimum, and that the land for construction works has also been carefully assessed and defined.

16.5.3. This relates to land within Plots 24 and 30. The acquiring authority has confirmed to the objector that the existing agricultural access from Matching Road via the M11 underpass, from Moor Hall Lane, and from Sheering Road is maintained (save that it is proposed that Moor Hall Lane will be made unavailable to Heavy Goods Vehicles). The construction of the northern slip roads to the new junction on the M11 will extend as far as the underpass and access track described but will sit on a widened embankment above the underpass. The underpass will therefore be increased in length and, together with the access track, will remain in situ and fully operational post-scheme. A drawing has been supplied to the objector to demonstrate this.

As the acquiring authority has also confirmed to the objector, during the works it is proposed that the access track and underpass will remain operational and available to the objector, subject to appropriate traffic management for safety purposes while construction works take place so that, in the unlikely event that a safety issue arises, this can be dealt with locally.

16.5.4. The purpose of the Proposed Scheme is explained in paragraph 2.2 of the Statement of Reasons served with the CPO. The scheme has been designed, and received planning consent, to provide a new junction to the M11 to provide capacity in the highway network for existing and future planned development, including the ability to carry out works at the existing Junction 7 to provide further capacity.

The Proposed Scheme enables rather than inhibits development and has been designed to enable access to development sites to be provided. Some of the development sites will directly access the improved and new highways, others will not do so but all will benefit from the added capacity in the network, without which no development would be able to demonstrate adequate supporting infrastructure. However, it cannot be expected that the scheme provides independent access direct to the new highway to each individual parcel of land which forms part of a development area enabled by the Proposed Scheme, although in this case the whole of the proposed allocation is envisaged to be enabled by its direct access to the Champions Roundabout and Gilden Way. As and when developments come forward it will be up to the individual developers to obtain planning permission (and enter into highway agreements required) to deliver any new junctions that may be required.

The objectors' retained land is currently the subject of a draft allocation in the emerging Local Development Plans for Harlow and Epping Forest districts, and the ability of any development to connect

into the highway network will be the subject of individual planning applications in due course.

The acquiring authority has provided for development access from the Campions roundabout to the objectors' retained land to the south-east and has confirmed that it will construct a 'stub' onto the roundabout in this location. The objectors will be able to design their access onto this roundabout as part of their detailed planning for the development site and the acquiring authority has provided traffic modelling data to the promoter (see 16.5.2) in order that they may commence their design work for access from the Campions Roundabout, and other points along the length of the proposed scheme.

The potential allocation of the land at North East Harlow is dependent upon improved access to the M11 and Harlow itself. The proposed scheme facilitates the delivery of housing in and around Harlow including the land north and south of the proposed link road. This justification has been scrutinized as part of the planning application process and accepted. However, without the Proposed Scheme, planned development would not be possible, and the draft allocations could not have been proposed, or are unlikely to be confirmed.

There is no certainty that the Princess Alexandra Hospital will relocate or relocate to the land north of the Link Road. The acquiring authority has provided for development access from The Campions Roundabout to the objector's land to the south of the new Link Road. The Campions Roundabout also provides for a future connection to the Northern Loop, which is capable of serving development to the north of the Link Road.

Should the objectors choose to bring forward a proposal for development north of the Link Road through a separate planning application, they would be able to propose a connection either directly to the Campions Roundabout, or to construct part or all of the Northern Loop as part of their application and provide access to development from that Loop. Such an application would be judged on its merits at the time by the appropriate planning authorities.

In relation to the objectors' concerns about connections between the land subject to the draft allocation which lie both north and south of the new Link Road, both land to the north and south of the new Link Road can be linked into the Campions Roundabout, subject to any detailed planning application for the draft allocation land being

approved, as described above. The proposed Local Plan anticipates the East Harlow allocation as only coming forward as part of a comprehensive plan, which clearly envisages landowners working collaboratively to deliver the total master-planned area. It is of course, in principle, open to Draft Allocation promoter/landowners to offer to contribute financially to specific alterations to the proposed scheme should their site design be sufficiently advanced to enable them to do that. The total area of the draft allocation is subject to a number of physical and environmental constraints and the objectors will need to master-plan the area in such a way that the developable area is maximized, but that master-planning exercise is within the objectors' control in terms of managing internal access within its physical and environmental constraints by offering mitigation works and mitigation land to achieve it.

