



*James Ellis*

Head of Legal and Democratic Services

**MEETING** : EXECUTIVE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : TUESDAY 19 APRIL 2022  
**TIME** : 7.00 PM

## **MEMBERS OF THE EXECUTIVE**

- |                                |   |
|--------------------------------|---|
| Councillor Linda Haysey        | - Leader of the Council                             |
| Councillor Peter Boylan        | - Executive Member for Neighbourhoods               |
| Councillor Eric Buckmaster     | - Executive Member for Wellbeing                    |
| Councillor George Cutting      | - Executive Member for Corporate Services           |
| Councillor Jan Goodeve         | - Executive Member for Planning and Growth          |
| Councillor Jonathan Kaye       | - Executive Member for Communities                  |
| Councillor Graham McAndrew     | - Executive Member for Environmental Sustainability |
| Councillor Geoffrey Williamson | - Executive Member for Financial Sustainability     |

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## **Disclosable Pecuniary Interests**

A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:

- must not participate in any discussion of the matter at the meeting;
- must not participate in any vote taken on the matter at the meeting;
- must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
- if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
- must leave the room while any discussion or voting takes place.

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## AGENDA

1. Apologies

To receive any apologies for absence.

2. Leader's Announcements

3. Minutes - 8 February 2022 (Pages 7 - 34)

To approve as a correct record the Minutes of the meeting held on 8 February 2022.

4. Declarations of Interest

To receive any Member(s) declaration(s) of interest.

5. Update from Overview and Scrutiny Committee

To receive a report of the Committee Chairman.

6. Update from Audit and Governance Committee

To receive a report of the Committee Chairman.

7. Discretionary Energy Rebate Scheme (Pages 35 - 42)

8. Waste Shared Service Governance Report (Pages 43 - 68)

9. Gilston Area Compulsory Purchase Order (Pages 69 - 370)

(A) Exclusion of Press and Public

To move that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the discussion of Appendix 3, Item 8 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1, 2 and 6a of Part 1 of Schedule 12A of the said Act.

10. Financial Management Quarter 3 Forecast to Year End (Pages 371 - 386)

11. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

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MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 8 FEBRUARY 2022, AT 7.00 PM

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PRESENT: Councillor L Haysey (Chairman/Leader)  
Councillors L Haysey, P Boylan,  
E Buckmaster, G Cutting, J Goodeve and  
G Williamson.

ALSO PRESENT:

Councillors B Crystall, M Pope, C Redfern  
and P Ruffles.

OFFICERS IN ATTENDANCE:

James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Jonathan Geall	- Head of Housing and Health
Helen George	- Housing Development and Strategy Manager
Tamara Jarvis	- Improvement and Insight Manager
Steven Linnett	- Head of Strategic Finance and Property
Katie Mogan	- Democratic Services Manager
Sara Saunders	- Head of Planning

	and Building Control
Helen Standen	- Deputy Chief Executive
Su Tarran	- Head of Revenues and Benefits Shared Service

### 315 APOLOGIES

Apologies for absence were received from Councillor Kaye and Councillor McAndrew.

### 316 LEADER'S ANNOUNCEMENTS

The Leader of the Council said that she had accepted an urgent item from Officers on Hertford Theatre which was a restricted report. She said that the additional funding request report had implications on Item 8 - Budget 2022/23, so would be heard first. The order of the agenda would be amended accordingly.

The Leader reminded Members that Item 14 – Introduction of Electric Vehicle Charging Tariffs had an exempt appendix so if Members wished to discuss the financial information, the meeting would again need to exclude the press and public.

The Leader said that the budgetary items were tricky at the moment and local authorities had to have a balanced Medium Term Financial Strategy. She said that the council have had to make difficult decisions but East Herts Council were in a better position than others.



317 MINUTES – 23 NOVEMBER 2021

Councillor Haysey proposed, and Councillor Williamson seconded a motion that the Minutes of the meeting held on 23 November 2021 be approved as a correct record and be signed by the Leader. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the Minutes of the meeting held on 23 November 2021 be approved as a correct record and signed by the Leader.

318 DECLARATIONS OF INTEREST

There were no declarations of interest.

319 UPDATE FROM OVERVIEW AND SCRUTINY COMMITTEE

The Leader of the Council thanked the Overview and Scrutiny Committee for their work and comments.

320 UPDATE FROM AUDIT AND GOVERNANCE COMMITTEE

The Chairman of the Audit and Governance Committee had no further comments.

321 EXCLUSION OF THE PRESS AND PUBLIC

Councillor Haysey proposed and Councillor Buckmaster seconded, a motion that the press and public be excluded from the meeting during the discussion of the next item, on the grounds that it

involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, in that disclosure could compromise information relating to the financial or business affairs of any particular person (including the Authority holding that information).

On being put to the meeting, and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the press and public be excluded from the meeting during the discussion of the next item, on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, in that disclosure could compromise information relating to the financial or business affairs of any particular person (including the Authority holding that information).

322 ADDITIONAL FUNDING REQUEST - HERTFORD THEATRE  
CAPITAL DEVELOPMENT PROJECT

Full details in the restricted minutes.

323 BUDGET SCRUTINY - BUDGET 2022/23 AND MEDIUM TERM  
FINANCIAL PLAN 2022-25

The Executive Member for Financial Sustainability presented the proposed Budget 2022/22 and the Medium Term Financial Strategy 2022-25. He said that the plans were set around an increasing challenging background with less funding from government,

limited means to increase revenue and higher costs and less income due to the pandemic. He said that the Council had carried out a comprehensive spending review in 2020 which brought forward a significant level of savings. The Council Transformation Programme was underway but it was a medium to long term project and results would be noticed in 2023.

Councillor Williamson said that the Executive endorsed working assumptions in September 2021 including a £5 increase on Council Tax and a review of the Fees and Charges Policy which proposed an average increase of 5% and where a discretionary service was provided, the cost would be paid in full by the service users. He said that the budget gap still needed to be filled and further savings proposals were presented at Appendix B. The Medium Term Financial Plan and the Capital Programme appendices had been updated in relation to the Hertford Theatre funding. He thanked the Audit and Governance Committee for their comments which were included at Appendix H.

Councillor Haysey said difficult decisions had to be made but believed the proposed budget was the best way forward.

Councillor Williamson proposed, and Councillor Buckmaster seconded a motion supporting the recommendations in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - (A) That the comments from Audit

and Governance Committee, as shown at Appendix H be considered, and endorse the recommended actions shown;

(B) To **recommend to Council**:

- I. that the East Herts share of the Council Tax for a Band D property in 2022/23 be set at £184.09, an increase of £5, the maximum permitted within the Council Tax Referendum principles;
- II. The Budget 2022/23 and the Medium Term Financial Plan 2022 – 2027 is approved;
- III. The savings plans summarised in Appendix B are approved for implementation and that Council require that compensating savings, delivered to the same timescales, have to be put in place and reported to the next Council meeting should the Executive decide that any savings proposals should not proceed, or are reduced by 10% or more
- IV. The capital programme set out in Appendix C is approved; and
- V. The schedule of charges for 2021/22 set out in Appendix G, with an average increase of 5%, is approved;

(C) That the results of the consultation on how the public value services that are provided

by the council be noted;

(D) That the Equalities Impact Assessment at Appendix F be noted; and

(E) That the savings due to be delivered from the Transforming East Herts Programme be noted that a full business case and benefits realisation plan will be presented to Executive in June 2022 be noted.

324 CAPITAL STRATEGY AND MINIMUM REVENUE PROVISION POLICY 2022/23

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The Executive Member for Financial Sustainability presented a report on the Capital Strategy and Minimum Revenue Provision Policy 2022/23. He said that there was a need for the council to produce a strategy following a strengthening of government guidance.

Councillor Williamson proposed, and Councillor Buckmaster seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - To recommend to Council the approval the Capital Strategy and Minimum Revenue Provision policy 2022/23 onwards.

325 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2022/23

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The Executive Member for Financial Sustainability presented a report on the Treasury Management Strategy Statement and Annual Investment Strategy 2022/23. He said that the Treasury Management Strategy was an important document to help the council deliver on its programmes and provided a basis to manage funds. The Council is required to provide three reports; this was the first report looking forward. He highlighted that Appendix B had been updated and published in the supplementary agenda.

Councillor Williamson proposed, and Councillor Cutting seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - To recommend to Council to approve the Treasury Management and Annual Investment Strategy 2022/23 and Prudential Indicators for approval.

326 FINANCIAL MANAGEMENT 2021/22 – QUARTER 2 FORECAST TO YEAR END

The Executive Member for Financial Sustainability presented a report on the Financial Management of the Council - Quarter 2 Forecast to year end. He said that it was not unusual to have an overspend at the current point in the year and it would be managed by the Leadership Team throughout the year.

The Leader wanted to record her thanks to the Head of Strategic Finance and Property and his team for all

their hard work and their briefing to Members was well received.

Councillor Williamson proposed, and Councillor Goodeve seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - That (A) The net revenue budget forecast overspend of £132k in 2021/22 be noted; and

(B) The revised capital budget for 2021/22 of £57.060m, with a forecast underspend of £15.825m, which will be carried forward to 2022/23 be noted.

### 327 CORPORATE PLAN REFRESH 2022/2023

The Leader of the Council presented the refreshed Corporate Plan 2022/23. She said that the Council produced a Corporate Plan annually and the plan for 2022/23 reflected the issues arising from a challenging financial situation and a continuing commitment to provide first class services to residents. She thanked the Overview and Scrutiny Committee for their comments and was happy for them to be incorporated into the final document.

Councillor Haysey proposed, and Councillor Boylan seconded a motion supporting the recommendations in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - That (A) the One Page Plan

priorities be reviewed, as shown at Appendix A;

(B) the comments from the Overview and Scrutiny Committee, as shown at Appendix B be considered, and endorse the recommended actions shown; and

(C) the One Page plan, as amended by Recommendation (B) be endorsed, and recommended to Council for approval.

## 328 HOUSING STRATEGY

The Executive Member for Neighbourhoods presented a report on the Housing Strategy 2022 – 2027. He said that the strategy was a culmination of a considerable amount of work over the last 18 months. There was no statutory requirement to produce a strategy and the extent and range of housing pressures had made it imperative to set new priorities.

Councillor Boylan said that the development of the strategy was overseen by a cross party working member group who met three times to shape emerging themes. Once approved by Council, detailed action plans would be developed and reviewed regularly. The Overview and Scrutiny Committee gave detailed consideration of the strategy and Appendix A listed their comments.

The Leader of the Council thanked the team for their work on the detailed strategy with evidence based conclusions.



Councillor Boylan proposed, and Councillor Cutting seconded a motion supporting the recommendations in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – That (A) the comments put forward by the Overview and Scrutiny Committee, listed in Appendix A, be considered and endorse the resulting amendments proposed by the Executive Member for Neighbourhoods as also detailed in Appendix A;

(B) the draft East Herts Housing Strategy for 2022 to 2027, as amended by Recommendation (A) be endorsed, and recommended to Council for approval.

(C) the authority to (i) determine action plans to deliver the objectives in the Housing Strategy, pending its approval by Council, and (ii) authorise periodic progress reports be delegated to the Executive Member for Neighbourhoods, acting in consultation with the Head of Housing and Health.

### 329 DISCRETIONARY COVID-19 ADDITIONAL RELIEF FUND (CARF) SCHEME

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The Executive Member for Financial Sustainability presented a report on the Discretionary COVID-19 Additional Relief Fund (CARF) scheme. He said the scheme was announced in March 2021 but the details were only published in December 2021. £3 million had

been allocated to East Herts and the scheme must be set locally and directed to businesses that had not had grants previously.

The Leader of the Council thanked the Revenues and Benefits team for their hard work on behalf of residents.

Councillor Pope asked how the scheme would be publicised.

The Head of Revenues and Benefits said there would be extensive social media coverage and the team would be contacting all businesses eligible to apply.

Councillor Williamson proposed, and Councillor Boylan seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – That the Discretionary COVID-19 Additional Relief scheme be approved.

### 330 PARKS AND OPEN SPACES STRATEGY

The Executive Member for Wellbeing presented a report on the Parks and Open Spaces Strategy. He said that the strategy was updated to reflect the feedback through the public consultation in autumn 2021. The Council's parks were an opportunity for residents to enjoy the outdoors and were central to the council's health and wellbeing offering. He said that the Overview and Scrutiny Committee had provided some

comments and suggestions and wording in the strategy would be clarified.

Councillor Buckmaster proposed, and Councillor Goodeve seconded a motion supporting the recommendations in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – That (A) the comments from Overview and Scrutiny Committee, as shown at Appendix D be considered, and endorse the recommended actions shown;

(B) the draft Parks and Open Spaces Strategy, as amended by Recommendation (A) be endorsed, and recommended to Council for approval.

### 331 INTRODUCTION OF ELECTRIC VEHICLE (EV) CHARGING TARIFFS

The Leader of the Council presented a report on the introduction of electric vehicle charging tariffs on behalf of the Executive Member for Environmental Sustainability. The proposal was to introduce a tariff for electric vehicles in car parks managed by the Council in line with the Fees and Charges Policy. She said that the proposed tariff was 25ppkw and the council would be submitting a request for funding to upgrade the infrastructure.

Councillor Haysey proposed, and Councillor Williamson seconded a motion supporting the recommendations in the report. On being put to the meeting and a vote

taken, the motion was declared CARRIED.

**RESOLVED** – That (A) the comments from the Overview and Scrutiny Committee, as shown at Appendix C be considered, and endorse the recommended actions shown;

(B) the Electric Vehicle Charging Tariff Policy, as amended by Recommendation (A) be adopted.

332 HARLOW AND GILSTON GARDEN TOWN - FUTURE LEADERSHIP AND GOVERNANCE REPORT

The Leader of the Council presented a report on the Harlow and Gilston Garden Town – Future Leadership and Governance Report. She said that the Garden Town had received revenue funding from government for £172 million for a rolling infrastructure fund and there was a need for open and more transparent decision making processes. The Leader believed it was the best model for East Herts Council and the Garden Town.

Councillor Buckmaster said he did not have an issue with the recommendations but wanted to raise his concerns about the reference to stewardship. He said that stewardship was a complex problem to resolve and a single body would be equivalent to corporate ownership. He felt there needed to be local accountability to create a sense of community with an accountable body spread over a larger area.

Councillor Buckmaster proposed, and Councillor

Goodeve seconded a motion supporting the recommendations in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that (A) the Executive agrees ‘in principle’ to explore the creation of a Harlow and Gilston Garden Town Joint Committee, consisting of representation by all five Garden Town Partner Councils;

(B) subject to the outcome of A above, the details of the constitution, priorities and operating model of the proposed Joint Committee are to be returned to the Executive for further consideration.

### 333 UPDATED MASTERPLAN FOR THE GOODS YARD

The Executive Member for Planning and Growth presented a report on the updated masterplan for the Goods Yard. She said that the site already benefitted from a masterplan and hybrid planning application however a combination of events has meant the plan needs to be reviewed. Of major significance was the decision by Network Rail to retain the railway sidings which had reduced the developable area.

The Leader of the Council commended the developer involved in the process for being fully engaged in the masterplan process.

Councillor Goodeve proposed, and Councillor Cutting seconded a motion supporting the recommendation in

the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – To recommend to Council that the Refined Masterplan Document for the Goods Yard, Bishop’s Stortford as detailed in Appendix A, be agreed as a material consideration for Development Management purposes.

334 MASTERPLAN FOR LAND TO NORTH WEST OF BUNTINGFORD

The Executive Member for Planning and Growth presented a report on the masterplan for the land to North West of Buntingford. The masterplan was for 55 units and the developer had worked with East Herts Council to produce a mix of development types and affordable housing. She gave her thanks to the Buntingford Steering Group for their help.

Councillor Goodeve proposed, and Councillor Buckmaster seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – To recommend to Council that the Land North West of Buntingford Masterplan Document be agreed as a material consideration for Development Management purposes.

335 ANNUAL TREASURY MANAGEMENT REPORT 2020/21

The Executive Member for Financial Sustainability presented the Annual Treasury Management report for 2020/21. He said the report followed on from Item 10 and it looked back and reviewed the activities for the last financial year.

Councillor Williamson proposed, and Councillor Cutting seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – To recommend to Council the approval of the Annual Treasury Management Review and Prudential Indicators 2020/21.

336 TREASURY MANAGEMENT 2021/22 MID-YEAR REVIEW

The Executive Member for Financial Sustainability presented a report on the Treasury Management 2021/22 Mid-Year Review.

Councillor Williamson proposed, and Councillor Cutting seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – To recommend to Council the approval of the Treasury Mid-year Review and

Prudential Indicators for the first 6 months of 2021/22.

337 EXTERNAL AUDIT NATIONAL PROCUREMENT OPT IN

The Executive Member for Financial Sustainability presented a report on the External Audit National Procurement Opt-in. He said that the arrangements for the current audit period expired next year and the report considered options available for appointments of external auditors from April 2023 and a decision needed to be made by 31 December 2022. The report recommended opt in to Public Sector Audit Appointments Limited.

Councillor Haysey said auditing of local authorities was not as easy to procure as it used to be. She said there was a national backlog and East Herts' audit had just started. She urged CIPFA to listen to concerns raised by senior bodies and officers.

Councillor Williamson proposed, and Councillor Goodeve seconded a motion supporting the recommendation in the report. On being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** - To recommend to Council that, under Regulation 19 of the Local Audit (Appointing Person) Regulations 2015, East Hertfordshire District Council opts into the sector led body for audit appointments provided by Public Sector Audit Appointments Limited.



338 URGENT BUSINESS

There was no urgent business.

The meeting closed at 8.16 pm

Chairman .....
Date .....

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## East Herts Council Report

### Executive

**Date of Meeting:** 19 April 2022

**Report by:** Councillor Geoff Williamson, Executive Member for Financial Sustainability

**Report title:** Discretionary Energy Rebate Scheme

**Ward(s) affected:** All

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### Summary

To approve a discretionary scheme funded by Government.

### RECOMMENDATIONS for Executive:

- (A) **To approve the discretionary energy rebate scheme as detailed at paragraph 2.4**
- (B) **That the Head of Revenues and Benefits Shared Service in conjunction with the Deputy Leader and Executive Member for Financial Sustainability, amend the scheme criteria for any subsequent rounds of applications if allocated funding is not distributed in full in the first round (see paragraph 2.4(h))**

### 1.0 Background

- 1.1 On 3 February 2022 the Government announced a package of support known as the **Energy Bills Rebate** to help households with rising energy bills, This included a £150 non-repayable rebate for households in England in council tax bands A – D\*, known as the Council Tax Rebate, and also discretionary funding for billing authorities to support households who are in need but are not eligible for the

Council Tax Rebate. The scheme details were published on 23 February 2022.

*A-D\*. This includes property that is valued in band E but which has an alternative valuation band of band D, as a result of the disabled band reduction scheme*

- 1.2 East Herts has been allocated £ 244,500 for the discretionary fund. This is a cash limited allocated which will not be topped up, and unspent funds must be returned to the Government at the end of the scheme in November 2022.
- 1.3 The criteria are for local authorities to determine, but the guidance has recently been amended and may therefore be changed again. However at the time of writing these are as follows;
- 1.4 The Guidance states;
  - i) Councils can determine locally how best to make use of this funding to support those suffering financial hardship as a result of the rising cost of living. This could include households living in property valued in bands E to H that are on income related benefits or those where the energy bills payers are not liable for council tax.
  - ii) Where councils consider it the best means of supporting those in financial difficulty, they can use the discretionary fund to offer carefully targeted 'top-up' payments to the most vulnerable households in bands A to D (for example, those on means tested benefits), or to offer discretionary support exceeding £150 per household.
  - iii) Occupants of class M (student halls) are unlikely to be eligible for discretionary support, unless they are exposed to rising energy prices in a similar way to other households.

iv) Discretionary support should not be offered to occupants of property in exemption class O, where the Ministry of Defence will provide cost of living support.

v) Support from the Discretionary Fund does not have to be provided in relation to the position on 1 April 2022.

1.5 Unlike the main scheme for eligible residents of properties in band A-D who will receive £150.00 based on occupancy on the 1 April 2022. The discretionary scheme can be more flexible in respect of the date and an amount '**in excess of**' £150.00 per household can be awarded.

1.6 Applications must be submitted by the liable person and prepayment checks in line with the requirements of the main scheme are to be carried out on all applications.

## 2.0 Report

2.1 The funding allocated would permit 1630 grants of £150.00, or more if the grants were smaller (i.e 2445 cases @£100).

2.2 We currently have 25,641 properties in bands E –H, but we do not know how many households are not individually liable for Council Tax, for example living in multiple occupation dwellings, or other arrangements.

2.3 The proposed approach therefore aims to address the 'unknowns' and target the limited funds to the most vulnerable in our district

2.4 The table below shows the proposed scheme:

A	An application window is open for at least one month: No grant will be paid unless an application is completed and verification checks cleared.
B	Residents liable for properties in band E –H ( a chargeable dwelling) and in receipt of Council Tax

	reduction scheme (CTS) Housing Benefit or Universal credit on 1.4.2022 are eligible to apply.
C	Households who have a liability for rent on 1.4.2022, but not Council Tax, and are also liable for energy bills, and in receipt of universal credit or Housing Benefit are eligible to apply.
D	Only one grant, main or discretionary will be paid to a household in the first round and will not exceed £150.00, (although this could be less if oversubscribed)
E	The household must occupy the property as their main residence and be liable for rent or council tax on 1.4.2022.  (Backdated liability rules apply as for the main scheme*)
G	Consistent with the main scheme, no award will be made to a local authority, a corporate body or other body such as a housing association, the government or governmental body.
H	If funds remain available after the initial application period is completed, a further scheme will be launched, and open to residents not previously awarded a grant, or where specific additional hardship is proven etc. Any revisions to the criteria to be approved by the Head of Revenues & Benefits Shared Service in conjunction with the Deputy leader & Executive Member for Financial Sustainability

#### Backdated liability\*

- Eligibility should be determined based on the position at the end of the day on 1 April 2022. Were a council has reason to



believe that the information they hold about the valuation list, liable taxpayer(s) or residents' circumstances in respect of 1 April 2022 is inaccurate, they should withhold the payment and take reasonable steps to determine the correct information.

- Where records relating to the liable taxpayer(s) or residents' circumstances in respect of 1 April 2022 are retrospectively updated, councils should take reasonable steps to pay or clawback payments.
- Where the property band recorded on a valuation list is amended retrospectively to 1 April 2022, for example as a result of a successful appeal made to the Valuation Office Agency ('VOA') that concluded after this date, councils are not required to pay or clawback payments. The exception is where a property is a new build and awaiting an official banding from the VOA. In these cases, eligibility should be determined based on the official band subsequently allocated by the VOA, where this has an effective date before or on 1 April 2022.
- Where a review, proposal or appeal pre-dating the announcement on 3 February 2022 is successful after 1 April 2022 and as a result, a property would have been eligible for the rebate, councils may wish to provide support using their Discretionary Fund.
- Where a review, proposal or appeal was made after the announcement, a decision will not be made by the VOA before 1 April and therefore taxpayers will not be eligible for the Council Tax Rebate.