- 16.5.5. The acquiring authority does not accept that the Proposed Scheme does not provide for access points into the objector's retained land for agricultural and development purposes. As these objectors and Miller Homes are working together in a consortium to take the benefit of the draft allocation for development that the scheme enables, it can be anticipated that internal access arrangements within the consortium area will be managed amongst individual consortium members.

The acquiring authority has confirmed to the objectors that the existing agricultural access will be maintained during and after construction (see point 16.4.2 (c) above).

The acquiring authority has also offered assurances to the objectors in relation to their other specific concerns. Access from, and a grasscrete type working space at, Sheering Road, or an internal access from the maintenance area around the balancing pond, will be provided for the maintenance of the borehole. The water supply from the borehole will be maintained, and diverted as part of the scheme, if required. The detailed scheme design will provide a solution to land drainage and appropriate land drainage will be maintained. Appropriate fencing to the retained agricultural land will be agreed with relevant landowners as accommodation works for the scheme and constructed as part of the scheme by the acquiring authority. It is not proposed that works will be undertaken outside the CPO boundary and a detailed Method Statement for the soil management and storage will be prepared as part of the scheme contract.

- 16.5.6. The Statement of Reasons and accompanying Orders are clear; the Scheme comprises the three elements described above (Gilden Way/Sheering Road Improvements; Link Road, and; Northern Loop),

which will be delivered in two Phases. The land described in the Orders relates to the construction of Phase 1, comprising the first two of those elements. As indicated above, although planning permission exists for Phase 2, and was based on a planning application that always envisaged phased implementation, the current Orders are being promoted in respect of Phase 1 only at this stage, principally as a result of discussions with these objectors.

16.5.7. Evidence will be given that the land contained in the Orders, together with existing public highway land, is sufficient for the acquiring authority to discharge the planning conditions for the Proposed Scheme which include noise mitigation. As set out in the Environmental Statement forming part of the planning application for the Proposed Scheme, there are no receptors on the fields north and south of the proposed link road no mitigation is required.

16.5.8. Evidence will be given that in relation to air quality, the Environmental Assessment concluded that both during construction and operation changes in air quality are shown to remain low both for NOx and particulates and remain below the prescribed limit values.

Miller Homes Limited (beneficiaries of a promotion agreement in the names of Miller Homes Holdings Limited and M F Strategic Land Limited which is stated to relate to Plot Numbers 11, 12, 12A, 13, 14, 15, 15A, 16, 17, 17A, 18, 19, 20, 20A, 21, 22, 23, 24, 25, 26, 27 and 28, 29, 30). Objection to CPO.

16.6. Summary of Objection

16.6.1. Objector has sought to engage with the acquiring authority in relation to the planning process but it has not responded formally to those discussions.

16.6.2. The Proposed Scheme fails to provide for adequate access to the land the objector has an interest in to continue agricultural use pending redevelopment.

16.6.3. Despite the stated purpose of the scheme it fails to provide for development of the land in which the objector has an interest as (i) there is inadequate provision of access to the site (ii) it fails to provide proper connections between the severed parts of the development area (iii) there is excessive land take for construction compounds (iv) the location of the compounds is inappropriate as they could block access to the development site for construction, and (v) no undertaking has been given that land will be returned to the owners at the end of the construction work to enable delivery of the proposed development without the need to negotiate access to the highway.

The objector states that the Regulation 19 Local Plans of Harlow and Epping Forest Districts propose development to the land in which it has an interest for 3350 dwellings with potential hospital, schools and ancillary development. The orders significantly prejudice the objector's interests and are not clearly in the public interest.

16.6.4. The CPO papers do not confirm precisely which scheme is to be built and the Proposed Scheme underlying the CPO appear to differ in material respects for the scheme with planning permission. The SRO does not appear to form part of the CPO. There has been no explanation for this divergence. It is not clear that the proposed orders are in the public interest.

16.7. Response to objection

16.7.1. As the land this objector is interested in is the same land as another objector with whom extensive discussions have been shared (as set out in 16.4.2) it is expected that, in the spirit of the promotion agreement between the consortium members, relevant information has been shared between them and separate parallel discussions have not been carried out and were not considered to be necessary. Meetings have been held at which this objector's traffic consultant has been present, and in response to a specific request for traffic modelling data from this objector, the acquiring authority did respond and provided the relevant information. Any comments made by the objector in response to consultation carried out in relation to making a decision on the planning application for the Proposed Scheme by the county planning authority was taken into account as part of that process.

16.7.2. The response made in 16.4.2 (c) and (d) applies.

16.7.3. The response made in 16.4.2 (d) applies. In relation to the location of the compounds, at present there is no planning consent for the proposed development works this objector refers to, nor is there a confirmed programme or detailed access management plan. Should plans for the development come forward to such an extent that concurrent working is possible, the acquiring authority has confirmed that it is happy to work with the developer to manage access and compound arrangements, subject to appropriate alternative land being offered by the developer to facilitate any changes they propose from the land comprised in the CPO plans.

16.7.4. The acquiring authority's response on the first point is the same as in 16.4.2 (f). The SRO deals with the specific changes to public and private accesses in accordance with the statutory provisions and where land is required to deliver these, such as the change to the

public footpath at Mayfield Farm, the CPO reflects the acquisition requirement. The acquiring authority does not accept that the CPO and the SRO are inconsistent with each other.

16.7.5. It should be noted that so far as these issues were raised in the planning process they were considered and addressed and planning permission was issued.

16.7.6. Miller Homes are not noted in the CPO schedule and M F Strategic Land are listed in relation to only some, not all, of the plots identified on the map sent with the objection letter. At the time of the pre-CPO making Land Registry searches were carried out and section 5 questionnaires issued. The land was not registered but part had a caution with M F Strategic Land Limited and Miller Homes as entries No 1 and 2 under a 'promotion agreement'. However, the caution Register B, containing the details, the name of the cautioner and address for service, identified M F Strategic Land only and accordingly section 5 was issued to MF Strategic Land Limited using the address in the register. There was no response from them. The Acquiring Authority is entitled to rely on the information recorded at the Land Registry. All those affected by the CPO are aware of the plots being acquired even if the Land Registry entries are wrong.

Cadent Gas Limited Plot Numbers 15, 15A, 16, 17, 18, 21, 22, 23, 24, 25, 26, 29, 30.

16.8. Summary of Objection

16.8.1. Holding objection to ensure that appropriate protection (including compliance with the relevant standard for works proposed within close proximity of its apparatus) are adhered to.

16.8.2. An easement of the proposed diverted section of pipeline will need to be granted before existing rights are surrendered. An Asset Protection Agreement will be required.

16.9. Response to Objection

16.9.1. Details of the works necessary were agreed with Cadent and carried out at the acquiring authority's expense between June and October 2018 to ensure that there was no resource timetabling conflict with High Speed 2 work. The works were completed and signed off by Cadent in October 2018.

16.9.2. The land over with the gas main works has been carried out is in the CPO. A draft deed was supplied by Cadent to the landowner's legal advisor on 26 September 2018. This land is affected by the objections

set out in 15.5 and 15.6. Consequently, although the works have been carried out on the basis of a licence arrangement with a licence fee, the landowner has not been prepared to grant the easement to Cadent. Post objection correspondence with Cadent indicates that, in the absence of an easement, if the acquiring authority enter into the Asset Protection Agreement, this will secure the subsequent grant of an easement to follow in future and therefore Cadent will withdraw their objection to the CPO. If the landowner's position does not change, the acquiring authority is proposing to enter into the Asset Protection Agreement in advance of the Public Inquiry so that this objection can be withdrawn.

17. Documents Maps and Plan Accompanying this Statement

17.1. The acquiring authority intends to refer to or put in evidence the following documents:

- i. 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.
- ii. 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 – Map showing land parcels.
- iii. Essex Country Council (Gilden Way/Sheering Road (B183) Improvement /Widening/Realignment, A1025 (New Link Road from B183 to M11) Scheme) (Classified Road) (Side Roads) Order 2018.
- iv. Essex Country Council (Gilden Way/Sheering Road (B183) Improvement /Widening/Realignment, A1025 (New Link Road from B183 to M11) Scheme) (Classified Road) (Side Roads) Order 2018 – site plan
- v. The M11 Harlow North Junction (7A) (Slip Roads, Special Roads) Scheme 2018
- vi. The M11 Harlow North Junction (7A) (Slip Roads, Special Roads) Scheme 2018 – associated plan
- vii. Statement of Reasons (CPO)
- viii. Statement of Reasons (Section 16)