### **3.0 Risks**

Fraud – Can be mitigated by spotlight/ ascendant / bank checks

#### **Implications/Consultations**

No

#### **Community Safety**

No

## **Data Protection**

No

## **Equalities**

No

## **Environmental Sustainability**

No

## **Financial**

*Only as referenced in the report*

## **Health and Safety**

No

## **Human Resources**

No

## **Human Rights**

No

## **Legal**

No

## **Specific Wards**

No

## **4.0 Background papers, appendices and other relevant material**

<https://www.gov.uk/government/publications/the-council-tax-rebate-2022-23-billing-authority-guidance>

## **Contact Member**

Geoffrey Williamson, Deputy Leader & Executive Member for Financial Sustainability,

**Contact Officer**

Su Tarran. Head of Revenues & Benefits Shared Service

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**Report Author**

Su Tarran. Head of Revenues & Benefits Shared Service

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## East Herts Council Report

### Executive

**Date of meeting:** 19 April 2022

**Report by:** Councillor Graham McAndrew –Executive  
Member for Environmental Sustainability

**Report title:** Shared Waste Service Governance

**Ward(s) affected:** All

### Summary

- The shared client team for waste services has been in operation with oversight from the Joint Partnership Board for waste since December 2017. This report identifies options around governance of the shared service to support future partnership working and service resilience.

### RECOMMENDATIONS FOR EXECUTIVE

- A.** Consider the comments from Overview and Scrutiny Committee, as shown in **Appendix B**, and endorse the recommended actions shown.
- B.** The Executive agree to the new overarching aim of the shared services and principles outlined in 3.10 and 3.12
- C.** The Executive endorses the formation of a joint cross party working group. The terms of reference for which are outlined in **Appendix A** and the outline work programme described in 3.19

- D. The Executive agrees to explore the future options for governance of the Shared Waste Service, including consideration of a joint committee consisting of representation by both East Herts Council and North Herts Council.

## **1.0 Proposal(s)**

- 1.1 A new overarching aim of the shared services and principles outlined in 3.10 and 3.12
- 1.2 The formation of a joint cross party working group. The terms of reference for which are outlined in **Appendix A** and the outline work programme described in 3.19
- 1.3 To explore the future options for governance of the Shared Waste Service, including consideration of a joint committee consisting of representation by both East Herts Council and North Herts Council

## **2.0 Background**

- 2.1 East Herts Council (EHC) and North Herts Council (NHC) entered into a Shared Service arrangement in 2017 and a joint contract was let beginning in May 2018.
- 2.2 A Councillor led Joint Partnership Board for waste meets twice per year and monitors the performance of the contract.
- 2.3 The service comprises a 'client' management structure located at the Buntingford Depot and two operational hubs comprising separate management teams and separate workforces for East and North Herts Councils.

- 2.4 The Contractor is responsible for the collection of waste and recycling from approximately 124,000 households and over 1920 commercial customers.
- 2.5 In 2014 the Councils agreed to progress from a Strategic Outline Case to an outline Business Case for the shared service specifically exploring potential additional savings in joint contracts, savings in client overheads including depot costs, governance and management proposals and jointly agreed policies to form the basis of a joint specification.
- 2.6 Prior to the formation of the shared service client team in December 2017, both Councils made unilateral decisions on the service offering to residents for waste, recycling and street cleansing services which formed the basis of the joint contract with Urbaser.
- 2.7 The independent decision making at each authority led to different decisions being made by North Herts Council and East Herts Council regarding the provision of services to residents, despite an original commitment to joint policies.
- 2.8 In some areas service differences are considered minimal. e.g. EHC do not permit collection staff to collect side recycling whereas NHC do. However, the most significant at the time was the decision by North Herts Council to charge for garden waste collections and the decision by East Herts Council not to.
- 2.9 In almost all cases differences have led to differing operations, differing administrative requirements and have contributed to differences in recycling performance and/or cost and will contribute to the culture and ethos surrounding the service for each authority.

- 2.10 During changes to services the clients focus will be on one authority where the change is not being made by both, this can mean that resources are unbalanced. Undertaking projects at differing times of the year, for example route optimisation means that no efficiencies were found across the contract and that the client was involved in a protracted project timeline taking away from day-to-day customer queries and proactive educational campaigns which help manage recycling stream contamination and increase participation in services.
- 2.11 If we were to wholly align service efficiencies could be found in marketing and campaign work, planning consultations and customer enquiries all leading to an increased ability for the client to support the services and increase promotion of both domestic and commercial services.
- 2.12 Administrative efficiencies could be found in the financial management of services, procurement, data reporting, tonnage allocation, invoicing, variation processing, performance management, and complaint handling through standardisation of responses and policies.
- 2.13 As a short summary the list below identifies some examples of areas of the current services which are not aligned.

Public conveniences	EHC part of waste contract	NHC separate contract
Parish Litter picking grants	EHC only	
Commercial clinical waste services	EHC only	
Dual recycling litter bins		NHC only
Separate weekly food		NHC only



waste collection		
Residual waste collection	EHC 240l black bin	NHDC 180l purple bin
Services at flats		NHC separate weekly food waste
Recycling (Paper and Textiles) Bring Banks	EHC only	
Kerbside textile collections		NHC only
Kerbside battery collections		NHC only
Customer Service	EHC in house	NHC in contract
Garden Waste in sacks	EHC only	
Leaf fall collection		NHC only
Paper Box provision	EHC 45l inner caddy (55l option with optional lid)	NHC 55l box
Extra recycling collection	EHC larger bins policy	NHC collection of 'side' recycling

2.14 The lack of alignment in some areas has meant that some operational inefficiencies exist. It is hoped that with further

alignment opportunities can be explored for cross boundary working, potentially reducing the carbon impact of the services.

- 2.15 At the moment our contractor has little choice but to run services independently for each authority and although some synergies can be found from a joint contract, such as the sharing of spare vehicle resources, it is not currently possible to fully optimise the collections or administrative processes.
- 2.16 The consistency agenda is a key topic in the government's resources and waste strategy and has so far been the subject of two government consultations. It is clear that there is a driving desire from central government to see consistency across service provision with the primary aim of ensuring that services provided to the public are simple to use.
- 2.17 In other areas the lack of alignment creates additional administrative burdens, which if reduced should ensure that the client is able to more effectively manage the contract and deliver services.
- 2.18 For example, the client team are currently managing two separate garden waste portals, with two separate pricing structures and differing service delivery models.
- 2.19 Governance of waste services is wholly the responsibility of the individual authorities with the Waste Partnership Board set up to review the performance of the contract and services.
- 2.20 An Inter Authority Agreement (IAA) exists between East Herts Council and North Herts Council which outlines the responsibilities of each party.
- 2.21 This report explores the aim and principles of the shared waste service and how service design should be reviewed and

agreed in the future, exploring opportunities related to a joint waste committee.

### **3.0 Reason(s)**

#### **Shared Service Aims and Principles**

- 3.1 The shared waste service currently operates as one client team operating two separate service specifications. Although the overall performance of the contract for both authorities is good, operational and administrative efficiencies would exist should further alignment be agreed.
- 3.2 Although administrative efficiencies could be realised in the short and medium term, it is unlikely that genuine operational efficiencies (to the benefit of the Councils) could be realised prior to 2025 when the contract is due for renewal or extension.
- 3.3 Taking a long-term strategic look at where the services need to be in 10-20 years' time and reflecting back on the necessary changes which need to be implemented to ensure the Council reaches these goals will future proof the service, develop the workforce to respond accordingly and promote a culture that focusses on waste minimisation.
- 3.4 A further strategic consideration is the performance level for each strand of the service and whether the councils long-term aim would be to maintain standards or want to meet (or exceed) government targets or performance norms.
- 3.5 In 2020/21 Hertfordshire achieved its highest recycling rate to date with an overall recycling rate of 52.4% with EHC achieving 51.5% and NHC achieving 55.9%.

- 3.6 In terms of national performance NHC is currently ranked 28<sup>th</sup> and EHC is ranked 87<sup>th</sup> out of 338 Councils/waste partnerships.
- 3.7 As identified in 3.5 recycling rate performance for both authorities currently differs significantly. Much of this difference is as a consequence of EHC operating residual waste services with a 240L wheeled bin and NHC operating residual waste collections with a 180L wheeled bin, meaning residents are more likely to recycle everything they can. The shared service wishes to develop a mechanism to support services transitioning to alignment in the long term.
- 3.8 In June 2016 the Greater Cambridge Shared Waste Service agreed to the aggregation of recycling and waste performance for official reporting to the Government's national Waste Data Flow system, our current service differences mean this is not possible for EHC and NHC. This change came about after South Cambridgeshire District Council and Cambridge City Council agreed to align services, (South Cambs got rid of their separate paper box) and this demonstrates how the alignment of services through shared services can lead to wider administrative efficiencies.
- 3.9 In consideration of the ability of EHC and NHDC to align services which differ significantly without significant additional Capital costs it will be necessary to determine the long-term vision, aims and service design rather than only consider immediate and restrictive options for change.
- 3.10 It is therefore proposed that the shared service should operate under the a new overarching aim of, ***'Delivering high quality and well performing services which are both financially and environmentally sustainable.'***

3.11 A set of principles is suggested, by which, the shared service should operate and decision making be based, to encompass both EHC's and NHDC's aspirations for the future of the shared service.

3.12 The principles proposed are:

- a. Maintain and/or improve service standards through efficient working.
- b. Achieve service improvements, greater resilience, efficiencies, cost reductions or better performance through service alignment.
- c. Deliver service changes aligned with the government's Resources and Waste Strategy which demonstrate a net environmental benefit.
- d. Work in partnership with contractors to develop and evolve a carbon management plan identifying how operations can deliver year on year carbon savings and move towards services with net zero carbon emissions.
- e. Improve efficiencies and enhance the offering for chargeable waste and recycling services and explore commercial opportunities.
- f. Work in partnership with contractors to explore new opportunities to reduce costs and ensure the delivery of financially sustainable services.
- g. Providing residents and customers with improved and enhanced online self-serve opportunities delivering any service changes with this in mind.

- h. Work in partnership with contractors to improve and modernise working practices and make our services an attractive place to work.
- i. Work with the Herts Waste Partnership and other partners to share knowledge, best practice, reduce waste and embed circular economy principles in service delivery.

### **Resources and Waste Strategy – Service Design**

- 3.13 In December 2018 the government released its Resources and Waste Strategy. There have subsequently been a number of government consultations linked to this strategy. The industry is currently waiting for the outcomes of these consultations and any subsequent policy or legislative updates.
- 3.14 Outcomes are expected shortly in relation to these recent government consultations on the Resources and Waste Strategy and it is anticipated that some outcomes will impact on the current services and change the way services will need to be delivered in the future.
- 3.15 The joint waste and street cleansing contract is due for extension or re-procurement for 2025 and it is therefore necessary for the shared client team to develop a new service design and specification for this in the coming months.
- 3.16 In order for the shared client team to develop a service design reflective of the principles set out in 3.12 and which meets the anticipated changes in legislation from the Resources and Waste Strategy, it is proposed to set up a joint cross party working group between EHC and NHC.
- 3.17 Each authority would nominate cross-party members to participate in the working group and help shape the proposals for service design going forward. The Portfolio holders for

each authority would also be invited. A report with key recommendations will then either be presented to a potential joint waste committee or respective meetings of the councils' Executive.

3.18 A key aim of the joint cross party working group will be to secure further alignment of services which will in turn present operational and administrative efficiencies over the medium and longer term.

3.19 The key areas intended for consideration by the working group are proposed as:

- Customer Services
- Street Cleansing Non-Core Services
- Street Cleansing Core Services
- Chargeable Garden Waste Collections
- Waste and Recycling Non-Core Services e.g. textiles collections
- Waste and Recycling Core Services
- Chargeable Waste and Recycling Services

3.20 Draft terms of reference for the joint cross party working group are attached in **Appendix A**.

### **Delegated Decision Making**

3.21 For the 2021/22 financial year both Councils agreed to the alignment of commercial waste and bulky waste charging across the two authorities by discussion and liaison with Executive Members and Chief Finance Officers. This was ratified at Full Council at each authority.

3.22 In order to achieve swift aligned decision making in the future it may be necessary to explore opportunities to amend the delegations for Executive Members in some areas to ensure

consistency between each Councils decision making processes. However, until wider consideration of opportunities around aligned decision making is explored this is not proposed.

### **Joint Committee**

- 3.23 An alternative to further delegation of decision making to the Executive Members would be to form a joint committee between the two Councils with Members from each authority.
- 3.24 The purpose of the joint committee is to act as a combined decision-making body for the two local authorities. However, as joint committees do not have separate legal personality, they are not capable of owning assets, employing staff or of being a party to a contract.
- 3.25 One partner authority (often called the 'administering' authority) employs staff, holds assets and enters into any contracts for and on behalf of all of the member authorities. The joint committee can, in effect, act as the client to any contracts with third parties or act as the governing body for a joint staff team, but it will be the administering authority that will enter into contracts or act as the employer.
- 3.26 As well as service design the joint committee could potentially make decisions into the necessary assets needed to operate services for the benefit of the whole joint service, potentially achieving benefits from economies of scale and more sharing of resources.
- 3.27 It would still be necessary to have and maintain an Inter Authority Agreement (IAA) to ensure that the roles of the administrative authority, the partner authorities and key staff are defined.



- 3.28 In addition, an IAA would identify how risk is allocated to the partner authorities and the provision of indemnities.
- 3.29 The IAA would identify how arrangements for budget setting and adopting business/service plans are made and how costs are to be shared. At the moment this is done separately by each authority with separate financial management systems being administered by the shared client team.
- 3.30 Formal joint scrutiny of executive decisions delegated to a joint committee is not possible under current local government law. This means that the ultimate power of individual authority scrutiny committees to call-in decisions of the joint committee under the provisions of their own constitutions would continue.
- 3.31 In theory, this could lead to a convoluted decision-making process whereby a decision could be called in several times by different scrutiny committees before ultimately coming into force. A possible approach towards joint scrutiny would be for the partner authorities to form a separate joint committee with delegated authority to scrutinise the partnership's decisions and operation.
- 3.32 A less formal alternative would be for the chairs of the relevant scrutiny committees in each partner authority to meet regularly with the aim of keeping local committees up to speed with the joint committees' activities and help to minimise risk of call-in.
- 3.33 It is common for partnerships to seek to limit the role of the administering authority (in a similar way to current limitations agreed under the current IAA) to strictly administrative duties in order to ensure that, on the substantive strategic, policy and operational service issues, all partner authorities have an influence commensurate with their relative membership of

the joint committee. In practice, the administering authority will generally take day-to-day responsibility for HR, finance and legal issues, as well as acting as employer, contracting authority and holder of assets and liabilities on behalf of the partnership.

- 3.34 The membership of the joint committee would need to be agreed but would likely be a number of members appointed by each authority. Voting would normally be in accordance with usual local authority principles of simple majority with chair acting as casting vote.
- 3.35 A key advantage of a joint committee is quicker decision making under a tried and tested model. It ensures that 'key' decisions, as a consequence of them affecting all wards can be heard and decided to ensure the swift implementation operationally mid contract. It would also ensure joint decision making during times of service disruption (such as Covid) can be made jointly and residents across East and North Herts can see consistency in service delivery and resilient business continuity planning.
- 3.36 Almost all decisions regarding the Shared Waste Service could be key decisions as they will most often affect all wards. From time-to-time decisions regarding relatively small changes to service design may be required. For which a decision by the Executive may be considered overly onerous or unnecessary for example where a change does not adversely impact on the provision of services but may be being made to improve operational performance, service delivery or reduce costs.
- 3.37 Decisions made jointly by committee regarding fundamental service design would ensure the most effective and financially sustainable model is agreed for the shared service and ensure the long-term aspirations of the service are not lost.

3.38 In a scenario where a joint committee is formed, this would also open up the opportunity for consideration of a new limited company or Limited Liability Partnership to act on its behalf, rather than establishing a lead/administering authority.

#### **4.0 Alternative Options**

4.1. To retain existing governance structures, without changes to decision making processes, however this has led to unilateral decisions being made which are contrary to the principles of the shared waste service as outlined in 2.5.

4.2. Existing arrangements for governance are informal but underpinned by a legally binding Inter Authority Agreement. The existing Waste Partnership Board has no decision making powers.

4.3. The setting up of a Joint Waste Authority would involve the creation of a new local authority concerned specifically with the delivery of prescribed waste functions of the partner authorities. A Joint Waste Authority is a statutory body in its own right and will require an establishment order by the Secretary of State for the Environment, Food and Rural Affairs and for this reason is currently excluded from consideration.

4.4. The current structure retains independent decision making for the Councils and is relatively inexpensive to operate as it fits within the existing committee framework for each authority.

#### **5.0 Risks**

5.1 Regardless of the decision making processes agreed; each authority will retain a level of control due to the contribution of the Executive and other elected Members in all scenarios. It is however likely that an element of compromise may be required when certain decisions are being taken and it is

therefore necessary to ensure the risks of unfair or unsustainable decision making is mitigated in all options by robust principles set out in the Inter Authority Agreement.

5.2 There may be the risk of a decision being made which is on balance the most advantageous solution for the partnership but may not be the most advantageous solution for an individual authority.

5.3 Risks associated with business continuity should reduce as a consequence of more alignment and a combined workforce to deliver services.

## **6.0 Implications/Consultations**

6.1 Members at the Joint Partnership Board identified concerns that the shared service is not wholly aligned in its operation and administration and requested officers explore mechanisms to facilitate the alignment of services

### **Community Safety**

No

### **Data Protection**

No

### **Equalities**

No

### **Environmental Sustainability**

No

### **Financial**

Yes

The revenue implications associated with this report predominantly sit with Committee Services at one of the authorities and the need

for the resources and budget to manage an additional cycle of committees, this would be determined, and options discussed with both authorities, should the recommendations be agreed. Other short term revenue implications are considered negligible however in the medium-term alignment of services should see economies of scale in some areas of service provision.

The longer-term influence of changes to decision making may impact on the revenue position for each authority in the future. The principle of maintaining financially sustainable services is therefore paramount.

There are no capital implications associated with this report.

### **Health and Safety**

No

### **Human Resources**

Yes

Current governance arrangement require a level of duplication of work for the shared client team which could reduce in a joint committee scenario.

The management of an additional cycle of committees will have resource implications for Committee Services at one authority

### **Human Rights**

No

### **Legal**

Yes

Any proposed changes to the constitution at each Council require approval by Council at NHC and the Executive at EHC. Changes to the constitution regarding charging policies require approval by Full Council.

The Executive may establish a joint committee with the other respective authority to exercise functions of the Executive, and currently only Executive Members may be appointed to the proposed joint committee. Under the Constitution either the Council or the Executive can set up a joint committee. The joint committee may then appoint subcommittees for purposes determined by it. The creation of a joint committee may require Council approval depending on what decision making powers/remit the proposed joint committee will have. Decisions relating to the budget are reserved to Council, therefore if the joint committee will have budgetary control the appointment may have to be made by Council. Meetings of the Committee will be conducted in accordance with the Council Procedure Rules. The Council or the Executive will set out the terms of reference of the joint committee (including any limitations on its powers) upon its establishment, which may be reviewed annually.

Section 101(5) of the Local Government Act 1972 and section 9EA, 9EB and to the extent necessary section 105 of the Local Government Act 2000 permit two or more local authorities to appoint a joint committee to discharge any of their functions jointly.

### **Specific Wards**

No

#### **7.0 Background papers, appendices and other relevant material**

7.1 **Appendix A** – Draft terms of reference – Cross Party Joint Working Group

7.2 **Appendix B** – Comments from Overview and Scrutiny Committee – 22 March 2022.

7.3 [2020/21 overall performance - letsrecycle.com](#)

## **Contact Member**

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## **Appendix A**

### **Draft Terms of Reference – Waste Cross Party Joint Working Group**

1. Identify the core aims and priorities in terms of service performance, identifying our current performance levels and how these are benchmarked, considering the long-term objectives of both Councils.
2. Consider the impending changes to legislation, including environmental and financial pressures. Reviewing the current service design in relation to these factors.
3. Identify best practice and where opportunities may exist to transition towards best practice where this is both financially and environmentally sustainable.
4. Seek to achieve consensus and greater consistency of services endeavouring to benefit from greater stability and efficiencies from a common contract.
5. Identify opportunities for financial efficiencies and cost reduction in service design and delivery.
6. Consider and identify the optimal long term service design options for the Councils and how these will deliver the Councils objectives and aims and principles of the shared service.
7. Specifically, the working group will focus on:
  - a. Customer Services
  - b. Street Cleansing Non-Core Services
  - c. Street Cleansing Core Services
  - d. Waste and Recycling Non-Core Services, for example textiles collections
  - e. Waste and Recycling Core Services
  - f. Chargeable Garden Waste Collections
  - g. Chargeable Waste and Recycling Services

## **East Herts Council Priorities**

- **Sustainability at the heart of everything we do**
  - We will make changes to how the council manages its own premises, people and services
  - We will use our regulatory powers to promote action by others
  - We will influence and encourage others to be more environmentally sustainable
- **Enabling our communities**
  - We will invest in our places
  - We will ensure all voices in the community are heard
  - We will support our vulnerable residents
- **Encouraging economic growth**
  - We will develop new sources of income
  - We will support business growth
  - We will create viable places
- **Digital by Design**
  - We will improve the customer experience for those who use council services
  - We will work with partners to ensure our communities are digitally enabled

## North Herts Council Priorities

- **People First** - People make North Herts work. We value all our residents, businesses, staff, contractors, councillors, and other partners, and place them at the heart of everything we do.
- **Sustainability** - We recognise the challenges our towns and district face and are committed to delivering services which are relevant and sustainable. In doing so we will place our environmental responsibilities, as well as sound financial planning, at the centre of our policy making.
- **A brighter future together** - We are far-sighted and plan for the long term to secure the best outcomes for our people, towns and villages, and the local economy, ensuring North Herts continues to thrive.

## Waste Shared Service Aim

Delivering high quality and well performing services which are both financially and environmentally sustainable.

## Waste Shared Service Principles

- a. Maintain and/or improve service standards through efficient working.
- b. Achieve service improvements, greater resilience, efficiencies, cost reductions or better performance through service alignment
- c. Deliver service changes aligned with the government's Resources and Waste Strategy which demonstrate a net environmental benefit
- d. Work in partnership with contractors to develop and evolve a carbon management plan identifying how operations can deliver year on year carbon savings and move towards services with net zero carbon emissions.
- e. Improve efficiencies and enhance the offering for chargeable waste and recycling services and explore commercial opportunities

- f. Work in partnership with contractors to explore new opportunities to reduce costs and ensure the delivery of financially sustainable services
- g. Providing residents and customers with improved and enhanced online self-serve opportunities delivering any service changes with this in mind
- h. Work in partnership with contractors to improve and modernise working practices and make our services an attractive place to work
- i. Work with the Herts Waste Partnership and other partners to share knowledge, best practice, reduce waste and embed circular economy principles in service delivery.

## Appendix B: Comments from the Overview and Scrutiny Committee

### Shared Waste Service – Governance Report

Comment from Committee	Reasons from the Committee	Executive Member/Officer Comment	Recommended Action
<p>Members felt that the joint service was not as aligned as it could be and there was a need to address the administrative function and how joint decisions should be made. The Head of Operations said that effectively two separate services were running.</p>	<p>To support the future partnership working and service resilience.</p>	<p>Officers are confident that further alignment can be achieved to support service resilience and manage service costs. The joint cross party working group provides an opportunity to do this.</p>	<p>That Overview and Scrutiny Committee (A) recommend that the Executive endorse the formation of a joint cross party working group. The terms of reference for the working group are outlined in Appendix A and the outline work programme; and</p> <p>(B) the proposal to explore the future options for governance of the Shared Waste Service, including</p>

<b>Comment from Committee</b>	<b>Reasons from the Committee</b>	<b>Executive Member/Officer Comment</b>	<b>Recommended Action</b>
			consideration of a joint committee consisting of representation by both East Herts Council and North Herts Council e supported.

## East Herts Council Report

### Executive

**Date of meeting:** 19 April 2022

**Report by:** Councillor Linda Haysey, Leader of the Council

**Report title:** East Hertfordshire District Council (The Strategic Infrastructure Works (SIW) East Hertfordshire) Compulsory Purchase Order 2022

**Ward(s) affected:** Hunsdon and Sawbridgeworth

### Summary

In October 2020 Full Council and Executive resolved, in-principle, to be prepared to exercise compulsory purchase powers to compulsorily purchase land in the Gilston area. The resolution was subject to officers referring the matter back to Executive to seek authority to make a compulsory purchase order. This report sets out the relevant considerations for Executive to determine whether or not to proceed with the use of compulsory purchase powers in relation to land in the Gilston area.

### RECOMMENDATIONS FOR Executive

- (a) East Herts District Council approves the making and sealing of a compulsory purchase order under the powers conferred by sections 226(1)(a), 226(3)(a) and 226(3)(b) of the Town and

Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to:

- (i) acquire all that land shaded pink and edged red on the four plans attached at **Appendix 1**, including the area of Open Space which is shown more particularly (shaded green) on the plan at **Appendix 2**;
- (ii) acquire all those rights (or interfere with existing rights) over the land shaded blue and edged on the four plans attached at **Appendix 1**,

the interests in which are described in the schedule of interests, attached at **Appendix 3** (collectively known as the Order Land).

- (b) The Head of Planning and Building Control in consultation with the Head of Legal and Democratic Services be authorised to take all steps, and to enter into all documentation, on behalf of East Herts District Council in connection with the making, confirmation, submission or implementation of the compulsory purchase order, including in respect of any public inquiry, appeal or legal challenge concerning the same
- (c) The Head of Planning and Building Control in consultation with the Head of Legal and Democratic Services be authorised to make amendments to the compulsory purchase order or other connected document (e.g. to make amendments to the Order Maps and to the boundary of the Order area to align with the Works and the land and rights requirement once the boundary is finalised), provided that the proposed amendments do not



significantly alter the scope of the compulsory purchase order as presented to Executive by this report.

- (d) The Head of Planning and Building Control in consultation with the Head of Legal and Democratic Services be authorised to take all steps to:
  - (i) negotiate agreements with any landowners, leaseholders or occupiers of land included within the compulsory purchase order; and / or
  - (ii) negotiate agreements with any party with an interest in or right over any land included within or affected by the compulsory purchase order,

such agreements to include the acquisition of land or interests in land, payment of compensation or any other arrangements needed to facilitate the delivery of the SIW (such as crane over sailing licences) and to assemble the land and interests identified in the compulsory purchase order

- (e) The Head of Planning and Building Control in consultation with the Head of Legal and Democratic Services be authorised to take all steps in respect of any open space land affected by the compulsory purchase order, such authorisation to extend to:
  - (i) making an application to the Secretary of State seeking a certificate under section 19(1) and/or paragraph 6 of Schedule 3 of the Acquisition of Lands Act 1980 in connection with a site or sites to be identified, as being a suitable replacement/exchange site for the open space

land that is to be acquired or affected by the compulsory purchase order;

- (ii) exercising its powers under section 203 of the Housing and Planning Act 2016 to override any easements and rights over the open space land identified at Appendix 2;
- (iii) the acquisition of the selected exchange land site/s and subsequent disposal or vesting of any rights in it, following the implementation of any necessary works and improvements to the same, so to ensure that the selected exchange land site is equally advantageous to the persons and public that use the existing area of open space land.

## **1.0 Proposal(s)**

- 1.1 The exercise of powers conferred by sections 226(1)(a) and 226(3)(a) and 226(3)(b) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to compulsorily acquire land in the Gilston Area.

## **2.0 Background**

(All capitalised terms in the remainder of this report are defined in the glossary appearing at the end of this report.)

- 2.1 On 6 October 2020 Executive considered the Report at **Appendix 4.**

- 2.2 Pursuant to the Report, Executive recommended to Full Council that, in principle, the Council should be prepared to use the powers available to it under section 226(1)(a) of the Act to compulsorily purchase land within the District to enable the construction of the Works. The Executive further resolved that where it was considered necessary to make a compulsory purchase order, the Head of Planning and Building Control would bring the matter back to Executive to seek further authority. These recommendations were approved by a meeting of Full Council on 21 October 2020.
- 2.3 Since the date of the Report, the HGGT Scheme has continued to progress. Homes England has entered into a grant funding agreement with HCC to procure delivery of the Works (together with other works). HCC has, in turn, entered into an agreement with Places for People (PfP) in order to passport up to £129million of the grant funding to PfP for PfP to procure the delivery the Works and other agreed infrastructure projects.
- 2.4 The Council's Development Management Committee resolved to grant planning permission for the Works on 22 February 2022 pursuant to applications 3/19/1046/FUL (relating to the Central Stort River Crossing) and 3/19/1051/FUL (relating to the Eastern Stort River Crossing). The planning permissions were granted on 18 March 2022.
- 2.5 Appended to this report are the Report (**Appendix 4**) and the latest draft Statement in support of the proposed CPO (**Appendix 5**). The Report and the Statement contain all the factual background to the CPO, the HGGT Scheme, the

Wellbeing Benefits and the Works and should be read in conjunction with this report.

### **3.0 Reason(s)**

3.1 The use of compulsory purchase powers is a significant step and one which the Council should not promote lightly. The Council / Executive should be assured that the exercise of compulsory purchase powers is in accordance with the relevant provisions of the Act and the Guidance.

3.2 The remainder of this report considers those factors.

#### Statutory power to compulsory purchase

3.3 Section 226(1)(a) and s226(1A) of the Act state that (condensed by author for ease of reading):

*“A local authority...shall...have power to acquire compulsorily any land in their area...if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land,*

*But a local authority must not exercise the power...unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects:*

*(a) the promotion or improvement of the economic well-being of their area;*

- (b) *the promotion or improvement of the social well-being of their area;*
- (c) *the promotion or improvement of the environmental well-being of their area."*

3.4 Paragraphs 95 and 103 of the Guidance on the use of s.226(1)(a) provide that:

*"This power is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate." (95)*

*"The benefit to be derived from exercising the power is not restricted to the area subject to the compulsory purchase order, as the concept is applied to the wellbeing of the whole (or any part) of the acquiring authority's area." (103)*

3.5 For the purposes of s.226(1)(a) of the Act:

- (3) the Council is an authority to which s.226 of the Act applies;
- (b) the Order Land is within the District;
- (c) the Works will constitute development on or in relation to the Order Land. The HGGT Scheme contains further

development as described in this report and the Statement.

- 3.6 For the purposes of s.226(1A), the Works will contribute to the achievement of the Wellbeing Benefits.

The most specific power

- 3.7 When undertaking a compulsory purchase, an acquiring authority is expected to use the most specific power available.

- 3.8 Paragraph 96 of the Guidance relates to the use of s.226 of the Act where other powers might be available and states:

*“This power should not be used in place of other more appropriate enabling powers. The statement of reasons accompanying the order should make clear the justification for the use of this specific power. In particular, the Secretary of State may refuse to confirm an order if he considers that this general power is or is to be used in a way intended to frustrate or overturn the intention of Parliament by attempting to acquire land for a purpose which had been explicitly excluded from a specific power.”*

- 3.9 There are compulsory purchase powers available under the Highways Act 1980, exercisable by the local highway authorities, which could be deemed suitable for the acquisition of the land and rights needed for the delivery of the highway infrastructure such as the Works. However, in this case the local highway authorities, HCC and ECC, have declined to exercise those powers because they consider planning compulsory purchase powers under the Act are more

appropriate. Those planning compulsory purchase powers under the Act are more restricted in their use than those under the Highways Act 1980 and so the justification required for the CPO under the Act will be more demanding.

#### A compelling case in the public interest

3.10 Paragraph 12 of the Guidance states that: *“A compulsory purchase order should only be made where there is a compelling case in the public interest.”*

3.11 The use of compulsory purchase powers is justifiable and that there is a clear and compelling case in the public interest to acquire the Order Land, as set out below.

#### Justification for the CPO within the context of the HGGT Scheme

3.12 The Council is committed to the HGGT Scheme and is working in partnership with Harlow District Council, Epping Forest District Council, HCC and ECC to bring forward transformational growth as part of the HGGT Scheme. The HGGT Partners (which include the Council) approved the HGGT Vision on 19 December 2018 which seeks to ensure that any plans related to the HGGT Scheme support sustainable living and a healthy economy and provide good quality of life for existing and future residents.

3.13 Section 4 of the Statement sets out the need for the CPO and the Works but in summary:

- (a) The Order Land is required for the construction of the Works. The Works are an essential element of the HGGT Scheme and, without the Works, the HGGT Scheme could not be delivered in full as set out in the HGGT Vision and the EHDC and HDC development plans.
- (b) The Works will provide transport capacity improvements to facilitate growth within the HGGT Scheme, achieve the sustainable transport objectives and address existing congestion. The planned housing and growth of the HGGT Scheme gives rise to the need for the Works.
- (c) The Works are vital components of the proposed sustainable transport corridors within the HGGT Scheme and will contribute to the achievement of the mode share targets as the sustainable transport corridors will support active travel (cycling and walking) as well as a mix of affordable, rapid and high quality public transport options.
- (d) The Works will improve and increase transport capacity on the existing network to enable the delivery of the strategic growth areas within the HGGT Scheme.
- (e) The Works are considered critical infrastructure to the District and have been designated as such by the HGGT Board via the Harlow and Gilston Garden Town Infrastructure Delivery Plan of April 2019 (HGGT IDP). They will facilitate the delivery of the growth planned at the HGGT Scheme, which is necessary for the regeneration of the District. It will also deliver the



northern section of the proposed sustainable transport corridor to Harlow town centre and will enable the Council to meet its objective, set out in the HGGT Transport Strategy, of having 60% of all journeys from the new development in the Gilston Area made by walking, cycling or public transport rather than private vehicles.

3.14 Further details of the current deficiencies within the District's infrastructure network are set out at paragraph 7 of the Statement. Paragraph 7.5 summarises the housing need within the District.

#### Planning policy context

3.15 The planning policy context in support of the Works is set out in section 9 of the Statement. However, in summary:

- The Works have been identified as strategic infrastructure in the adopted development plans of the Council and in the HGGT IDP. The EHDC District Plan was adopted in October 2018.
- A comprehensive appraisal of the planning policy relevant to the Works is set out in the report to the Councils' Development Management Committee on 22 February 2022.

3.16 The adopted East Herts District Plan sets out the framework to guide and shape development in the District to 2033 and beyond. The District Plan acknowledges in policies GA1 ("the Gilston Area"), GA2 ("the River Stort Crossings") and DPS4 ("Infrastructure Requirements") that the Spatial Development Strategy will be underpinned by the phased provision of infrastructure necessary to support development in the District

and the wider housing market area so to ensure that capacity is provided and impacts are satisfactorily mitigated in a timely manner. Policy DPS4 and GA2 of the District Plan identify the following 'strategic infrastructure' (which is described as being infrastructure which meets more than site-specific needs and which supports the overall level and pattern of growth outlined in the Development Strategy at paragraph 3.3.21 of the District Plan) as being needed over the plan period to support the growth and meet the objectives of the District Plan:

- (i) the widening of the existing River Stort crossing (part (c) of policy DPS4 and the first bullet of GA2);
- (ii) the provision of a second River Stort crossing (part (c) of policy DSP4 and the second bullet of policy GA2)

3.17 The CPO is necessary to implement the proposals of the East Herts District Plan, as envisaged by paragraph 3.3.13 of the District Plan and that there are strong planning justifications for the use of CPO powers as proposed.

3.18 The Works are in accordance with the strategic objectives of national and local policies set out in the planning policy documents.

3.19 As stated above, the Council's Development Management committee resolved to grant planning permissions for the Works at its meeting of 22 February 2022.

#### The Wellbeing Benefits

3.20 The Wellbeing Benefits are set out in full at paragraphs 11.1 – 11.20 of the Statement. Executive is referred to those paragraphs. However, in summary only the Works will deliver the following benefits to the District:

- (a) improve / expand / enhance transport capacity which will unlock and support housing development and employment opportunities in the Gilston Area
- (b) help facilitate the provision of a sustainable transport corridor which will improve accessibility and connections between the Gilston Area and the District more generally with the key areas in Harlow as well as promote sustainable transport options;
- (c) facilitate additional housing of different sizes and types, including affordable housing.

Paragraphs 11.13 to 11.21 of the Statement set out the full benefits of making the CPO, which include the benefits in the District and the delivery of the HGGT Scheme.

#### Financial viability

3.21 Paragraph 13 of the Guidance states that:

*“If an acquiring authority does not: have a clear idea of how it intends to use the land which it is proposing to acquire; and cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale it will be difficult to show conclusively that the compulsory acquisition of the land*

*included in the order is justified in the public interest, at any rate at the time of its making."*

- 3.22 The Council has a clear idea of how it intends to use the Order Land; for the delivery of the Works.
- 3.23 The necessary resources are available for the acquisition of the Order Land and the completion of the Works, as set out below.
- 3.24 Paragraph 14 of the Guidance advises that, when preparing its justification for an order, the acquiring authority should address the sources and timing of funding. Paragraph 106 of the Guidance provides that a general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed.
- 3.25 All costs associated with the Works and the CPO are to be met by PfP. The Council is satisfied that the necessary resources are likely to be available to achieve the intended use of the Order Land within a reasonable timescale by reference to:
- (a) the indication of PfP's financial standing and development standard as set out at paragraph 11.47 of the Statement;
  - (b) the indemnity against costs associated with the assembly of the land for the Works (including any costs resulting from blight notices) and the making of the CPO given to the Council by PfP by way of an indemnity agreement dated 14 April 2021;

- (c) HCC has agreed to make up to £129 million of the Homes England grant funding (£171,800,000) available to PfP to forward fund the delivery of the Works. HCC has agreed to passport this funding to PfP via a contract dated 31 March 2021. The contract with PfP provides that PfP forward fund the full costs of the Works including any cost overruns, regardless of the amount of funding it receives from HCC;
- (d) PfP and the developer of Village 7 will be required to repay the funding used to deliver the Works and other infrastructure. The funding that is repaid will create a rolling infrastructure fund (RIF) which will be administered by the HGGT Board and used to fund other infrastructure needed to support the HGGT Scheme
- (e) the planning agreement for the development of the Gilston Area, including the Gilston Park Estate, (an area of land within the Gilston Area and HGGT Scheme that is owned by PfP and intended for residential development) will require PfP to deliver the Works by set triggers that have been modelled and agreed with the highways authority, relative to the delivery of housing (which shall be restricted) in the Gilston Area and planned surrounding growth. Furthermore, those Works which PfP are to deliver will form the subject of a planning obligations that will bind PfP and any successors in title to the current PfP residential development land.

### Expedience

- 3.26 The grant funding from Homes England is time limited, with a requirement to spend the funds by 31 March 2025. This places an additional imperative on the Council to pursue the CPO, as any delay in acquiring the Order Land will threaten the ability to draw down the funding for the Works and the establishment of the RIF which will assist with funding the HGGT Scheme. Homes England are supportive of the HGGT Scheme and the Works and are working with HCC to ensure the full amount of grant can be drawn down and committed within the required timescales.
- 3.27 In light of the above, it is expedient to pursue the CPO now and there are sufficiently compelling reasons for the powers to be sought at this time.

#### Open Space

- 3.27a Within the Order Land there is an area of amenity greenspace, calculated as being 3,639sqm, that amounts to an area of "open space" (as defined by s19(4) of the Acquisition of Land Act 1981). Whilst the majority of the open space will be capable being returned following the completion of the ESC (and the Council will offer to return the land to the Terlings Park Management Company free of charge), some will be permanently affected and it is not possible to acquire land or rights on a temporary basis under the Act.
- 3.27b PFP, has identified three (3) suitable sites of "exchange land" which, it considers, satisfy the statutory tests in s19(1) of the Acquisition of Land Act 1981 and can be provided to compensate the persons and public that will be affected by the

existing area of open space being acquired by CPO. These, and any further potential exchange land sites, will be subject to further assessment and once the preferred exchange land site has been identified by PfP and the Council, a separate application will be made to the Secretary of State, if appropriate, seeking confirmation (by way of a certificate) that the proposed exchange land site satisfies the relevant statutory provisions and there is no need for the open space acquisition to be approved by a special parliamentary procedure.

3.27c Delegated authority is sought from the Executive to enable officers to continue to work with PfP to undertake the necessary actions to identify suitable exchange land.

#### Other considerations

3.28 The Development Management Committee granted consent for the Works on 18 March 2022.

3.29 The CPO and the Works are dependent upon a parallel compulsory purchase order being made by HDC. A report identical (as far as reasonably possible) to this was presented to HDC's Cabinet at its meeting of 24 March 2022. The recommendations set out in that report, consistent with those set out in this report, were endorsed by the HDC Cabinet at that meeting.

3.30 Both ECC and HCC, as relevant highway authorities, will need to secure appropriate bridging orders in respect of those aspects of the Works affecting the River Stort. The orders are to ensure that the structures will not interfere with the navigation rights

of existing users. There is nothing that currently suggests there is likely to be any difficulty in obtaining these orders. Notably, the Canal and River Trust did not object to the planning applications for the Works or suggest that they have any concerns about a potential interference.

3.31 The Executive should note that the Council would not seek to exercise the powers sought pursuant to this report unless the HDC compulsory purchase order could progress in tandem.

3.32 The proposed Order Land is of significant size and of differing types. However, there are no known physical or legal impediments to suggest that the Works are unlikely to be implemented.

3.33 Although the CPO will, if confirmed, authorise the acquisition of land and rights for the Works only, pursuant to Sections 5 Rule 2 and Section 6A of the Land Compensation Act 1961, the HGGT Scheme is the scheme of development underlying the CPO that is to be disregarded for the purposes of assessing compensation in the "no-scheme world".

3.33a When assessing compensation, one of the key principles is that compensation payable for compulsory acquisition is based on the 'principle of equivalence' (ie that the owner should be paid neither less nor more than their loss). The value of land taken is the amount which it might be expected to realise if sold on the open market by a willing seller (Land Compensation Act 1961, section 5, rule 2), disregarding any effect on value of the scheme of the acquiring authority (known as the no scheme' principle). Under the 'no scheme principle' (the Land



Compensation Act 1961, section 6A) any increases or decreases in value caused by the scheme or the prospect of the scheme must be disregarded. In this instance the HGGT Scheme is the scheme of development underlying the CPO that is to be disregarded for these purposes. The Executive should note that PfP has agreed to indemnify the Council against the costs of compensation, regardless of the amount or how it is ultimately assessed.

3.34 Paragraph 2 of the Guidance states that the acquiring authority will be expected

“...to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement.”

All reasonable steps to acquire the land and rights have been taken, albeit with all negotiations and offers to date having been undertaken by PfP, acting on behalf of the Council and / or HDC. Details of the steps taken in this regard to date are set down at paragraph 12 of the Statement. Reasonable steps have been made and will continue to be made to acquire the land by agreement.

3.35 It is considered that, as at the date of this report, all statutory procedures relevant to the CPO have been followed correctly.

#### **4.0 Options**

4.1 Paragraph 106 of the Guidance states that the Secretary of State can be expected to consider “whether the purpose for

which the acquiring authority is proposing to acquire the land could be achieved by any other means”, including alternative proposals and alternative locations, when deciding whether to confirm an order under section 226(1)(a) of the Act.

- 4.2 As outlined at paragraph 11.21 – 11.41 of the Statement, there has been a comprehensive investigation of the purpose of the Works and the appropriateness of other options necessary to facilitate the HGGT Scheme and it has been determined that the Works, including their design, location and extent as proposed, are the only means to achieve the planning policy and HGGT Vision objectives, including the sustainable mode share targets. The Council can be satisfied that the overall need for the Works and the specific reasons for their scale and location are justified. The Council can also be satisfied that the land and rights included in the CPO are no more than is necessary to achieve the objectives of the CPO.

## **5.0 Human Rights and the Public Sector Equality Duty**

- 5.1 The Council remains committed to agreeing voluntary acquisition of the Order Land where possible and such negotiations will continue alongside the CPO.
- 5.2 The Order Land is owned by numerous persons (including some in the ownership of PfP, HDC, ECC and HCC). A brief summary of the land ownership position is set out at section 5 and Schedule 1 of the Statement.
- 5.3 All known owners, occupiers and users affected by the CPO have been contacted by Montagu Evans, agents of PfP, acting

on behalf of the Council and / or HDC, with a view to progressing negotiations to acquire interests by agreement. All parties have been provided with information about the SIW, the likely timescales for acquisition and the intention to use CPO powers. All parties have been informed that private treaty negotiations will be based on the compensation which would be payable if their interests were compulsorily acquired. PfP has offered to pay the reasonable fees for the appointment of CPO advisors.

- 5.4 PfP have sought to enter into negotiations with all persons having an interest in the Order Land, with a view to acquiring all required interests for the HGGT Scheme voluntarily. Further details of which are included within the Statement.
- 5.5 Some of the negotiations have been favourable and it is expected that some of the required interests for the delivery of the Works will be purchased by way of agreement. However, it appears likely that not all of the rights and land necessary to deliver the Works will be capable of being secured by way of agreement, in the time required or at all, which is why there is a need for the CPO.
- 5.6 It is approved practice for a CPO to proceed in parallel with negotiations to purchase the Order Land voluntarily and the Council shall, via PfP, continue to pursue negotiations.

#### Human rights

- 5.7 Paragraph 2 of the Guidance states that

*“when making...an order, acquiring authorities...should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected.”*

5.8 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights. In order to avoid contravening individual human rights by making a CPO, it must be demonstrated that the CPO is in the public interest and that it is necessary and proportionate to make the CPO. Provided the requirements of section 226 (1) and (1A) of the Act have been fulfilled (i.e. the development, redevelopment or improvement will contribute to the promotion or improvement of the economic, social or environmental well-being of the local authority's area), this will provide a very substantial basis upon which to make the case that the scheme is policy based and is consistent with statutory objectives

5.9 Paragraph 13 of the Guidance states that:

*“The minister confirming the order has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in the land that it is proposing to acquire compulsorily and the wider public interest.”*

5.10 Articles 6 and 8 and Article 1 of the First Protocol are the main potentially relevant Articles and Section 13 of the Statement gives fuller details as to how human rights may be affected. It is considered that the purposes for which the compulsory purchase order is to be made justifies interfering with the

human rights of those who use or occupy the land or have an interest in it for the following reasons:

- (a) compulsory purchase of land is not contrary to the European Convention on Human Rights if it is undertaken in the public interest and in accordance with the law and procedures laid down by statute;
- (b) None of the plots within the Order Land contain residential properties;
- (c) There are no businesses situated within or operating from the Order Land that would be unable to continue operating during or after the completion of the Works except for temporary periods of one to two days duration during construction.
- (d) Efforts have been taken to minimise the detrimental impacts and interference upon certain landowners through the design of the Works and reduction of the land falling within the Order Land.
- (e) There has been a significant programme of dialogue with existing business and nearby residents to understand and appropriately mitigate any detrimental impacts upon them both during construction and permanently as a result of the Works and further efforts will be taken as part of the discharge of planning conditions to minimise the disruption and level of impacts on them.