- ix. The Section 8 agreement between Essex County Council and Highways England
- x. M11 Junction 7a Essex County Planning Authority planning officers' report and recommendation (in committee report), committee minutes and committee addendum
- xi. M11 Junction 7a Secretary of State Call in Decision 20 July 2017
- xii. M11 Junction 7a approved plans and document list – see Statement of Reasons May 2018
- xiii. Document of Essex Cabinet meeting confirming selection of preferred options
- xiv. Document of Essex Cabinet meeting confirming selection of scheme design
- xv. Document of Essex Cabinet meeting confirming decision to proceed to planning
- xvi. Document of Essex Cabinet meeting confirming approval to commence CPO process 23 November 2017
- xvii. Pre-application Public Involvement Programme report (PIP) January 2017
- xviii. Planning Statement for Planning Application ref: CC/EPF/08/17 January 2017
- xix. Planning Application submission documents CC/EPF/08/17 January 2017
- xx. Environmental Statement January 2017, including non-technical summary and scoping report
- xxi. Documents submitted during the determination period for the M11 Junction 7a planning application, including the Applicant's response to objections raised by Miller Homes
- xxii. General Arrangement Plans 2016 and 2018
- xxiii. National Planning Policy Framework 2012 and 2018
<https://www.gov.uk/government/publications/national-planning-policy-framework--2> / <https://www.gov.uk/government/publications/national-planning-policy-framework--2> (available through the link or on request)
- xxiv. Epping Forest District Local Plan Submission Version December 2017 and subsequent minor modifications and examination material
<http://www.efdclocalplan.org/> (available through the link or on request)
- xxv. Harlow Submission Publication Local Plan January 2019 and subsequent minor modifications and examination material
<https://www.harlow.gov.uk/local-development-plan-examination> (available through the link or on request)

- xxvi. East Hertfordshire District Local Plan October 2018
<https://www.eastherts.gov.uk/developmentplan> (available through the link or on request)
- xxvii. Design Manual for Roads and Bridges (DMRB) and associated documents
<http://www.standardsforhighways.co.uk/ha/standards/dmr/> (available through the link or on request)
- xxviii. Highways Act 1980 <http://www.legislation.gov.uk/ukpga/1980/66/contents>
(available through the link or on request)
- xxix. Acquisition of Land Act 1981
<http://www.legislation.gov.uk/ukpga/1981/67/contents> (available through the link or on request)
- xxx. Human Rights Act 1998 <http://www.legislation.gov.uk/ukpga/1998/42/contents>
(available through the link or on request)
- xxxi. Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15> (available through the link or on request)
- xxxii. Wildlife and Countryside Act 1981
<http://www.legislation.gov.uk/ukpga/1981/69/contents> (available through the link or on request)
- xxxiii. Natural Environment and Rural Communities Act 2006
<http://www.legislation.gov.uk/ukpga/2006/16/contents> (available through the link or on request)
- xxxiv. The Conservation of Habitats and Species Regulations 2010/490
<http://www.legislation.gov.uk/uksi/2010/490/contents/made> (available through the link or on request)
- xxxv. Guidance on compulsory purchase process and Crichel Down Rules
(February 2018)
- xxxvi. Department for Transport Circular 1/97 “Highways Act 1980: Orders Under Section 14 of the Highways Act 1980 and Opposed Orders Under Section 124 of that Act”
- xxxvii. Department for Transport Circular 2/97 “Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State for Transport is the Confirming Authority”
- xxxviii. Department for Transport Circular 02/07 “Planning and the Strategic Network”

- xxxix. Highways Infrastructure Memorandum of Understanding (February 2017)
- xl. Transport Appraisal Guidance (TAG) and associated documents
<https://www.gov.uk/guidance/transport-analysis-guidance-webtag> (available through the link or on request)
- xli. Appraisal Specification Report November 2017
- xlii. Traffic Data Collection Report
- xliii. Traffic Forecasting Report March 2017
- xliv. Option Assessment Report, May 2016
- xlv. Local Model Validation Report (LMVR), March 2017
- xlvi. Scheme Assessment and Technical Appraisal Report 2016
- xlvii. Road Safety Audit Report and Designers' Response 2019
- xlviii. Flood Risk Assessment April 2016
- xlix. Flood Risk Addendum March 2017
 - I. Operational Assessment Technical Note December 2016
 - ii. Drainage System Summary Report November 2016
 - lii. Procurement Report June 2016
 - liii. Procurement and Buildability Report February 2017
 - liv. Economic Assessment Report

17.2. Copies of these documents may be inspected until the start of the Public Inquiry at Harlow Central Library and Chelmsford Library (details below).

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

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

Every statutory objector and interested party in this matter may inspect and take copies of the said documents.

The acquiring authority's documents can also be viewed on the project website at www.essexhighways.org/highway-schemes-and-developments/major-schemes/m11-junction-7a/m11-junction-7a-publication-of-orders.aspx.