- (f) Affected owners and occupiers will have the benefit of all applicable compensation provisions, whether by reference to legislation concerning compulsory purchase or otherwise.

### Public Sector Equality Duty

- 5.11 All public sector acquiring authorities are bound by the Public Sector Equality Duty ("PSED") as set out in section 149 of the Equality Act 2010. Throughout the compulsory purchase process acquiring authorities must have due regard to the PSED.
- 5.12 An Equality Statement ("EqS") has been prepared by Quod (acting on behalf of PFP) to provide information to both HDC and EHDC in relation to their use of compulsory purchase powers.
- 5.13 Attached to this report is an equalities impact assessment ("EqIA") which details the matters relevant to the Council's consideration of the public sector equalities duty.
- 5.14 Whilst the use of a CPO is a serious and significant step, it is considered justified on the basis of the compelling need in the public interest.
- 5.15 The EqS and the EqIA concluded that there would be no direct negative equality impacts against any protected characteristics.

- 5.16 The EqS and the EqIA also acknowledge significant potential positive impacts of the HGGT Scheme which be made possible as a result of the CPO.
- 5.17 It is considered that due regard has been given to the impact of the CPO on all relevant groups with protected characteristics. In progressing the CPO the Council will continue to take into account the needs of those with protected characteristics and its PSED obligations.

## **6.0 Ongoing Land Ownership**

- 6.1 It is anticipated that the majority of the Order Land will be dedicated as highway maintainable at the public expense, with the Council retaining the subsoil. It may be that the Council retains ownership of small areas of land which are not adopted by HCC following the completion of the Works, subject to the normal requirement to transfer any unused Order Land back to the original owner in accordance with the relevant provisions of the Guidance.
- 6.2 Where the Council is required or requested to undertake any land transactions related to the CPO or the Works, such transaction shall be in accordance with the Council's constitution and any applicable legislation.

## **7.0 Conclusion**

- 7.1 In accordance with sections 226(1)(a) and 226(3)(a) of the Act the Council can be satisfied that the proposed CPO:

- (a) will facilitate the carrying out of development, redevelopment or improvement on or in relation to the Order Land, namely the construction of the Works (which have been granted planning permission).
- (b) will, as a result of the Works, deliver the Wellbeing Benefits to the District.
- (c) will contribute to the progress and delivery of the HGGT Scheme which is the scheme underlying the CPO.

7.2 Whilst it is acknowledged that the use of compulsory purchase powers is a measure of last resort, it is considered that there is little prospect of all of the Order Land, as required for the Works, being acquired through negotiation within a reasonable timeframe, or at all, and that any delays to delivering the Works could jeopardise part of the funding and the establishment of the RIF. The Works have a high likelihood of being delivered if the Order Land can be acquired. The Wellbeing Benefits are dependent on acquiring the Order Land, as is the success of the HGGT Scheme.

7.3 The Council can therefore be of the firm view that the use of compulsory purchase powers is justifiable, that there is a clear and compelling case in the public interest to acquire the Order Land and that there is a reasonable prospect of the Works proceeding should the Order Land be acquired.

7.4 In summary, Council officers are confident this is a workable and viable proposal for the CPO and invite Executive to make the resolutions detailed above.



## **8.0 Risks**

- 8.1 As stated above, the use of compulsory purchase powers is a significant step and, as such, the process is complex. There is a risk that the Council does not properly satisfy the tests required pursuant to the process, meaning the CPO would not be approved by the Secretary of State. To mitigate against this risk, the Council is being supported by a range of professional advisers working across this proposed CPO and the parallel HDC decision.
- 8.2 Given the scope and complexity of the HGGT Scheme, the CPO and the Works it is anticipated that objections will be received from persons affected by the CPO. The Council will, together with its professional advisers, seek to negotiate with the objectors with a view to having the objections withdrawn. However, where objections remain a public inquiry will be triggered. There is a risk that the CPO is not approved via the inquiry. In mitigation, the Council is being supported by a range of professional advisers working across this proposed CPO and the parallel HDC decision.
- 8.3 In the event that the CPO is confirmed, there is a formal legal process that the Council would need to follow in order for the acquired land and rights to vest in the Council. The Council will be guided on this process by its professional advisers. Once the land has vested in the Council all liabilities in relation to the land will pass to it as owner and the consent of the Council will need to be obtained before any person passes onto the land or carries out any works in relation to the delivery of the Works.

The Council would operate within the scope of existing delegations in this report and within its constitution in granting the necessary rights of access for the Works. The Council would also ensure that all statutory obligations are met.

- 8.4 There are risks in acquiring and holding land. If the CPO is successful, the Council becomes a land owner in relation to the site for the Works, where it currently has no land ownership interests. Part of the land to be acquired by CPO comprises a former landfill site. There are risks in holding this land and further risks will arise once land investigations and/or development commences on the land. The land will be remediated to the extent considered necessary for the proposed Works as part of the discharge of the planning conditions and the development of the Works. Once the works have been completed the contamination risk will be largely resolved, subject to ongoing monitoring.
- 8.5 The second risk in owning land that is needed to deliver the Works is that the Council would have a default liability for any the infrastructure that is built on it until it has been dedicated as highway and adopted by the Highway Authority. These risks include PfP being unable to complete the Works or the relevant Highway Authority not being willing to adopt any of the infrastructure if it has not being completed to the required specifications/standards.
- 8.6 The covenant strength of PfP mitigates this risk considerably as will the safeguards and step-in rights in the highways agreement which will ensure that the Highway's Authority carefully monitor performance and delivery. After completion

of the Works, the Council will have little to no on-going requirement in relation to the underlying freehold of any land that has been built upon as part of the Works once it has dedicated the relevant components as highway. This is because the Highways Authority will be responsible for ongoing maintenance.

- 8.7 It is possible that the Council may also retain within its ownership small areas of land acquired by CPO that are surplus to requirements (i.e. the land is not required for the ongoing operation of any new highway) and which the previous owners do not wish to be transferred back to them.
- 8.8 There are a range of additional risk mitigation measures that are available to the Council to minimise its liability following the vesting of the CPO land. These include:
- (a) consideration of the current information available to the Council with respect to the former landfill site as well as conditions in the new planning permissions to control how the Works can be carried out and monitored by the Council as Local Planning Authority;
  - (b) early provision of Licence Agreements with PfP as developer to enter Council owned land and through which the Council can be indemnified in relation to risks that arise on the acquisition of the land and whilst development is being undertaken;
  - (c) becoming a party to Agreements under s38/278 of the Highways Act, that will be sought by HCC and which

provide indemnities in the circumstances where development is not completed or not completed to an acceptable standard;

- (d) ongoing engagement with HCC and PfP and involvement in decisions to be taken with respect of the dedication of the roads (as developed) for highway purposes and their maintenance at public expense thereafter
- (e) identifying appropriate long term custodianship for any land for which the Council may remain the freehold owner but which is not dedicated or adopted.

8.9 Given the above range of mitigating actions it is considered that risk impact, should any of the above outcomes occur, is minor.

8.10 If the CPO process fails, the impact is likely to be largely reputational with some adverse media coverage. As indicated, the Council has a CPO Indemnity Agreement in place that will cover any costs exposure.

8.11 Finally, there are risks if the Council were to decide not to proceed with CPO action. This would primarily relate to the inability to ensure that the necessary land was available in order to implement the Works. The works comprise a significant element of the enabling infrastructure to deliver growth in both the Gilston Area and the wider Garden Town. Inability to deliver the growth would put into question the ability of the Council to implement its District Plan and to work with its HGGT partners to deliver the planned growth across the HGGT area. In the absence of the use of CPO powers and

given the experience of the outcome of negotiations with third party landowners to date, it must be considered probable that this risk will occur if the decision was made not to proceed with the CPO.

8.12 The impact of such an outcome would be considered significant, given the availability of government funding referred to earlier in this report and the national profile of the Garden Town in this respect.

## **9.0 Implications/Consultations**

### 9.1 Community Safety

Yes – it will be necessary to undertake normal and appropriate land management and security procedures if the Council acquires land in the area – from the date of acquisition and during the development phase.

### 9.2 Data Protection

Yes – personal data will be handled through the exercise of any CPO processes. The data will be handled in accordance with appropriate data protection procedures.

### 9.3 Equalities

Yes – a separate Equalities Impact Assessment has been undertaken to comply with the Public Sector Equality Duty.

### 9.4 Environmental Sustainability

Yes – the delivery of the Works enabled by CPO action does have environmental sustainability implications. These were fully considered by the Development Management committee when determining that planning permission could be granted for the Works. A range of controls are in place through conditions on the planning permission for the Works to mitigate against any environmental sustainability impacts.

#### 9.5 Financial

No – as indicated, an Indemnity Agreement is in place between the Council and PfP as the developer which indemnifies the Council in respect of costs.

#### 9.6 Health and Safety

No

#### 9.7 Human Resources

No

#### 9.8 Human Rights

Yes – an assessment of the human rights impacts have been carried out as explained in this report. In making this Order, the Council considers that there is a compelling case in the public interest which overrides the interference with human rights arising from the CPO.

#### 9.9 Legal

Yes – it will be necessary to ensure that all appropriate legal requirements are met in exercising powers in relation to CPO. The Council will continue to be advised by the legal advisors appointed on behalf of the HGGT partners.

#### 9.10 Specific Wards

Yes – Hunsdon and Sawbridgeworth

### **10.0 Background papers, appendices and other relevant material**

#### 10.1 The Guidance

[CPO guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

#### 10.2 HGGT Vision

[https://647.f4f.myftpupload.com/wp-content/uploads/2019/08/190128\\_Vision-document\\_HIGH-RES.pdf](https://647.f4f.myftpupload.com/wp-content/uploads/2019/08/190128_Vision-document_HIGH-RES.pdf)

#### 10.3 Reports relating to the planning permissions for the Works

<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=118&MId=4103&Ver=4&J=3>

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## **APPENDICES**

Appendix 1– Plans showing Order Land and rights to be acquired

Appendix 2 – Plan showing the areas of open space to be acquired

Appendix 3 - Schedule of Interests

Appendix 4 – the Report

Appendix 5 – the latest draft Statement

Appendix 6 – EqIA

Appendix 7 – EqS.

## **Glossary of terms/abbreviations used in this report**

**Act:** the Town and County Planning Act 1990.

**Council:** East Herts District Council.

**CPO:** the East Herts District Council (The Strategic Infrastructure Works) East Hertfordshire) Compulsory Purchase Order 2022.

**District:** the East Herts administrative area.

**ECC:** Essex County Council.



**Executive:** the Executive of the Council.

**Full Council:** the full council meeting of the Council.

**Gilston Area:** the area of land identified in Policy GA1 of the East Herts District Plan for the development of 10,000 new homes and associated supporting infrastructure

**Guidance:** the guidance “Guidance on compulsory purchase process and the Crichel Down Rules” (July 2019 edition) (a hyperlink of which is included above with the Background Papers section).

**HCC:** Hertfordshire County Council.

**HDC:** Harlow District Council

**HGGT Board:** the informal strategic board concerned with the HGGT Scheme and constituted by representatives of HDC, HCC, ECC, Epping Forest District Council and the Council.

**HGGT Scheme:** means the Harlow and Gilston Garden Town that is comprised of the following developments shown on the map in the HGGT Vision:

- 16,500 homes in the strategic growth areas (collectively referred to as the new Garden Communities) known as:
  - Gilston, located in East Hertfordshire District – 10,000 units across seven distinct villages, with at least 3,000 to be delivered by 2033;
  - East of Harlow, located in Harlow and Epping Forest Districts – 3,350 units;

- Water Lane Area, located in Epping Forest District – 2,100 units. Water Lane Area is broken down into two separate areas known as West of Katherine’s (1,331 homes) and West Sumners (807 homes);
- Latton Priory, located in Epping Forest District – 1,050 units; and
- Employment related development at the following allocated sites to deliver the equivalent of 25-29ha of new employment across the Garden Town by 2033, in addition to Harlow Town Centre:
  - 4.6ha within Harlow Business Park, at the Pinnacles for B1 uses
  - 14.2ha within the Enterprise Zone at London Road, for B1 uses
  - 8ha within the Enterprise Zone at East Road, Templefields for replacement industrial floorspace
  - 1 ha at Dorrington Farm, Latton Priory for B1 uses
  - 1h at the new Garden Community at Latton Priory
  - 5ha the new Garden Community in the Gilston Area for B1, B2 and B8 uses
- Two primary Sustainable Transport Corridors (STCs) that will support active travel as well a mix of high quality public transport options. These STCs will run north to south and east to west connecting the central area of Harlow with the new Garden Communities in Gilston, East of Harlow, Latton Priory and Water Lane.

**HGGT Vision:** the Harlow Gilston Garden Town Vision Document of November 2018, a hyperlink to which is included above.

**Homes England:** the trading name of the Homes and Community Agency.

**Order Land:** all that land shaded pink and edged red on the plans attached at Appendix 1 together with all those rights (including interference with existing rights) over the land shaded blue and edged red on the plans attached at Appendix 1, the interests in which are described in the schedule of interests, attached at Appendix 3.

**PfP:** Places for People Developments Limited (company number 04086030).

**Report:** a report entitled "Use of Compulsory Purchase (CPO) Powers in the Gilston Area" dated 6 October 2020.

**Secretary of State:** the Secretary of State for Levelling Up, Housing and Communities.

**Statement:** the statement of reasons in support of the CPO.

**Wellbeing Benefits:** the economic, social and / or environmental wellbeing benefits accruing to the District as more particularly described in the sections 11.17 – 11.20 of the Statement.

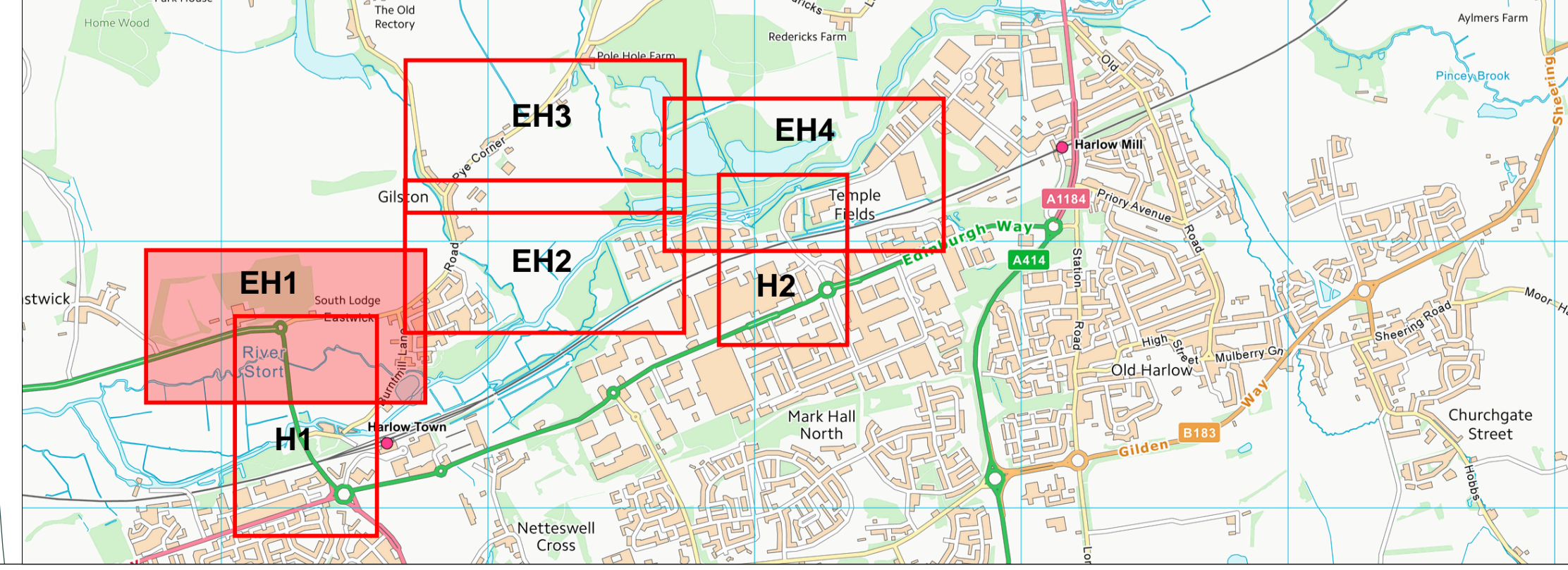
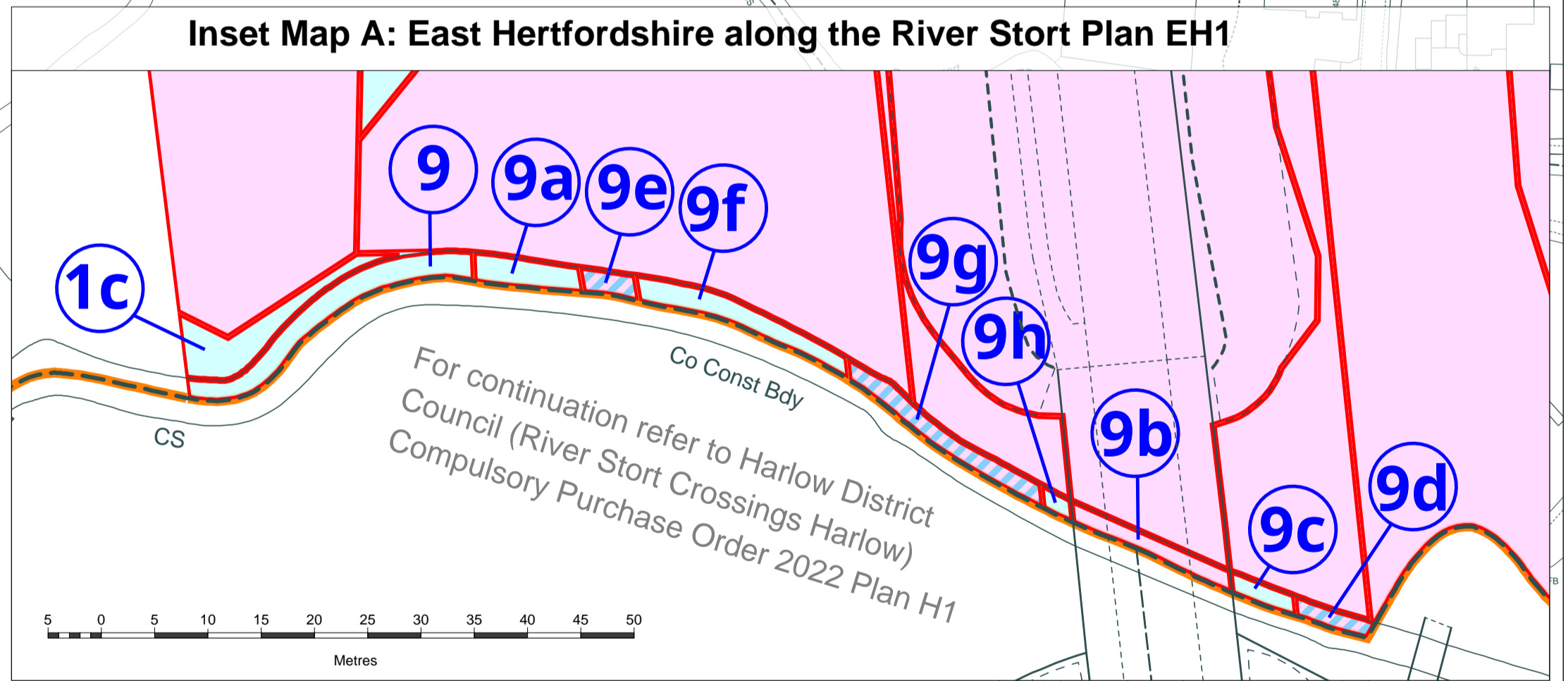
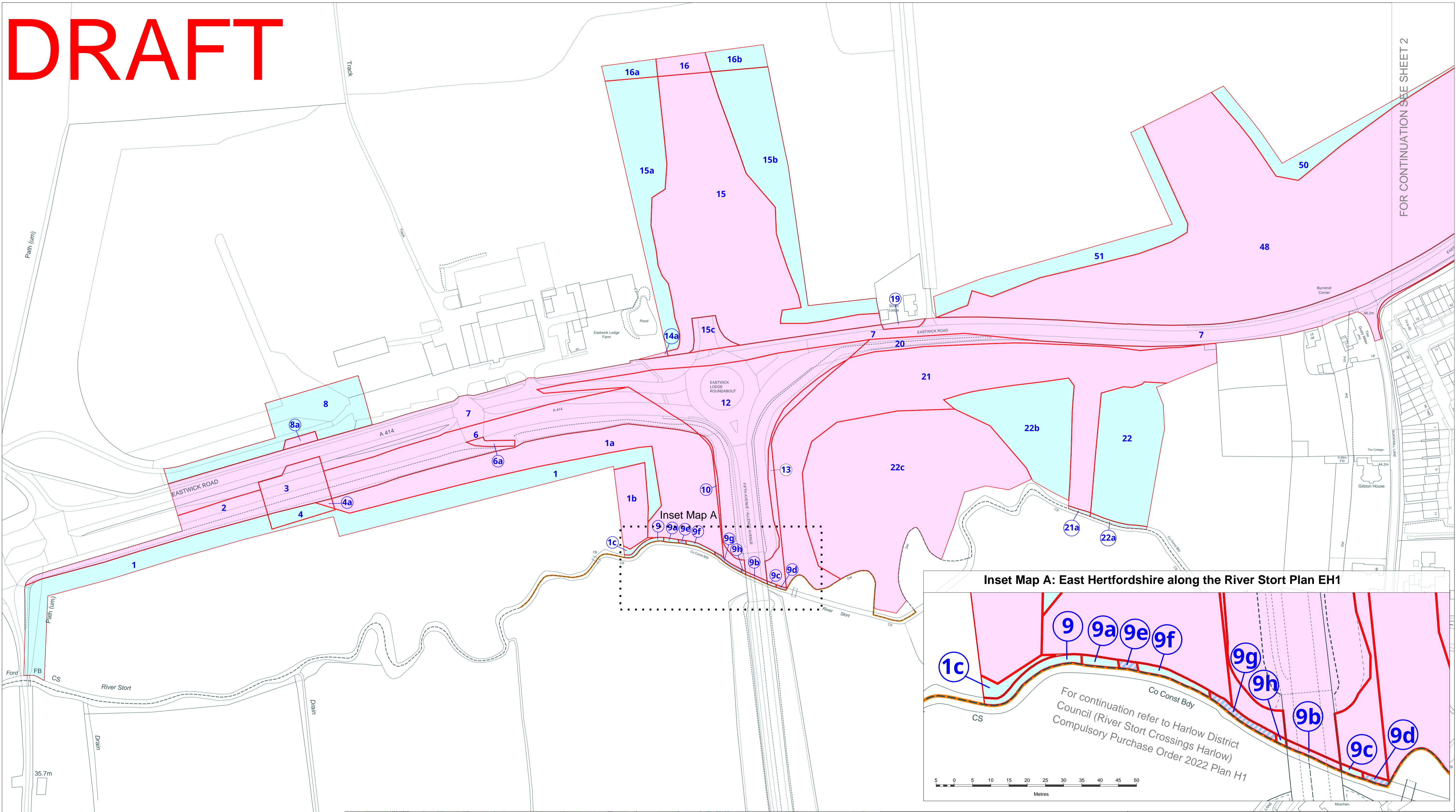
**Works:** those infrastructure works more particularly described in the Statement (section 2) but being in summary:

- The central Stort crossing proposal which comprises, in broad terms, alterations to the existing Fifth Avenue road/rail bridge, and creation of new bridges to support the widened highway to west of the existing structure to create the Central Stort Crossings, including embankment works, pedestrian and cycle

facilities, a pedestrian and cycle bridge over Eastwick Road, lighting and landscaping works and other associated works (East Herts Council Reference: 3/19/1046/FUL & Harlow Council Reference: HW/CRB/19/00220); and

- The eastern Stort crossing which comprises, in broad terms, erection of a new road, pedestrian and cycle bridge; replacement of an existing rail bridge at River Way; alterations to the existing local highway network; lighting and landscaping works; listed building works to Fiddlers Brook Bridge; and other associated works (East Herts Council Reference: 3/19/1051/FUL and Harlow Council Reference: HW/CRB/19/00221).

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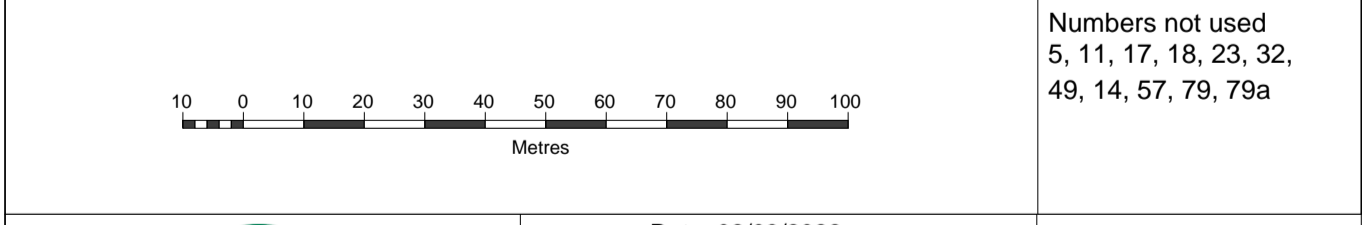


- Key:**
- Land to be acquired
  - New rights to be acquired
  - Bridges or airspace for bridges to be acquired with rights to be created above and below

The Common Seal of EAST HERTFORDSHIRE DISTRICT COUNCIL was hereunto affixed and this order(s) thereby executed in the presence of:-

Head of Legal and Democratic Services  
East Hertfordshire District Council

Date 2022



Date: 02/03/2022  
Version Number: v.5.3  
Sheet Number: Sheet 1 of 4  
Sheet EH1  
Scale: 1:1250 @ A1

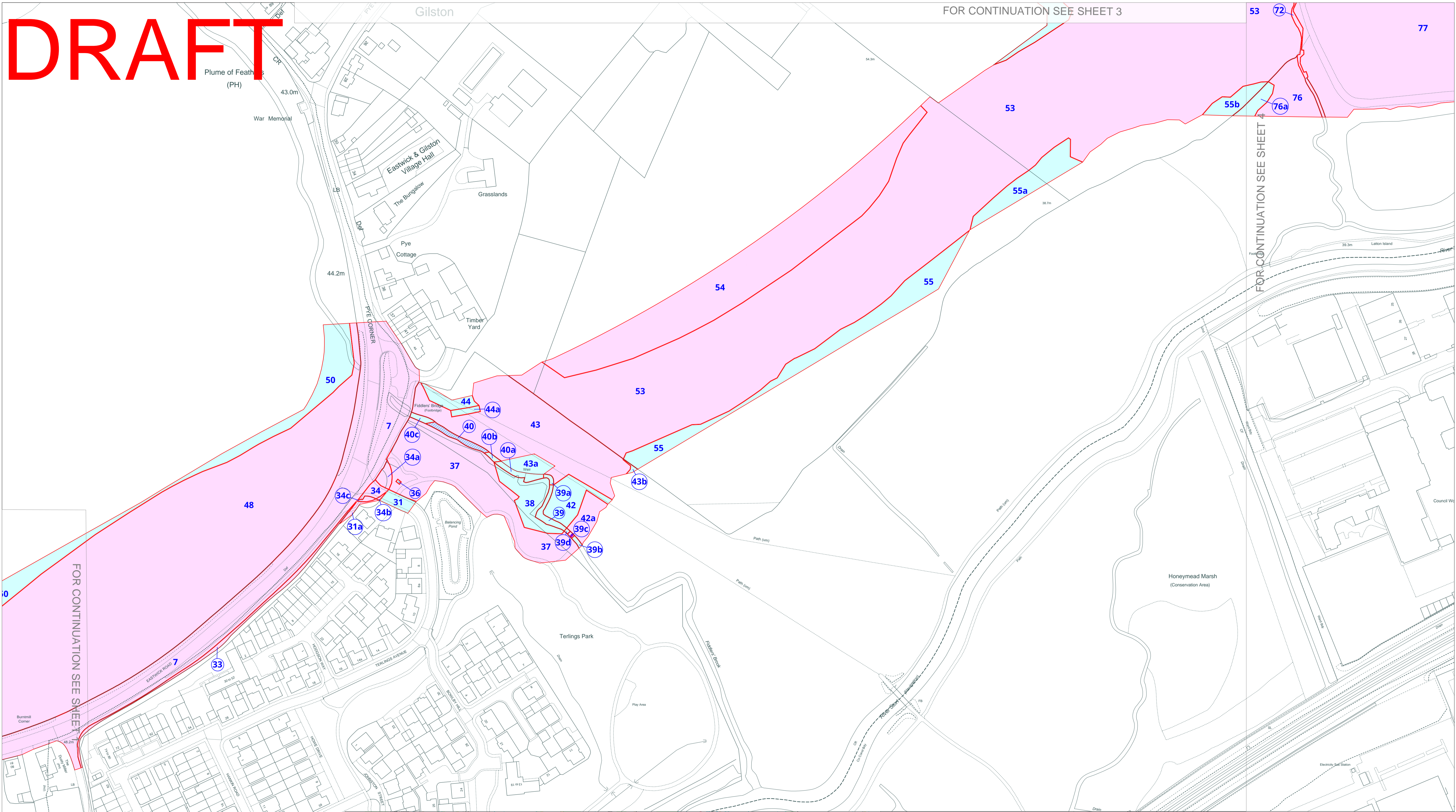
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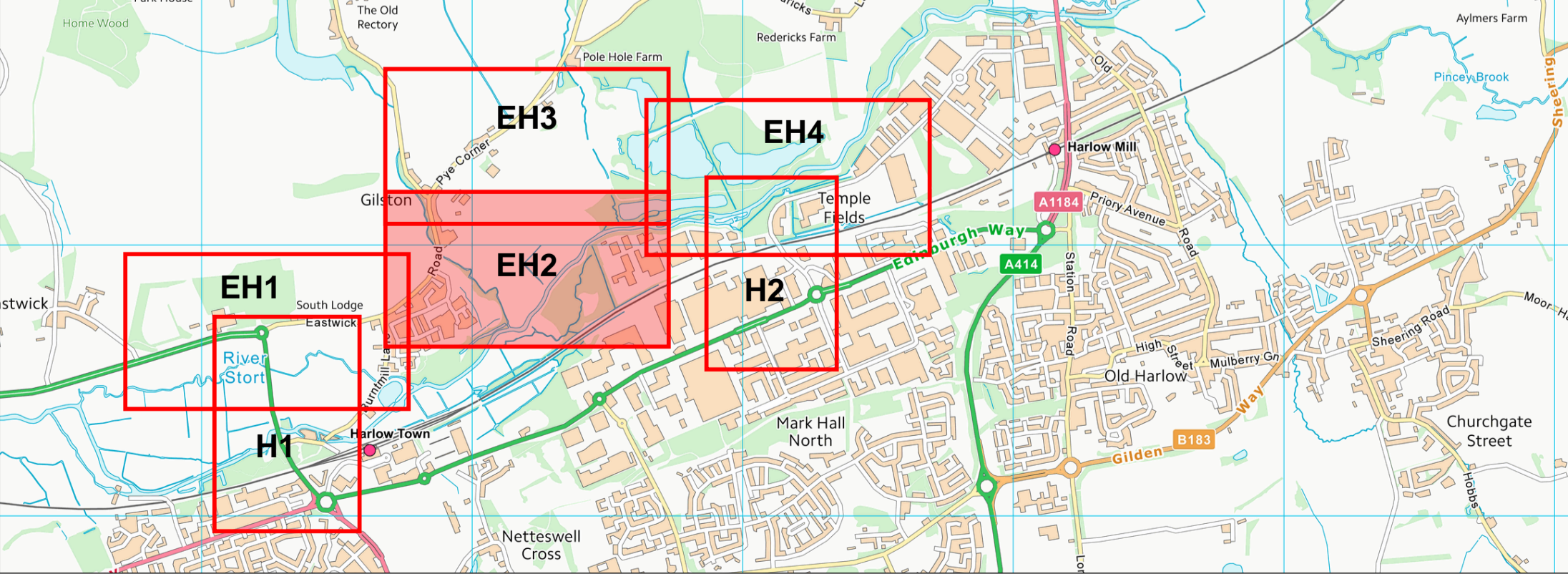
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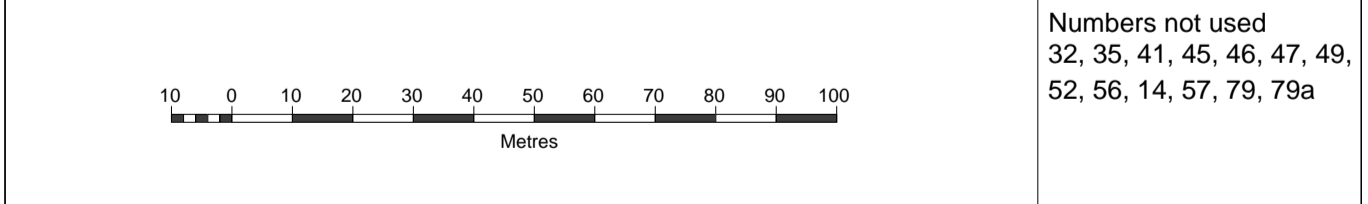


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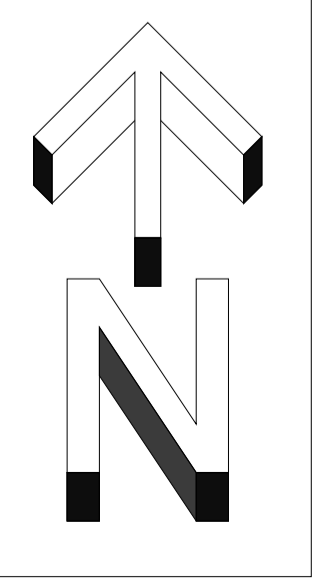
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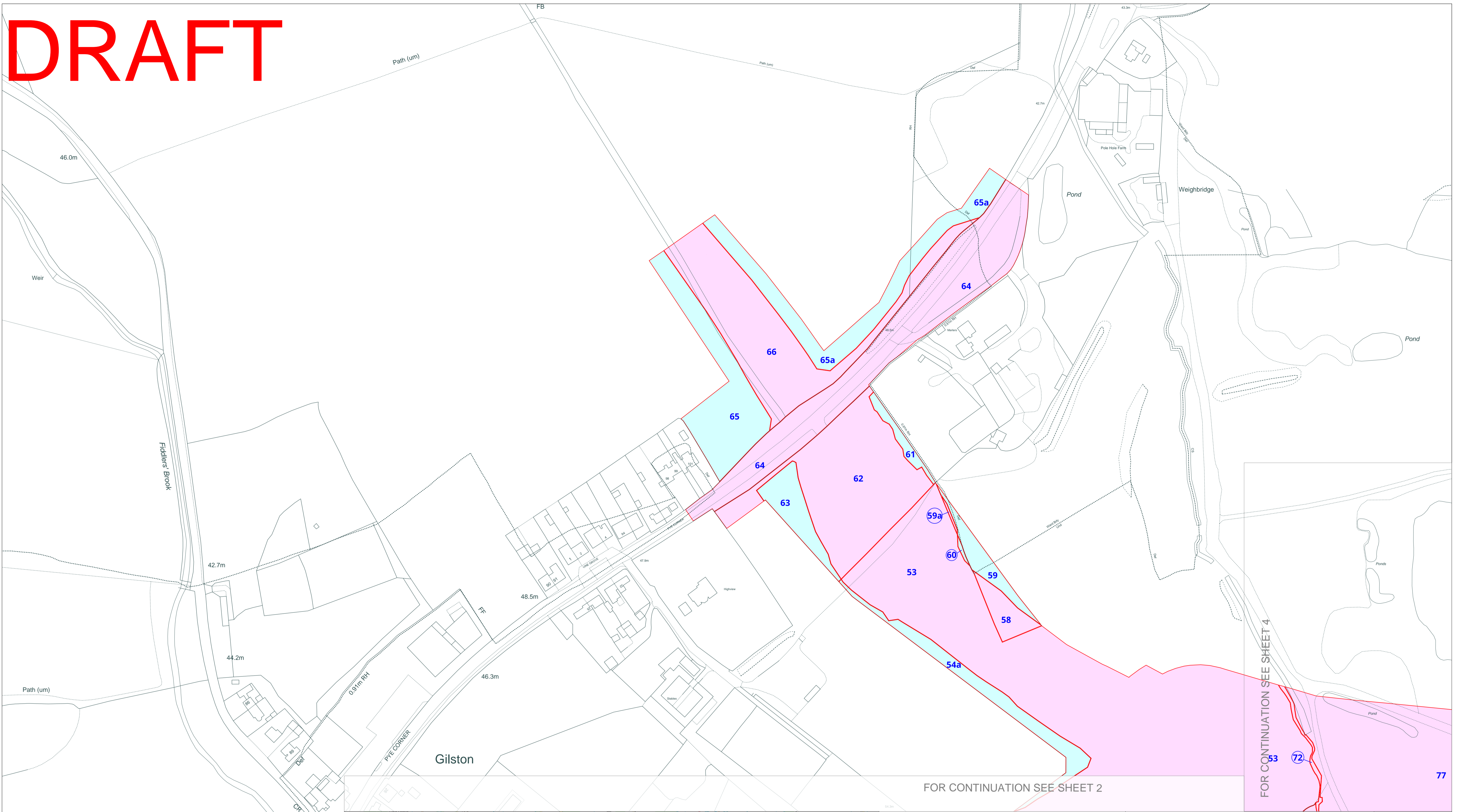
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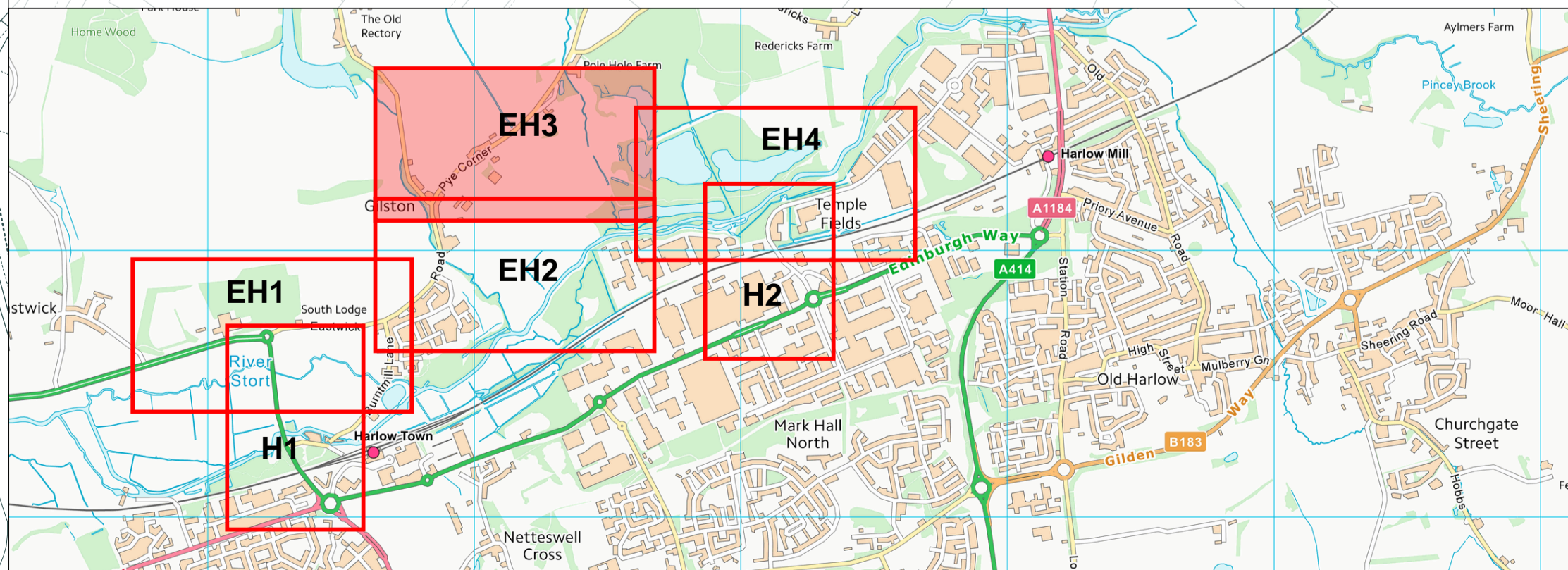


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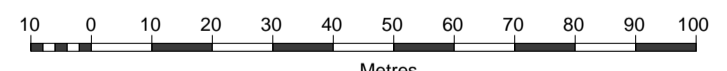


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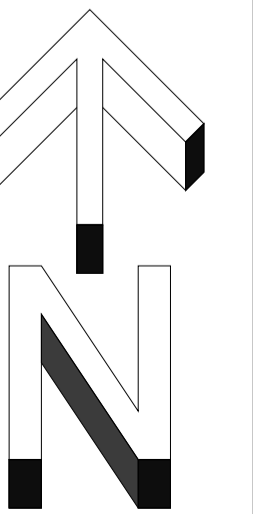
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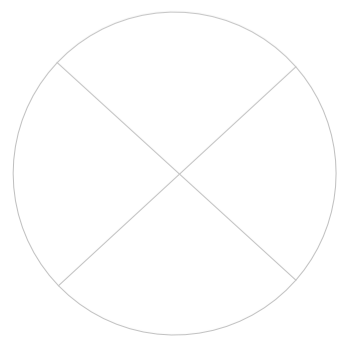
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Date 2022

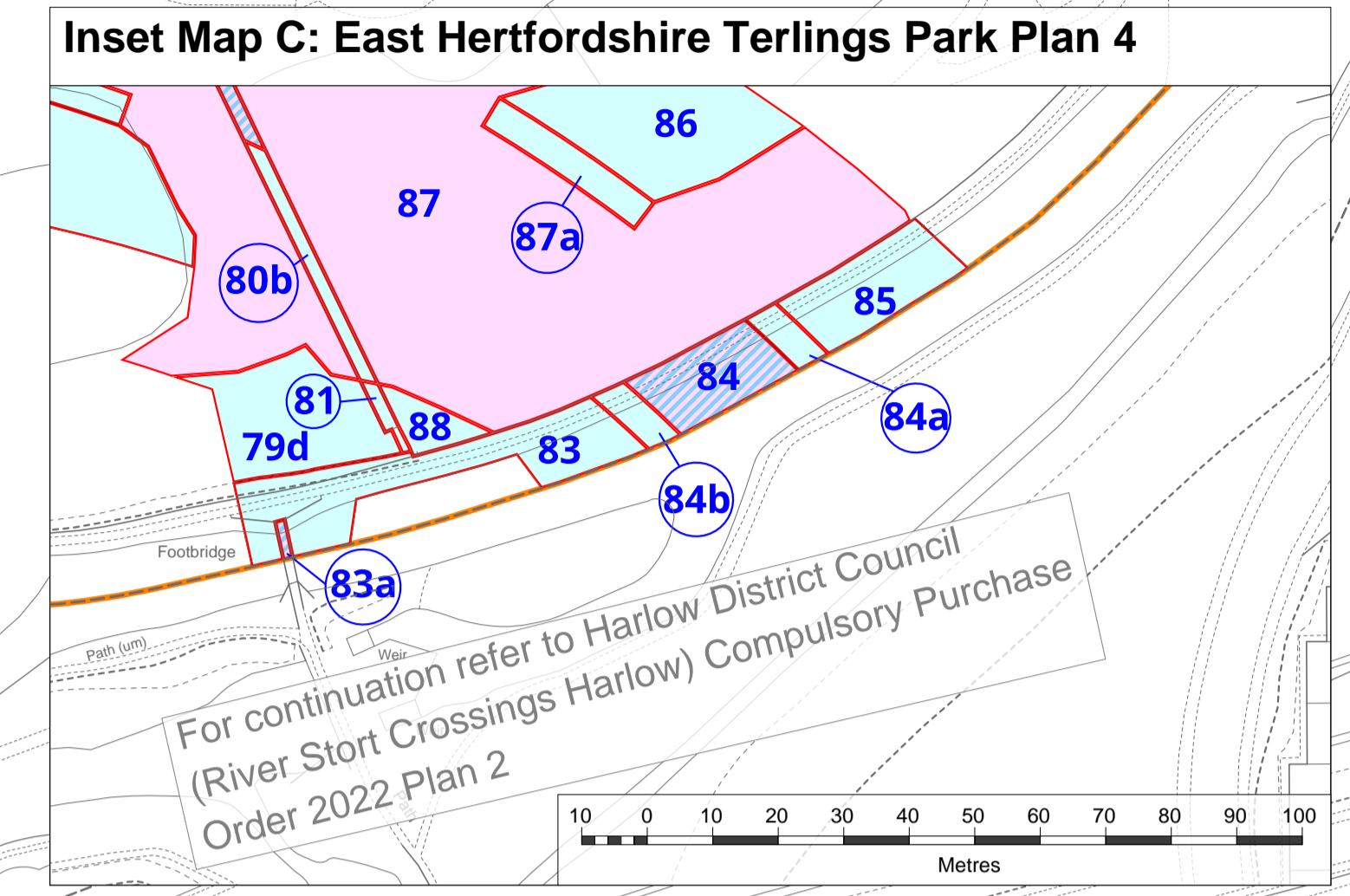
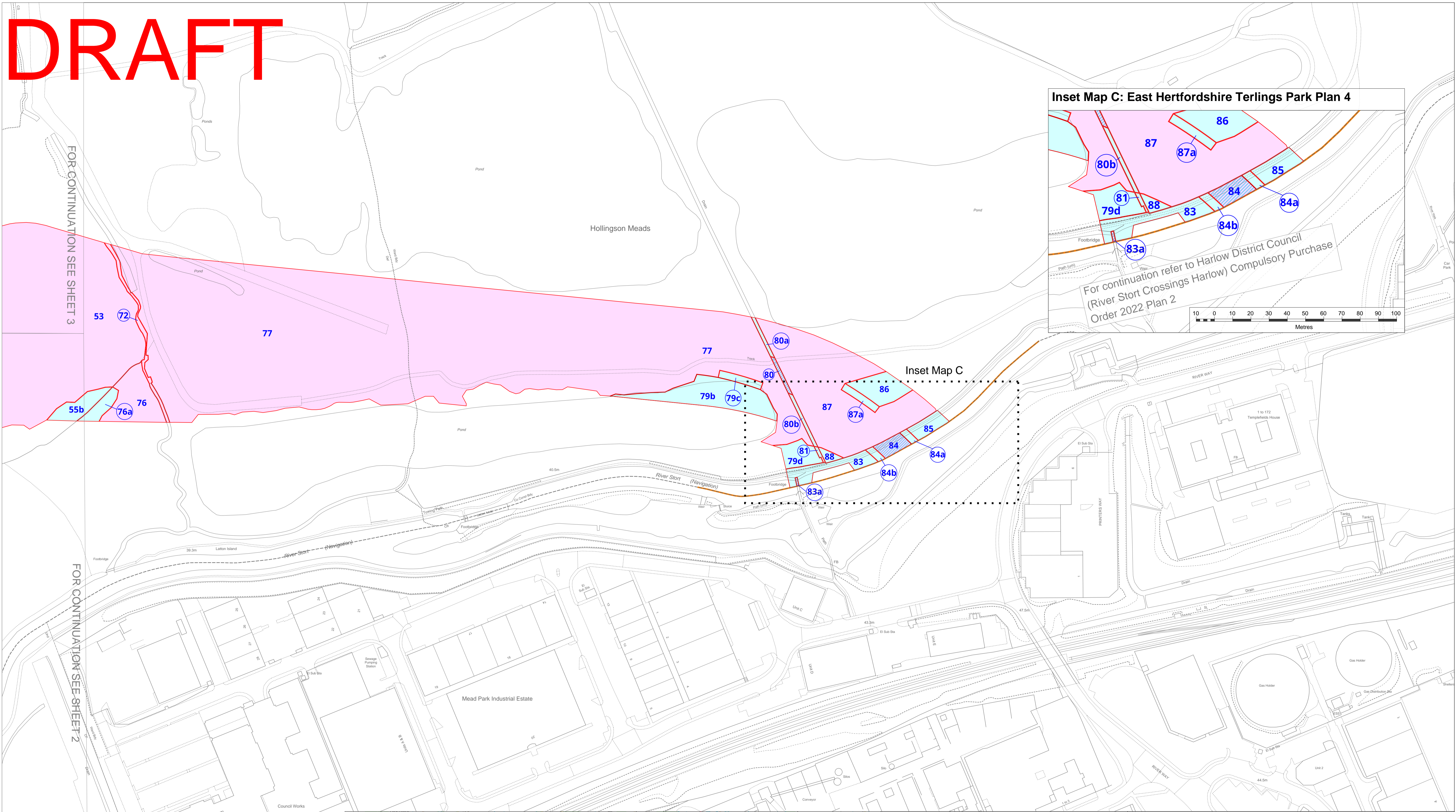


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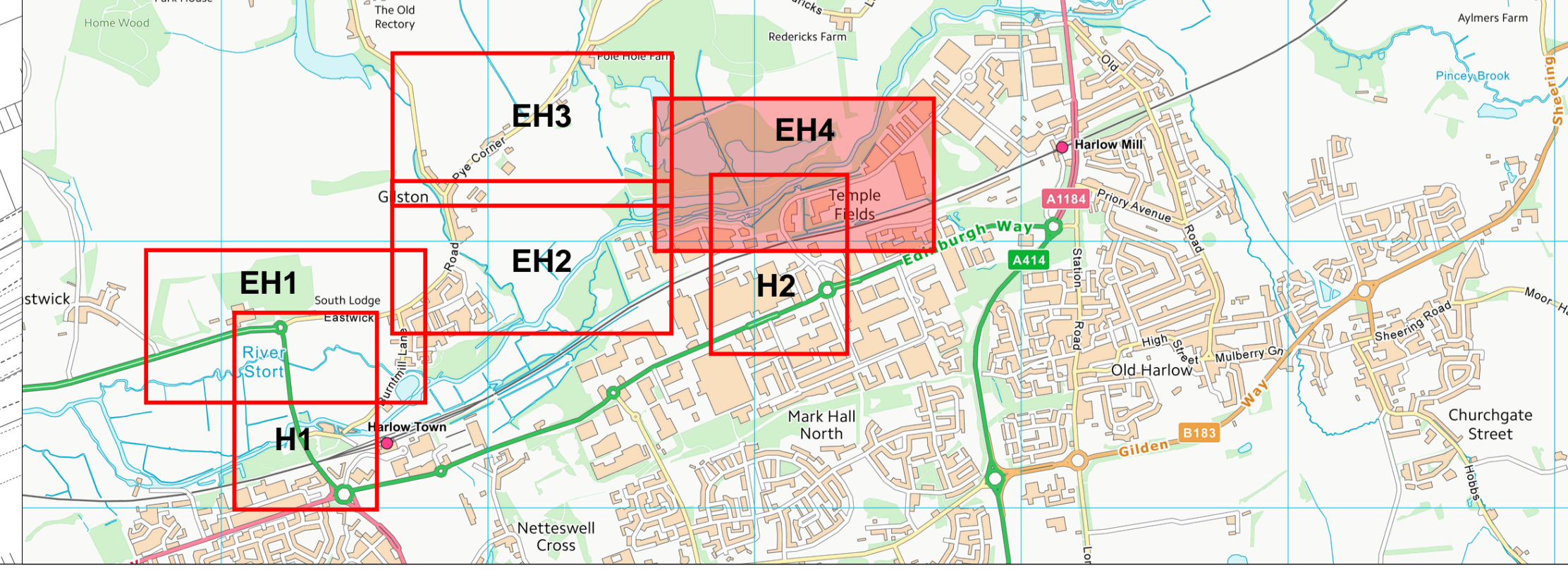
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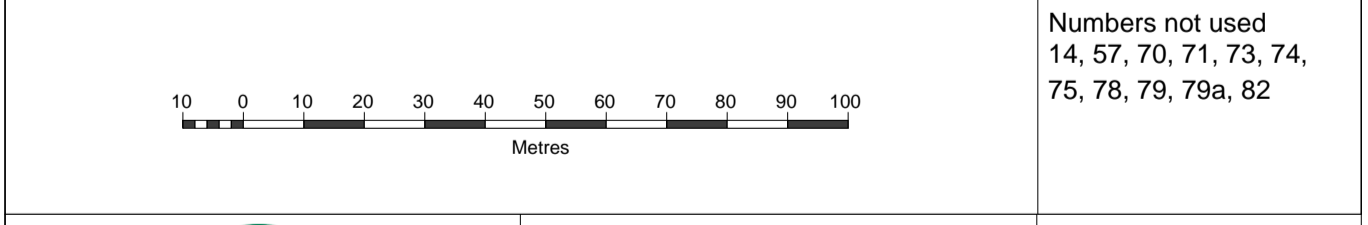


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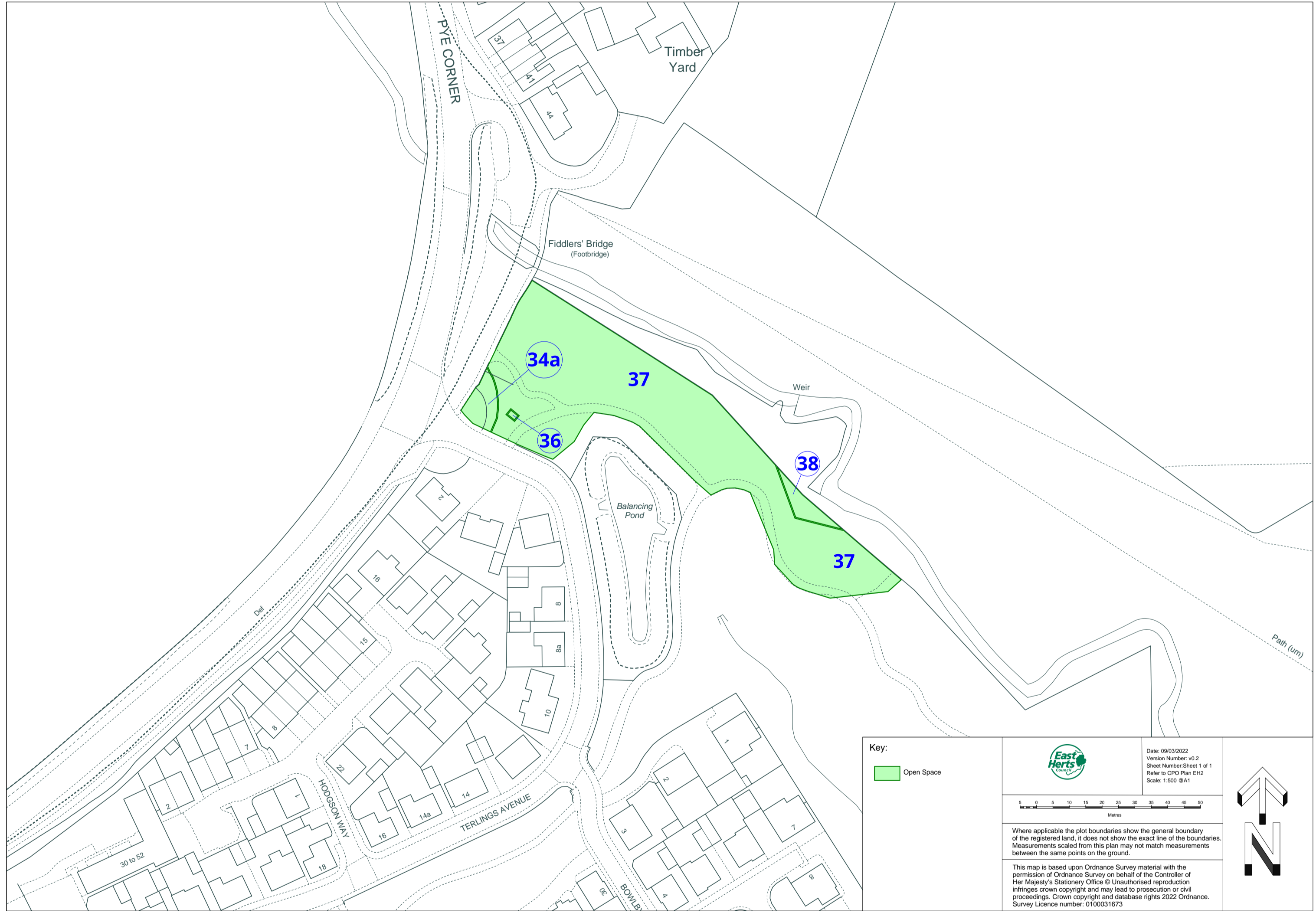
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MAP EH2 REFERED TO IN THE EAST HERTFORDSHIRE DISTRICT COUNCIL (RIVER STORT CROSSINGS EAST HERTFORDSHIRE) COMPULSORY PURCHASE ORDERS 2021  
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By virtue of paragraph(s) 1, 2, 6a of Part 1 of Schedule 12A  
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# East Herts Council Report

## Executive

**Date of Meeting:** 6 Oct 2020

**Report by:** Councillor Linda Haysey, Leader of the Council

**Report title:** Use of Compulsory Purchase Powers (CPO) in the Gilston Area

**Ward(s) affected:** Hunsdon

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## Summary

### RECOMMENDATION FOR EXECUTIVE:

- (a) That the Executive recommend to Council that, in principle, (and subject to Harlow District Council resolving to follow the same course of action) the Council be prepared to use powers available to it under section 226(1)(a) of the Town and Country Planning Act 1990 to compulsorily purchase land in the Gilston area, as generally shown on the plans at Appendix 1, to enable the construction of transport infrastructure to support the delivery of the Gilston Area allocation in the East Herts District Plan (The Gilston Area Allocation) and the achievement of the wider strategic planning benefits referred to in the report.**
- (b) That the Executive delegate authority to the Head of Legal and Democratic Services, in consultation with the Head of Planning, to enter into a Compulsory Purchase Order Indemnity Agreement (CPO IA) in relation to this matter, on behalf of the Council.**
- (c) That the Executive and Council note that Officers will undertake the work needed to prepare for a possible Compulsory Purchase Order (CPO) together with the**

**associated documentation and, if necessary, will bring a further report back to the Executive and Council seeking authority to make a CPO.**

## **1.0 Proposal(s)**

- 1.1 It is proposed that the Council determine, in principle, that it will make use of the compulsory land purchase powers available to it, under section 226(1)(a) of the Town and Country Planning Act 1990, in order to secure land to deliver transport infrastructure in the Gilston area, to support the delivery of the Gilston Area Allocation and the achievement of the wider strategic planning benefits referred to in this report. If agreed, this is a decision for Council (rather than a decision that can be taken by a meeting of the Executive).

## **2.0 Background**

- 2.1 The principle of development of land in the Gilston Area has been established by the East Herts District Plan. Development in this location will form part of the Harlow and Gilston Garden Town (HGGT).
- 2.2 As part of the allocation of the land, the District Plan identified the need for significant supporting infrastructure (policies GA1 and GA2). Two key elements of this are
  - the expansion of the existing A414 road crossing over the River Stort between the Gilston area and Harlow to provide dedicated sustainable transport capacity, and
  - the creation of a new crossing over the River Stort (either to the east or west of the existing).In this report these two elements of infrastructure are referred to as 'the Transport Infrastructure'.
- 2.3 The owner of the majority of the land which comprises the Gilston Area Allocation, Places for People (PfP) (the Applicant) has submitted three related planning

applications (the Applications) to the Council for parts of the Gilston Area Allocation, as follows:

- Outline planning application for a residential-led mixed use development of 8,500 homes across six distinct villages directly north of the A414 and Eastwick Road, with all matters reserved except for three 'Strategic Accesses' into the Gilston Park Estate (Village Development) (ref 3/19/1045/OUT)
- Full planning application for enhancements and widening of the existing vehicular crossing over the River Stort (Central Stort Crossing) (ref 3/19/1046/FUL); and
- Full planning application for a new crossing over the River Stort (Eastern Stort Crossing) (ref 3/19/1049/FUL).

The last two include the Transport Infrastructure element.

- 2.4 The two full planning applications have also been submitted to Harlow District Council (HDC) as the application sites straddle the boundary between East Herts and Harlow Council areas (the two Local Planning Authorities).
- 2.5 Members should be aware at this stage that the determination of the three planning applications (and any future planning applications for the Gilston Area Allocation) is a separate and distinct matter for the Local Planning Authorities to consider in due course. Any decision made on the use of CPO powers at this stage cannot influence any decision to be made on the planning applications, which will be determined on their planning merits.
- 2.6 The Applicant controls the land required to implement the Village Development (if planning consent is granted) However, the Applicant is not in control of all of the land which is required in order to be able to deliver the Transport Infrastructure (again if planning consent is

granted) . The Applicant is seeking to conduct ongoing negotiations with the owners of land outside its control to seek to acquire the land required for that by agreement. In addition to land located in the East Herts district, implementing the Transport Infrastructure may also require for land in the Harlow District area to be acquired compulsorily. If that is necessary, the same powers would be utilised by Harlow District Council.

- 2.7 This report is submitted to set out the current position and to seek authority, in principle and where negotiation to acquire land by agreement is not successful, for the use of CPO powers available to the Council.
- 2.8 The Council first considered the possible use of CPO powers in the lead up to the adoption of the District Plan in 2018. Through engagement with landowners at that stage, it became aware of potential land ownership constraints which may impact on the delivery of the Transport Infrastructure. A report in relation to the matter was presented to the 21 Sept 2017 meeting of the District Plan Executive Panel. The report sought agreement 'in principle' to the use of Planning Act CPO powers. The recommendation in this respect was agreed and was subsequently endorsed by the Executive at its meeting of 16 October 2017 and Council of 18 October 2017.
- 2.9 It is appropriate for the Council to consider this matter again now as, in the course of the last three years, development proposals for the first elements of the Gilston Area Allocation have been crystallised in the three planning applications and there is now clarity over the land take required to accommodate the Transport Infrastructure.
- 2.10 Turning to the issue of CPO powers, Section 226(1)(a) of the Town and Country Planning Act 1990 enables acquiring authorities with planning powers to exercise

their compulsory acquisition powers if they think that acquiring the land in question will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired and it is not certain that they will be able to acquire it by agreement. The wide power in section 226(1)(a) is subject to subsection (1A) of section 226. This provides that the acquiring authority must not exercise the power unless they think that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility.

- 2.11 The latest version of the MHCLG Guidance on the compulsory purchase process (The Guidance) includes the following guidance on the use of this power: -
- “This power is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate”*
- 2.12 The Guidance confirms that compulsory purchase is intended as a last resort measure to secure the assembly of all the land needed for the implementation of projects and acquiring authorities will be required to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the CPO by agreement.
- 2.13 The Guidance also includes key policy tests which need to be satisfied before a CPO can be confirmed. Crucially, before progressing a CPO, members must be satisfied

that there is a compelling case in the public interest for making and promoting a CPO, that the use of the powers is necessary and proportionate, and that the public benefits associated with the proposals will clearly outweigh the interference with the rights of those affected. These matters are referred to below, and will be considered further in detail in any future report to the Executive and Council to seek authority for a CPO to be made.

2.14 Taking into account this guidance and following on from the October 2017 'in principal' resolution, it is considered that the use of Planning Act powers would be appropriate as a last resort measure to assemble land to implement proposals in the Local Plan, secure the delivery of the Transport Infrastructure and facilitate the delivery of the Gilston Area Allocation and the achievement of the wider strategic planning benefits referred to below.

2.15 Turning to the public benefits associated with the delivery of the Transport Infrastructure, these include the following benefits referred to in the East Herts District Plan and in the HGGT Vision:

- Supporting and accelerating the delivery of a significant quantum (10,000) of the new homes required to be delivered in the District in the period up to 2033. The new homes to be delivered will include a mix of house sizes and types to cater for all including those most in need and the next generation of residents who want the opportunity to stay and work in the area.
- Significant housing and employment growth in the immediate area around Harlow and the wider London-Stansted-Cambridge Innovation Corridor.
- New transport routes that will provide genuine alternatives to car travel within the Garden Town and help to tackle congestion, air quality impacts and support healthy lifestyles for current and future

residents.

- Enable the transport priorities and aspirations of the Garden Town partners to be achieved, prioritising healthy and active travel over other modes and seeking to achieve targets of 60% of all journeys undertaken by those residing in the Gilston area development and 50% of all journeys of those residing in the wider Garden Town by healthy and active modes.
- Provide new and improved crossings across the River Stort to link new communities to existing communities and provide better access to the Stort Valley.
- Enable the delivery of new homes and neighbourhoods built around self-sufficient local centres.
- Enable the delivery of appropriate levels of new social infrastructure and public services including schools and health services.
- Enable the creation of a network of green open spaces to include walking and cycling links across the Garden Town and connecting out to the wider countryside and Stort Valley.
- Enable the creation of new green 'wedges' between communities to help ensure individual identities for new and existing communities and villages.

### **3.0 Reason(s)**

- 3.1 As set out above, this report relates to the potential requirement for the use of CPO powers to acquire land in the Gilston area necessary for the implementation of transport infrastructure to support the Gilston Area Allocation and to deliver wider strategic planning benefits referred to in this report.
- 3.2 The planning applications referred to above, if permitted, will comprise the majority of the development anticipated in the Gilston area through the allocation of

the site in the East Herts District Plan. The outline application proposes the development of 8,500 new homes across 6 distinct villages. Each of these villages will be provided with and supported by relevant transport, social and other necessary infrastructure.

- 3.3 A further outline planning application, also under consideration, has been submitted by a separate landowner (Briggens Estate no 1/CPP). It proposes a further 1,500 new homes and further supporting infrastructure. The two proposals together comprise the total 10,000 new homes to be delivered as part of the Gilston Area allocation. The separate proposals submitted by CPP also require delivery of the Transport Infrastructure to enable them to be implemented.
- 3.4 The two full applications comprise, as indicated, the Transport Infrastructure. In relation to the existing (or Central) A414 river Stort crossing, the proposal is to expand the current road carriageway by an additional lane in each direction. The additional capacity will be provided for sustainable transport modes only, buses and any future innovative transport provision which may be implemented, between the Gilston area and Harlow. Dedicated provision will also be made for walking and cycling.
- 3.5 The application proposals also include for the development of a new bridge over the current Eastwick Road to enable walking and cycling provision to connect directly with the new development in the village to be implemented closest to Harlow (village 1). Changes are also proposed to the existing Eastwick junction roundabout, to enable a direct, sustainable transport modes only junction to be created to access the new development. A separate all vehicle access to the new development will also be created to the east of this junction.
- 3.6 The application for the additional river Stort road



crossing (the eastern crossing) proposes a single carriageway road way which will leave the current alignment of Eastwick Road to the east of the Eastwick roundabout and pass through the current gap between development at Terlings Park and Pye Corner. The road will be routed south eastwards to a new junction with a new northward leg (see below), then curve south over the river to join up at a new junction with River Way in Harlow. River Way allows an onward connection to be made to Edinburgh Way, the east-west route of the A414 in Harlow.

- 3.7 The additional northward leg, referred to above, will make a connection back to Eastwick Road at a point north east of Pye Corner, effectively forming a by-pass to this existing area of development.
- 3.8 Should planning permission be secured, the development in the area will comprise part of the Harlow and Gilston Garden Town (HGGT). The Garden Town partners<sup>1</sup> (Partner Councils) have been working together to support the successful implementation of development to deliver the combined Vision for the Garden Town. As part of the combined work and as a result of land constraints identified at various sites across the Garden Town, the Partner Councils commissioned consultants (Cushman and Wakefield) to draw up a land acquisition strategy.
- 3.9 In respect of the Gilston Area and its infrastructure requirements, the strategy of the Partner Councils is, in the first instance, to allow the Gilston area landowners/ developers to negotiate with third party landowners, as necessary, to acquire by agreement any additional land which is required in order for the Transport Infrastructure to be delivered. This role has been taken up by the Applicant as they are the majority landowner in the area and have submitted the associated planning

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<sup>1</sup> East Herts DC, Epping Forest DC, Harlow DC, Essex CC and Herts CC

applications.

- 3.10 If the outcome of those negotiations are unsuccessful, the strategy is then to revert to the use of powers available under the Town and Country Planning Act 1990 to compulsorily purchase the land required. The Guidance makes it clear that it is sensible to progress preparatory work on CPO action in parallel with negotiations with landowners so that valuable time is not lost.
- 3.11 The land which is likely to be required for the development of the Transport Infrastructure is shown on the plans attached as **Appendix 1**. Together with the associated ownership schedules, these plans set out which organisations or private individuals are currently in control of land required to enable the delivery of the Transport Infrastructure.
- 3.12 Members will note that the land required is located both within the East Herts District Council area and the Harlow District Council area. Neither Council is able to exercise the CPO powers available to it in relation to land that is located outside of its administrative area. As a result, if acquisition by use of compulsory powers is required in relation to land in both Council areas, then both Councils will need to exercise their CPO powers. In this respect a parallel report on this matter is being submitted to the Cabinet and Council at Harlow Council. Members will note that the recommendation to this report is provisional on Harlow District Council also resolving to proceed with the use of powers available to it.
- 3.13 In relation to the Transport Infrastructure referred to here, and wider transport infrastructure across the Garden Town, Herts CC led a bid for government funding under the Housing Infrastructure Funding (HIF) programme. The bid was successful, albeit under the separate Housing Investment Grant (HIG) scheme. The successful outcome has led to the availability of funding,

to a value of £172m, for the implementation of wider transport infrastructure. This delivery programme for the use of that funding includes the transport infrastructure referred to in this report.

- 3.14 HCC are now in negotiation with central government, through Homes England, to resolve the contractual arrangements relating to the use of the HIG funding. An important element of that for all involved, is the programme of delivery. HIG funding has been awarded on the basis that it will accelerate the delivery of housing in the Gilston and wider Garden Town area.
- 3.15 HIG programme arrangements remain to be resolved. The broad elements of the programme see a construction timescale of not less than 2 years. It is not possible to commence construction until all the land required to implement it is under the control of either the Applicant or the Council(s). In that respect, if the use of CPO powers is necessary, the Partner Councils consultants advise that a period of not less than 2 years should be also be allowed for this. This gives a combined programme timescale of 4 years. Given the objective of the HIG funding is to accelerate delivery timescales, it is therefore appropriate to commence CPO action, if required, without delay.
- 3.16 This report is submitted to set out the current circumstances in relation to this matter. It seeks authority, in principle, for the use of CPO powers available to the Council. The Applicant will continue to negotiate with third party landowners to seek to acquire land, as required, by agreement. If that process is unsuccessful, then a further report will be submitted to the Executive and Council to seek authority to commence CPO processes.
- 3.17 Undertaking CPO action has the potential to result in budget implications for the Council. These implications range from the modest, eg officer time involved in

preparing reports and other background work, through to the more substantial, eg if the powers are utilised successfully and compensatory payments are required to be made for land acquired.

- 3.18 As a result, the Council has sought an Indemnity Agreement (the CPO IA) with the Applicant, such that it (the Applicant) will cover all costs incurred by the Council. The Agreement is currently in preparation. Authority is also sought through this report to finalise the terms of the CPO IA and, once satisfactory, to enter into it. No further work in relation to this matter will be undertaken until the Agreement is concluded and all further costs incurred by the Council are indemnified.

#### **4.0 Options**

- 4.1 The alternative options to the use of CPO powers are either to continue to seek to acquire the necessary land for the Transport Infrastructure by negotiation (with no potential for subsequent CPO activity) or to pursue alternative infrastructure delivery arrangements.
- 4.2 In relation to the first of these (continue to seek to acquire by negotiation with no potential for subsequent CPO activity), the information provided by the Applicant indicates that action to seek to acquire the necessary land by agreement has been undertaken. Given the timescales referred to above in relation to the HIG funding, pursuing this option, with no quantifiable prospect of certainty of outcome, is considered to represent a significant risk to the delivery of the infrastructure.
- 4.3 If Members agree to the approach set out in this report, negotiation to seek to acquire by agreement will continue during the course of any CPO action. The option of ruling out the use of CPO powers at this stage is not considered realistic however.
- 4.4 The second option referred to above relates to the

possibility of identifying other options for the delivery of transport infrastructure which would only require land already in the control of either the applicants, the Council or another party that would allow it to be acquired by agreement.

- 4.5 Policy GA2 of the East Herts District Plan requires the delivery of an additional River Stort crossing either to the east or west of the existing crossing. The route to the east has been preferred by ECC because it better mitigates the impact of the Gilston development in relation to traffic flows within Harlow.
- 4.6 No detailed proposals are before the Council in relation to any alternative additional crossing. In the absence of any alternative proposals and given delivery timescales it is considered that there is no reasonable prospect of any alternative option coming forward, which does not have its own land ownership constraints, in an acceptable timescale.
- 4.7 In addition, this would not resolve any land acquisition requirements which may be necessary in relation to the enhancement of the existing A414 river crossing. Because this is an enhancement of the existing facility, it is not possible to avoid land acquisition issues which may be related to this as the infrastructure cannot be located anywhere else.

## **5.0 Risks**

- 5.1 There are risks associated with undertaking CPO action. Any such action is subject to scrutiny through public inquiry and decisions are subject to legal challenge. However, given the requirement to acquire the necessary land to deliver the Transport Infrastructure to support the delivery of homes, such risks are considered to be outweighed by the need to ensure that housing development takes place and the public benefits associated with the delivery of the Transport Infrastructure are realised.

- 5.2 Budgetary risks are considered to be mitigated subject to the completion of the necessary indemnity Agreement as referred to above.

## **6.0 Implications/Consultations**

- 6.1 Owners of land of which acquisition has been sought will be aware of the circumstances set out in this report because of the negotiations between themselves and the Applicant. No separate consultation arrangements are required.

### **Community Safety**

No implications

### **Data Protection**

No specific implications. All information required and utilised in undertaking any CPO activity will be used and safeguarded in accordance with normal data protection protocols.

### **Equalities**

All public sector acquiring authorities are bound by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010. This means that they must have 'due regard' or think about the need to:

- eliminate unlawful discrimination
- advance equality of opportunity between people who share a protected characteristic and those who don't
- foster or encourage good relations between people who share a protected characteristic and those who don't

Having 'due regard' means public authorities must consciously consider or think about the need to do the three things set out in the PSED.

In exercising their compulsory purchase and related powers (e.g. powers of entry) acquiring authorities must have regard to the effect of any differential impacts on groups with protected characteristics.

To date, equality implications have been considered through the undertaking of an Equalities Impact Assessment.

In progressing the Orders and carrying out any further consultations the Council will take into account the needs of persons with protected characteristics and the requirements of the PSED.

### **Environmental Sustainability**

The transport infrastructure being enabled by the acquisition of land is that considered necessary to support the Partner Councils Garden Town Vision. A key element of this Vision is to achieve a target of 60% of journeys undertaken by residents in the new garden communities by active, healthy and sustainable modes. Delivery of the infrastructure has significant implications in relation to the transport sustainability of the new development.

### **Financial**

As set out above, it is anticipated that any budgetary impacts will be mitigated by the action of securing an Indemnity Agreement

### **Health and Safety**

None

### **Human Resources**

None

### **Human Rights**

Whilst this report only seeks an 'in principle' decision from the Council that it is prepared to authorise the use of CPO powers, officers would provide the following guidance at this stage on the human rights implications of pursuing CPO action. The Guidance confirms that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European

Convention on Human Rights (ECHR) (right to the peaceful enjoyment of property) and, in the case of a dwelling, Article 8 of the ECHR (right to respect for private and family life, home and correspondence. Before deciding whether to authorise a CPO, the Council will need to consider the balance and compatibility between the compulsory powers sought and the rights enshrined in the ECHR and whether there is a compelling case for a CPO in the public interest which means that the acquisition of land to enable the scheme to proceed, brings benefits to the area, which could not be achieved without the use of compulsory purchase powers.

## **Legal**

All actions will be taken within and ensuring that full legal requirements are met.

## **Specific Wards**

Yes - Hunsdon

## **7.0 Background papers, appendices and other relevant material**

7.1 Appendix 1 – plans and associated details of ownership

***The information set out in Appendix 1 is exempt from publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 in that it provides details of the owners of land to which this report relates.***

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**STATEMENT OF REASONS**

**TOWN & COUNTRY PLANNING ACT 1990**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**ACQUISITION OF LAND ACT 1981**

# DRAFT

[06/04/2230/03/2209/03/22](#)

**East Hertfordshire District Council (The SIW East Hertfordshire) Compulsory Purchase Order 2022**

**and**

**Harlow District Council (The SIW Harlow) Compulsory Purchase Order 2022**

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## 1 Introduction

- 1.1 This document is the Statement of Reasons of East Hertfordshire District Council (**EHDC**) for making a compulsory purchase order (**CPO**) entitled the East Hertfordshire District Council (The SIW East Hertfordshire) Compulsory Purchase Order 2021 (the **EHDC Order**) which is to be submitted to the Secretary of State for Levelling Up, Housing and Communities (the **Secretary of State**) for confirmation. The land included within the EHDC Order is referred to as the EHDC Order Land, which is shown on the plans at Appendix 1 to this Statement (the **EHDC Order Maps**).
- 1.2 This document is also the Statement of Reasons for Harlow District Council (**HDC**) for making a CPO entitled the East Hertfordshire District Council (The SIW East Hertfordshire) Compulsory Purchase Order 2021 (the **HDC Order**) which is to be submitted to the Secretary of State for confirmation. The land included within the HDC Order is referred to as the HDC Order Land, which is shown on the plans at Appendix 2 to this Statement (the **HDC Order Maps**).
- 1.3 EHDC and HDC (the **Councils**) have made the EHDC Order and HDC Order pursuant to sections 226(1) (a) [and (3) (b)] of the Town and Country Planning Act 1990 (the **1990 Act**) and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (the **1976 Act**).
- 1.4 Hertfordshire County Council (**HCC**) is the local highway authority for the EHDC Order Land and Essex County Council (**ECC**) is the local highway authority for the HDC Order Land.
- 1.5 If the EHDC Order is confirmed by the Secretary of State this will enable EHDC to compulsorily acquire land and certain rights over the land falling within the EHDC Order Land in order to enable certain strategic infrastructure works (**SIW**) described below to be carried out on the land. The SIW is considered strategic infrastructure to EHDC as it will meet more than site-specific needs and supports the overall level and pattern of growth outlined in the Development Strategy<sup>1</sup>. The SIW is required to facilitate the development identified in EHDC District Plan, namely the Harlow and Gilston Garden Town (**Garden Town**), including the Gilston Area.
- 1.6 If the HDC Order is confirmed by the Secretary of State this will enable HDC to compulsorily acquire land and certain rights over land falling within the HDC Order Land in order to enable the SIW described below to be carried out on the land. The SIW is considered critical infrastructure to HDC, as it will facilitate the delivery of the Garden Town, which is necessary for the regeneration of the wider Harlow area. The SIW provides the northern section of the proposed Sustainable Transport Corridor (**STC**) to the Harlow town centre, which is essential to Harlow meeting its objective of having 50% of all journeys made by walking, cycling or public transport.
- 1.7 The SIW cannot be delivered without both the EHDC Order and HDC Order (the **Orders**) being confirmed as the SIW straddle two District Council areas and two Highway Authority areas, being Hertfordshire and Essex County Councils.
- 1.8 The SIW is the development that will be carried out on the EHDC Order Land and HDC Order Land (the **Order Land**). The Garden Town is referred to in this Statement as the Scheme. Without the construction of the SIW, the Scheme could not be delivered as set out in the Councils' development plans.

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<sup>1</sup> Paragraph 3.3.22 of the EHDC District Plan

1.9 This Statement of Reasons has been prepared in compliance with "*Guidance on Compulsory Purchase Process and The Criche! Down Rules*", July 2019 (the **Guidance**) published by the then Ministry of Housing, Communities and Local Government (now known as the Ministry of Levelling up, Housing and Communities). It explains why the CPO powers contained in the Orders are necessary and why there is a compelling case in the public interest for making the Orders, taking into account the Guidance. It is not intended to discharge the requirement to produce, nor is it to be taken as, the 'Statement of Case' in the event that the Secretary of State should call a public inquiry to be held to consider any objections received to the Orders.

## 2 The Scheme

2.1 The scheme of development underlying the compulsory acquisitions is the Garden Town.

2.2 Harlow and Gilston was designated as a Garden Town by the Ministry of Housing, Communities and Local Government in January 2017. The Garden Town is comprised of the following developments shown on the map in the HGGT Vision at Schedule 4:

- (a) 16,500 homes in the strategic growth areas (collectively referred to as the new Garden Communities) known as:
  - (i) Gilston, located in East Hertfordshire District – 10,000 units across seven distinct villages, with at least 3,000 to be delivered by 2033;
  - (ii) East of Harlow, located in Harlow and Epping Forest Districts – 3,350 units;
  - (iii) Water Lane Area, located in Epping Forest District – 2,100 units. Water Lane Area is broken down into two separate areas known as West of Katherine's (1,331 homes) and West Sumners (807 homes);
  - (iv) Latton Priory, located in Epping Forest District – 1,050 units;
- (b) 1,147 homes over 21 allocated sites in the Harlow District;
- (c) Employment related development at the following allocated sites to deliver the equivalent of 25-29ha of new employment land (55,000sqm of offices and 205,000sqm of industrial and warehousing) by 2033 in addition to Harlow Town Centre:
  - (i) 4.6ha within Harlow Business Park, at the Pinnacles for B1 uses
  - (ii) 14.2ha within the Enterprise Zone at London Road, for B1 uses
  - (iii) 8ha within the Enterprise Zone at East Road, Templefields for replacement industrial floorspace
  - (iv) 1 ha at Dorrington Farm, Latton Priory for B1 uses
  - (v) 1h at the new Garden Community at Latton Priory
  - (vi) 5ha the new Garden Community in the Gilston Area for B1, B2 and B8 uses
- (d) The Central Stort Crossing, Eastern Stort Crossing and two primary Sustainable Transport Corridors (**STCs**) that will support active travel as well as a mix of high quality public transport options. These STCs will run north to south and east to west

connecting the central area of Harlow with the new Garden Communities in Gilston, East of Harlow, Latton Priory and Water Lane.

- 2.3 The delivery of the HGGT Vision will be achieved through the implementation of a number of separate but interlinked development proposals promoted by a mix of public and private sector bodies. The overarching aim of the Garden Town is to expand the choice and quality of housing within the HGGT area (which straddles the boundaries of HDC, EHDC and Epping Forrest District Council) together with the delivery of a range of higher value employment opportunities that together create an attractive and sustainable place for people to live, work, learn and spend leisure time.
- 2.4 One of the key constraints to unlocking the potential of the area and bringing forward much needed land for housing and employment uses is the need to create sufficient sustainable transport capacity to accommodate the growth planned for the HGGT area.
- 2.5 The Order Land is required for the construction of the SIW. The SIW are necessary to create new transport capacity to help facilitate the provision of sustainable transport corridors and so to facilitate the realisation of the HGGT Vision. The HGGT Vision as detailed in paragraph 2.2 (a) to (d) above forms the extent of the Scheme that is to be disregarded for the purposes of assessing compensation in the “no-scheme world”.
- 2.6 The extent of the Scheme has been so defined as without the delivery of the SIW, the transport implications of the HGGT Vision would be severe without the development of the SIW and unacceptable in town and highway planning terms. As such without the SIW not all of the planned housing and growth forming the Scheme would not be delivered and the aims and ambitions of HGGT as set out in their vision could not be realised.
- 2.7 The transport implications of the Scheme would be severe and unacceptable without the development of the SIW and the planned housing and growth forming the Scheme gives rise to the need for the SIW.
- 2.8 The CPO will, if confirmed, authorise the acquisition of land and rights for the development of the SIW only. However, for the purposes of the Land Compensation Act 1961, the Garden Town is the scheme of development underlying the CPO to be disregarded pursuant to Sections 5 Rule 2 and Section 6A of the Land Compensation Act 1961 (“LCA 1961”).
- 2.9 The ESC, CSC and the Gilston Area outline applications represent the first strategic planning applications to come forward within the Garden Town, with Gilson Park Estate to be the first of the new Garden Communities to deliver homes in the Garden Town.

### **3 Housing Investment Grant (HIG)**

- 3.1 A successful application was made by HCC (acting as accountable body for the HGGT partners) for £171 million in Government funding via Homes England towards the early delivery of infrastructure required for the Garden Town (the **HIG**). Approximately £129 million is available (the **Grant**), in principle (subject to detailed contractual requirements and milestones in relation to the proposed development) for delivery of the SIW and other identified infrastructure in the Gilston Area by Places for People. The balance HIG of £42 million is to be used by ECC to fund the delivery of the Cambridge Road Access and extension of the Sustainable Transport Corridor from Burnt Mill Roundabout to Harlow Town Centre.

- 3.2 Places for People has agreed to forward fund the delivery of the SIW which the Garden Town Infrastructure Delivery Plan (**IDP**) identifies as being 100% developer funded. The Garden Town IDP allocates the CSC as being 100% funded by the Gilston Area developers and the ESC is 59% funded by the Gilston Area developers. The other Garden Town growth locations are responsible for collectively funding the balance of the ESC, as and when they come forward. The Gilston Area developers have agreed to repay the level of Grant that is loaned to them and spent on the SIW relative to their share of the total CSC and ESC costs (i.e. 100% of the Grant used to fund on the CSC is to be repaid whilst 59% of the Grant that is used on the ESC is to be repaid). The repaid Grant is to be ring-fenced into a Rolling Infrastructure Fund (**RIF**) by HCC and then used to fund other Garden Town infrastructure that is being delivered by HGGT partners or developers of Garden Communities, including the balance of the STCs.
- 3.3 The availability of the HIG is time limited and must be drawn down and spent by March 2025. Any unspent amount is anticipated to be lost unless Homes England agrees to extend the spending window which they have said they are not agreeable to do at this point in time despite delays with work starting on the SIW and other infrastructure projects that the funding can be spent on. As the majority of the Grant has been earmarked for the delivery of the CSC and ESC and assembly of the land needed for the CSC and ESC is a precondition to drawing down funding beyond a certain level, it is important for work on the SIW to commence at the earliest opportunity to enable the Grant to be drawn down by March 2025.
- 3.4 By helping to forward fund strategic infrastructure such as the SIW, the Grant will support and accelerate the development of homes within the Gilston Area, as well as secure the early delivery of essential transport infrastructure for the Garden Town. Without the Fund, the delivery of the SIW, namely the ESC, would be delayed by Places for People due to viability reasons.

#### **4 The Strategic Infrastructure Works**

- 4.1 The SIW are an essential element of the Scheme and, without the SIW, the Scheme could not be delivered as set out in the Councils' development plans.
- 4.2 The SIW will provide transport capacity improvements to facilitate the growth in the Garden Town and achieve the sustainable transport objectives, and address existing congestion.
- 4.3 In summary, the SIW comprise the construction of new bridges over the River Stort, roads, footpaths, pedestrian and cycle footbridges, land remediation, new utilities and the diversion of existing utilities, and flood alleviation works. The SIW are shown diagrammatically on the drawings at Schedule 3 and are broadly split into the two (2) separate projects known as the CSC (**CSC**) and the ESC (**ESC**) described more fully below.
- 4.4 The Garden Town Vision and Transport Strategy envisages two primary Sustainable Transport Corridors (STCs) for public travel through the Garden Town as follows:
- (a) North to South, linking Gilston (10,000 homes) in the north with Harlow Town railway station, the town centre and Latton Priory (1,050 homes) to the south
  - (b) East to West, running from near the new M11 Junction 7a and East of Harlow (3,350 homes), to the town centre and on to the Pinnacles and new developments at Water Lane (2,100 homes),.
- 4.5 The STC will:



- (a) have dedicated space, either on the existing highway or on newly created roads to help buses move freely, avoid congestion and have priority over other traffic
  - (b) provide frequent and reliable bus services with modern, high quality, low emission buses
  - (c) be fully integrated with other public transport options
  - (d) provide paths for walking and cycling separated from other traffic
  - (e) promote healthy and active travel choices
  - (f) support hubs across Harlow providing a range of transport services and community facilities
- 4.6 The CSC and ESC are vital components of the two primary STCs and the achievement of the mode share targets as the STCs will support active travel (cycling and walking) as well as a mix of affordable, rapid and high quality public transport options.
- 4.7 The widening of the existing A414 River crossing at Eastwick in accordance with the CSC proposal will provide the northern section of north to south STC, connecting the new Garden Community in the Gilston Area with the Garden Town development to the south of Harlow in Epping Forest District, via Harlow town centre. The CSC also delivers a new walking and cycling footbridge next to the existing river crossing which provides a segregated route for active and sustainable travel from Gilson that connects into existing links to Harlow Station and the Harlow town centre.
- 4.8 The ESC proposal will:
- (a) free up capacity on the existing CSC to enable it to function as part of the STC into Harlow town centre;
  - (b) remove traffic from other central areas of Harlow to facilitate the introduction of the STCs;
  - (c) increase transport capacity on the network to enable the delivery of the Garden Town strategic growth areas;
  - (d) act as a more direct traffic route from the A414 and the Gilston Area toward Junction 7a of the M11, to provide links to the Enterprise Zone and other employment and facilities in the east of Harlow, which will now include the planned relocated hospital; and
  - (e) provide segregated routes for active and sustainable travel.
- 4.9 A 'full' planning application has been made by Places for People Developments Limited (**Places for People**) for each of the CSC (reference: 3/19/1046/FUL for EHDC and HW/CRB/19/00220 for HDC) and ESC (reference: 3/19/1051/FUL for EHDC and HW/CRB/19/00221 for HDC). Duplicate applications were submitted to both EHDC and HDC because each crossing project straddles both Districts and has two Local Planning Authorities. The CSC and ESC also both straddle the two Highway Authority areas of Hertfordshire and Essex County Councils.

- 4.10 In addition, Places for People made an application for Listed Building Consent for works to the Grade II listed Fiddlers' Brook footbridge which lies immediately north east of Terlings Park (HDC reference 3/19/1049/LBC). These works are to form part of the ESC development.
- 4.11 Places for People is the owner and master developer of 'Gilston Park Estate', which is part of the Garden Town and is to comprise 8,500 homes in villages 1 to 6 of the Gilston Area, as well as new schools, employment and other community facilities. Places for People submitted a planning application (reference 3/19/1045/OUT) to EHDC for Gilston Park Estate in May 2019 (**Places for People Outline**). The Places for People Outline is expected to be taken to the EHDC Planning Committee with a resolution to approve in the Summer of 2022. The intention is that Places for People will deliver the CSC and ESC alongside its development of the Gilston Park Estate, in accordance with the triggers in the section 106 planning agreement for the Places for People Outline, which is expected to complete shortly after the resolution to grant.
- 4.12 The 7<sup>th</sup> and final village in the Gilston Area is owned and promoted by Taylor Wimpey. An outline planning application (EHDC reference 3/19/2124/OUT) has been submitted for 1,500 homes and other community facilities on Village 7. It is expected to be reported to EHDC Planning Committee in Summer 2022 with an officer recommendation for approval.
- 4.13 It is intended that Places for People will deliver the SIW, alongside the development of Gilston Park Estate, once vacant possession of the Order Land has been obtained. The CSC will be delivered first, followed by the ESC. The section 106 planning agreement will include triggers for the delivery of the CSC and ESC relative to the level of growth in the Gilston Area and surrounding development.
- 4.14 The Councils, as joint local planning authorities, each granted planning permission for the applications relating to the CSC and ESC on [xxx] 2022.
- 4.15 The environmental impacts of the SIW have been considered alongside the Gilston Area development in the Places for People Environmental Statement (**ES**) and Addendum ES. These documents can be viewed online on EHDC's and HDC's websites by searching the application reference for either the CSC, ESC or the Places for People Outline <sup>2</sup> or made available on a USB stick free of charge by emailing [insert Quod email].

***The existing CSC and its surrounds***

- 4.16 The existing River Stort Crossing (A414) is a carriageway, comprising a single lane in each direction. Known as Fifth Avenue, it links between Eastwick Road to the north and Edinburgh Way/Elizabeth Way to the south, with roundabouts at each end. The road is constructed on a raised embankment above the Stort Valley floodplain and crosses the River Stort, the Stort Navigation and a railway line.
- 4.17 To the north of the existing crossing is a non-signalised roundabout where the River Stort Crossing joins Eastwick Road. The A414 continues westward to Ware and Hertford. Pedestrian crossings over this busy route are unmarked or signposted, with the pedestrian path to the west of the roundabout being approximately 500mm wide.
- 4.18 There is an existing pedestrian route on the western side of Fifth Avenue, which is narrow and in places encroached upon by vegetation. The path is generally well separated from the carriageway, except at the northernmost end.

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<sup>2</sup> Insert links to websites

- 4.19 Planting and trees are found at varying densities along the route, becoming denser towards the south end of the route. To the north, planting is disparate. Towards the south, the route becomes more enclosed by trees to either side.
- 4.20 Burnt Mill Lane joins Fifth Avenue to the south of the River Stort Navigation. From this point, heading south there is a second, wider path found to the east side of the road. There is stepped access down to the Stort Navigation, as well as to Parndon Moat Marsh.
- 4.21 The existing railway bridge crossing has brick parapets restricting views on the railway line. Following this crossing, the context becomes more urban approaching the southern roundabout and its connection to Harlow town centre and train station.
- 4.22 The area below the existing crossing is generally floodplain and to the south marshland. The River Stort Navigation contains a tree-lined towpath, which runs underneath the proposed crossing route, which is used as a leisure route for cycling/walking.
- 4.23 The existing CSC is the only vehicle connection across the River Stort into Harlow Town centre and it is severely congested.

***The CSC proposal***

- 4.24 The CSC proposal comprises, in broad terms, the widening of the existing CSC to include two additional lanes that are dedicated to public transport only, segregated pedestrian and cycle paths and a new pedestrian and cyclist bridge. It consists of the following specific elements:
  - (a) the widening of the existing Eastwick (A414 Fifth Avenue) Crossing to form two all vehicular lanes in each direction, plus two (2) bus lanes (one for each direction) that are to operate as a sustainable transport corridor. This is to be achieved through the construction of a new northbound vehicular carriageway immediately to the west of the existing Eastwick (A414 Fifth Avenue) carriageway. The existing north/south section of Fifth Avenue will become a southbound carriageway only, with the new crossing/carriageway to take northbound vehicles.
  - (b) The new northbound carriageway comprises a single lane for all vehicles and a bus lane for approximately two-thirds of its length. The northbound bus lane then re-joins the running lane of the carriageway using a signalised "bus gate" where buses will have priority over general traffic on the approach to the River Stort bridge, so there will be two lanes for all vehicles across the River Stort bridge heading towards the junction. This is to enable the division of northbound vehicles into left and right turn lanes at the junction. Westbound vehicles have a dedicated two-lane slip road from the crossing on to the A414 towards Hertford.
  - (c) The new northbound carriageway will start at the Burnt Mill roundabout and the embankment will be widened with a low retaining wall. A new bridge will be installed over the West Anglia Mainline. Due to the physical constraints and proximity of buildings, the new bridge will be close to the existing bridge. A central reserve between the bridges will be provided with the gap plated over. As the carriageway heads north a greater separation is achieved between the carriageways (6.7m) and the bridge over the Stort Navigation and River Stort are not connected to the existing structures. Between the bridges, the earth embankment will be widened and planted.
  - (d) At the northern end of the CSC, the existing roundabout at the A414 / Eastwick Road is to be replaced by a multilane four-arm traffic signal controlled junction, including at-

grade signal controlled cyclist and pedestrian crossing facilities on each arm enabling movement in every direction. This represents a marked improvement to the current situation where there is one poorly defined narrow path immediately adjacent to the kerb with no waiting space and no protection at the central reservation between east and west carriageways west of the current roundabout

- (e) There is to be a single lane entry and exit to Village 1 of the north arm of the four-arm roundabout, which it is to operate as a sustainable modes only access. A new residential access to Village 1, for all traffic modes, is to be delivered to the east of the main junction opposite the current Burnt Mill Lane/Eastwick Road junction at the same time as the main STC access to Village 1.
- (f) West of Eastwick junction, a new arrangement is proposed for access to Eastwick Lodge Farm. This comprises a slip lane and central refuge providing access into and out of the employment area. The current entrance and exit will be closed and an internal one-way system will direct movements within the car parking area.
- (g) The creation of a separate, dedicated segregated 5m (plus verges on either side) pedestrian and cycle structure that runs parallel on the eastern side of the existing carriageway. Running north to south, the proposed Eastwick Road foot and cycle bridge commences north of the Village 1 STC access where it will tie in with new routes into Village 1 and other internal connection routes. The route rises gradually up an embankment and then becomes a bridge over the road junction for 276 metres. The route then runs along an area of embankment for 160 metres. This is to enable the creation of two alternative routes to the north and south; northwards, the route drops to the level of the road enabling connection to the eastbound pedestrian and cycle route along the ESC; and southwards, the route continues on a modified embankment at a slightly lower level to the carriageway before rising over a second new bridge structure over the Stort Navigation. A link is also provided that drops down to the level of the Stort Navigation to connect to the east-west towpath.
- (h) South of the Stort Navigation, the segregated footbridge re-joins the existing southbound crossing where it bridges the West Anglian Mainline railway. A change to the road bridge structure is required at this location in order to enable the continuation of the 5 metre wide segregated footway/cycleway and fit the necessary carriageway width for the bus lane and vehicle lane. The route then continues southwards towards the Burnt Mill roundabout where it will connect into the ECC Sustainable Transport Corridor that continues to the town centre.
- (i) To the west of the new crossing, a 2 metre wide footway is provided. Two new routes from the footway down into the river valley below are provided via steps to connect to the Stort Navigation towpath and to link to existing Public Rights of Way (PRoW) within the valley.
- (j) The CSC development also proposes a new gravel footway link from the Village 1 STC junction to Cat Lane in the west along the southern side of the A414. The path is moved away from the edge of the carriageway behind a sustainable drainage feature. This route is not intended for regular footfall but represents an enhancement to an informal route.
- (k) The CSC development has been designed with gaps between north and southbound carriageways in order to facilitate the planting of small trees on the valley floor or on the top of the embankment. Trees are also proposed to be planted to provide

screening to larger structures such as bridge abutments and ramps/steps. Additionally, native hedgerows are proposed to be planted alongside the structure to form new build boundaries, to reflect the existing landscape character.

- (l) The proposal incorporates a number of structural improvements to the existing crossing route, including new parapets, edge beams and vehicle restraint systems. The improvements will improve the structural integrity of the existing bridge or, subject to the result of the full structural assessment that will be carried out as part of the technical approval process, require the existing railway bridge to be replaced as part of the CSC development.
- (m) The pedestrian and cycle bridge has not yet been designed; only parameters are included within the CSC application, as the detail design itself will be subject to a design competition.
- (n) As an interim arrangement, the road eastwards terminates at a point just beyond the residential Village 1 junction. This enables the provision of a pedestrian and cycle Toucan crossing to enable connection to the current Eastwick Road, and onwards via a non-controlled crossing towards Burnt Mill Lane to the south. Vehicular access to Terlings Park is to be retained via Eastwick Road at this junction.
- (o) Eastwick Road is to be realigned slightly to create a segregated pedestrian/cycle route on the south side of the road and a new turning junction into Burnt Mill Lane. Improvements to Eastwick Road's existing junction with Burnt Mill Lane are incorporated into the CSC development. During the interim phase, east-west movement will use this junction to route onto the current Eastwick Road alignment. Westbound movements get a priority slip lane at this junction onto the westbound section of the new carriageway. This interim arrangement will be upgraded to the final layout as proposed in the ESC development
- (p) The full SIW development is to be delivered in phases, with the interim solution to deliver the vast majority of the permanent junction design to the north of the existing River Stort bridge and the new pedestrian and cycle routes. Then when the new northbound carriageway is constructed, this will then tie in to the junction

4.25 ECC are carrying out an improvement programme to enable the creation of the full STC network across the Garden Town. This programme includes enhancements that will be carried out around the time of the CSC development, including improvements to the existing Burnt Mill Roundabout, the widening of the existing west footway along Station Road to Harlow Town railway station and the implementation of traffic calming along Station Road. ECC have been allocated £42 million in HIG funding to carry out the southern component of the north-south STC. In addition, any HIG that is repaid by developers, including the developers of the Gilston Area, is to form part of a Rolling Infrastructure Fund (**RIF**) which HCC can lend out to other HGGT partners or Garden Town developers to assist with the delivery of infrastructure in the Garden Town.

#### ***The ESC and its existing surrounds***

4.26 The ESC route begins at the junction with Terlings Park Estate, a recently built residential development immediately south of the village of Gilston. Eastwick Road runs along the northern edge of Terlings Park.

- 4.27 Continuing east, the ESC route runs along the crest of the hill overlooking the Stort Valley. The topography slopes gradually into the floodplain, which is generally marsh and grassland. The valley contains several active and former gravel workings. Some of these have been filled with water creating lakes. The proposed route will run over some of these water features.
- 4.28 To the south, the proposed route will pass over the River Stort Navigation. The character of the canal is that of a tree-enclosed route at the point of intersection.
- 4.29 A bridge and footpath currently connects the towpath on the northern side of the River Stort Navigation to Harlow industrial park to the south. This path is currently poorly signposted and narrow.
- 4.30 Crossing the River Stort, the route passes through dense woodland before reaching River Way and the industrial parks located adjacent to the river. This junction presently has dense tree cover to the north, obscuring views out to the Stort Valley. The area is characterised by industrial buildings with dispersed planting and significant hard surfacing.
- 4.31 A section of the site to the north links land east of Pye Corner, which connects into the rest of the route to the south. This route runs along the top of a mound, adjacent to a gravel works to the east.
- 4.32 Part of Road 1 to the east of Terlings Park and most of Road 2 and 3 run through land currently designated as Metropolitan Green Belt.

***The ESC proposal***

- 4.33 The purpose of the ESC is to take through traffic away from central Harlow and provide for a new sustainable transport route to link the Gilston Area, the Enterprise Zone and other employment areas in Harlow via sustainable means. It will also provide a new route for traffic to use to access the new Junction 7A of the M11.
- 4.34 The ESC is a new crossing across the Stort Valley that creates a new road and new walking and cycling paths that run west to east from the existing Eastwick roundabout, across the valley to River Way in Harlow, next to the Templefields Enterprise Zone, and connecting to Edinburgh Way. It is made up of 3 roads that generally comprise single carriageways in either direction (but there is widening at some junctions to include filter lanes for turning) and consists of the following specific elements:
- (a) Road 1 comprises a realignment of the current Eastwick Road between the existing A414/ Eastwick Road/ Fifth Avenue roundabout (proposed to be upgraded to a signalised junction under the CSC) and the existing Eastwick Road/ Terlings Park junction. This western section of the ESC site overlaps with the application boundary of the CSC application.
  - (b) The new Road 1 incorporates a new traffic signal-controlled junction providing access north into the Gilston Area Village 1 and south connecting back to the existing Eastwick Road alignment which is proposed to be stopped up to the west, maintaining access to existing properties and land. The existing Eastwick Road alignment continues west with a side junction serving Burnt Mill Lane to the south and then continues as an access road into the existing Terlings Park residential area with.

- (c) The new junction at Road 1 continues eastwards to where the current Eastwick Road sweeps northwards through Pye Corner, with a new junction to be created to provide access into Pye Corner before the road takes a new eastward alignment over a new bridge structure spanning over Fiddlers Brook between the existing Terlings Park and Pye Corner residential areas.
- (d) The new Road 1 then continues north-eastwards on a route that runs just beneath the crest of the northern slope of the Stort Valley, partly on land that was a former landfill area, which itself was a former quarry at Pole Hill. Road 1 then ends as it joins a new roundabout that connects Road 1 with Roads 2 and 3.
- (e) Road 2 runs northwards from the new roundabout through scrubland and a small area of arable agricultural land, wholly on the former Pole Hill landfill area. Road 2 ends at a new signalised junction on Eastwick Road at the northern end of the Pye Corner residential area. This junction provides access into the Gilston Area Village 2 to the north and Eastwick Road to the east towards High Wych and closes the north-eastern end of Pye Corner to through traffic by vehicles but maintains walking and cycling access.
- (f) Road 1 and Road 2, once constructed, will function as a bypass to the Pye Corner residential area and enable Eastwick Road traffic to be re-routed away from the front of properties in Pye Corner in the village of Gilston.
- (g) Road 3 also starts at the new roundabout; heading eastwards via a new road on top of an embankment overlying steel arch culverts with overlying fill across the valley for the purposes of conveyance of floodwater and connectivity of wildlife below the new highway. The new Road 3 continues eastwards becoming a new open span bridge structure that will pass over the Stort Valley and River Stort Navigation (canal). The route also spans over a number of water features/ponds.
- (h) Crossing the river, the new Road 3 open span bridge sweeps southwards passing through wooded land adjacent to the River Stort Navigation before joining the existing River Way road in Harlow through the creation of a new roundabout on River Way, connecting the new bridge with the urban edge and transport network of Harlow.
- (i) The ESC proposal also includes the full replacement of the current River Way road bridge over the railway with a new wider bridge that incorporates walking and new cycling paths, with walking and cycling path improvements extending south to the River Way/ A414 Edinburgh Way junction to connect into the Harlow footpath and cycle path network.
- (j) A new junction will be built and operational between River Way and Cambridge Road to provide access for vehicles while the new River Way bridge is being construction. A temporary pedestrian footbridge will also be provided over the railway, throughout construction to prevent long diversions
- (k) The ESC proposal also includes the replacement of two small bridge decks that connect the canal towpath and river footpath to the Mead Park Industrial Estate in Harlow to the south. This path is currently poorly signposted and is very narrow, with poorly maintained footbridge structures. Improving these structures will assist in providing enhanced pedestrian access to the Stort Valley in this location.

- (l) A new footpath and small bridge deck across Fiddlers Brook is also proposed to connect the Terlings Park residential area to Footpath 029, providing an alternative walking route between the Terlings Park and Pye Corner residential areas which avoids the use of the signalised crossings provided on Road 1.
- (m) A segregated 5m wide footpath/cycleway plus buffer zones is provided for the full extent of the ESC, both between the A414/ Eastwick Road/ Fifth Avenue junction and the Gilston Area Village 2 access/ Eastwick Road junction, extending all the way to the River Way/ A414 Edinburgh Way junction. A bus priority lane is provided on the northbound carriageway of Road 2 providing bus priority access into the Gilston Area Village 2 access.
- (n) There are three locations where highway bridge structures are required; Road 1 is required to span Fiddler's Brook where it passes between the Pye Corner and Terlings Park residential areas; Road 3 is required to span the Stort Valley and the River Stort Navigation to the south east where the road links with the existing highway at River Way; and the River Way Bridge over the railway line which requires replacement to enable a safe connection to be made to meet highway safety standards and provide for walking and cycling.
- (o) The proposals provision of acoustic barriers and landscaping buffering creates improved noise conditions for many Terlings Park residents. It will also delivers improvements to the Grade II listed footbridge and enhanced landscaping to the north of Terlings Park. A separate listed building consent has been applied for in connection with the ESC proposal.

## 5 The Location and Description of the EHDC Order Land and HDC Order Land

- 5.1 The Orders are needed to acquire the remaining land and rights over the Order Land so the SIW can be delivered. It is not possible to deliver the CSC or ESC without both Orders being confirmed as both crossings straddle the boundaries of EHDC and HDC.

### **The CSC**

- 5.2 The land and rights needed to deliver the CSC are shown on Order Maps 1 to [2] for the EHDC Order and Order Maps 1 to [2] for the HDC Order (the **CSC Order Land Maps**), and comprise:
- (a) The EHDC Order Land: xx plots, specifically X to Y, each of which is described in the EHDC Order Book of Reference
  - (b) The HDC Order Land: xx plots, specifically X to Y, each of which is described in the HDC Order Book of Reference.
- 5.3 The CSC Order Land comprises approximately 19 ha of land comprised of [x] known plots.

### **New Land**

- 5.4 Approximately xxx ha of land, from 3 parties (Land Restoration Trust, Homes England and Bloor Homes), will be acquired by CPO to deliver the CSC. All of the land needed to deliver the CSC is owned by the following seven (7) parties and is shown coloured pink on the CSC Order Land Maps:



LPA Area	Description	Title Absolute
HDC	Pasture land to the east and west of existing highway (including existing highway)	Land Restoration Trust
HDC	agricultural land, land sitting adjacent to development site, railway tracks, canal and land falling within or adjacent to (verge land) the highway of the existing CSC	Harlow District Council
HDC	Goodman House offices. Verge land adjacent to the offices	Essex County Council
EHDC	Public highway and part of roundabout with agricultural land either side.	Homes England
EHDC	Highway and verge land known as Eastwick Road (A414) and agricultural land adjoining the southern side of Eastwick Road	Hertfordshire County Council
EHDC	Agricultural Land, including Eastwick Lodge Farm and verge land	Places for People Developments Limited
EHDC	Verge land and amenity open space	Bloor Homes Limited or the Terlings Park Management Company following transfer

#### ***New Rights***

- 5.5 In addition to the acquisition of the land included in the Orders, new rights will be required over land owned by the following nine (9) parties to undertake the works for the CSC and allow for future maintenance.

LPA Area	Description	Title Absolute
HDC	Pasture land to the east and west of existing highway (including existing highway)	Land Restoration Trust
EHDC	Public highway and part of roundabout with agricultural land either side.	Homes England
EHDC & HDC	Canal and Stort Navigation waterways	Canal and River Trust
HDC	agricultural land, land sitting adjacent to development site, railway tracks, canal and land falling within or adjacent to (verge land) the highway of the existing CSC	Harlow District Council

HDC	Goodman House offices. Verge land adjacent to the offices	Essex County Council
EHDC	Highway and verge land known as Eastwick Road (A414) and agricultural land adjoining the southern side of Eastwick Road	Hertfordshire County Council
EHDC	Agricultural Land, including Eastwick Lodge Farm and verge land	Places for People Developments Limited
EHDC	Verge land and amenity open space	Bloor Homes Limited or the Terlings Park Management Company following transfer
HDC	Land under the railway	Network Rail
EHDC	Gas governor	GTC Pipelines

5.6 The land over which new rights are sought, pursuant to Section 13 of the Local Government (Miscellaneous Provisions) Act 1976, are shown coloured blue on the CSC Order Land Maps.

5.7 A summary of the rights required are set out in detail in the Order and annexed at Schedule 5. In broad terms, the rights that are included include:

- (a) access rights in order to construct the SIW;
- (b) rights to swing the jib of a crane, loaded or unloaded, through the airspace over the land;
- (c) rights to carry out works in connection with the investigation and remediation of the land;
- (d) rights to lay or remove services
- (e) rights to install highway and drainage infrastructure, erect retaining walls or noise structures;
- (f) rights to improve, re-plant and landscape land;
- (g) rights to alter the route of existing pedestrian and vehicular access ways;
- (h) rights to trim and lop all trees, bushes and remove other vegetation that interferes with access for maintenance purposes;
- (i) rights to use and maintain highway and drainage infrastructure; and
- (j) rights to discharge flood or surface water onto land.

5.8 The rights listed above at paragraphs (a) to (g) (inclusive) are required only during the construction of the SIW. As such, on completion of the SIW construction these rights will, in practice, be spent and incapable of future exercise.

**The ESC**

- 5.9 The land and rights needed to deliver the ESC are shown on Order Maps 1 to [2] for the EHDC Order and HDC Order (the **ESC Order Land**), and comprise:
- (a) The EHDC Order Land: xx plots, specifically X to Y, each of which is described in the EHDC Order Book of Reference
  - (b) The HDC Order Land: xx plots, specifically X to Y, each of which is described in the HDC Order Book of Reference.
- 5.10 The total length of new highway is estimated at 1.8 – 2.0 km. The ESC Order Land is approximately 26.9ha of land comprised of [xx] known plots.

**New Land**

- 5.11 Approximately xxx ha of land, acquired from eight (8) parties will be acquired permanently to deliver the ESC. All of the land needed to deliver the ESC is owned by the following ten (10) parties and is shown coloured pink on the ESC Order Land Maps:

LPA Area	Description	Title Absolute
EHDC	Agricultural land and scrubland	Mary Blanche Pope Roger James Beaumont
EHDC	Scrubland plus part of a lake and verge land	Richard Lumley Green-Wilkinson Christopher Edward Langford
HDC	Access road, verge land, parkland and scrubland	The Prudential Assurance Company Limited
HDC	Verge land and land falling within the existing highway	Harlow District Council
HDC	Industrial estate land and one industrial unit	Richard and Elaine Smith City Trustees Limited (as trustees of the Lionheart Trust)
EHDC	Scrubland plus part of a lake and verge land	Richard Lumley Green-Wilkinson Christopher Edward Langford
EHDC	Agricultural and verge land	Places for People Developments Limited
HDC	Verge land	O-I Glass Limited
HDC	Verge land	E.J. Darlington Holdings Limited (landlord) and Marshall Motor Group Limited (tenant)

LPA Area	Description	Title Absolute
HDC	Verge land. Industrial parking land	Terrence James Hill

#### ***New Rights***

- 5.12 In addition to the acquisition of land included in the Orders, new rights are will be required over land owned by the following twelve (12) parties to undertake the works and allow for future maintenance.

LPA Area	Description	Title Absolute
EHDC	Agricultural land and scrubland	Mary Blanche Pope Roger James Beaumont
EHDC	Scrubland plus part of a lake and verge land	Richard Lumley Green-Wilkinson Christopher Edward Langford (owners)  Mitchell (tenant)
HDC	Access road, verge land, parkland and scrubland	The Prudential Assurance Company Limited
HDC	Verge land and land falling within the existing highway	Harlow District Council
EHDC & HDC	Air rights over the Canal	Canal & Rivers Trust
HDC	Industrial estate land and one industrial unit	Richard and Elaine Smith City Trustees Limited (as trustees of the Lionheart Trust)
EHDC	Scrubland plus part of a lake and verge land	Richard Lumley Green-Wilkinson Christopher Edward Langford
EHDC	Agricultural and verge land	Places for People Developments Limited
HDC	Verge land	O-I Glass Limited
HDC	Verge land	E.J. Darlington Holdings Limited (landlord) and Marshall Motor Group Limited (tenant)
HDC	Verge land. Industrial parking land	Terrence James Hill

LPA Area	Description	Title Absolute
HDC	Air space over railway at River Way Bridge	Network Rail
EHDC	Crane oversailing rights	GTC Pipelines

- 5.13 The land over which new rights are sought, pursuant to Section 13 of the Local Government (Miscellaneous Provisions) Act 1976, are shown coloured blue on the Council Order Map.
- 5.14 A summary of the rights required are set out in detail in the Order and annexed at Schedule 5. In broad terms, the rights that are included include:
- (a) access rights in order to construct the SIW;
  - (b) rights to swing the jib of a crane, loaded or unloaded, through the airspace over the land;
  - (c) rights to carry out works in connection with the investigation and remediation of the land;
  - (d) rights to lay or remove services;
  - (e) rights to install highway and drainage infrastructure, erect retaining walls or noise structures;
  - (f) rights to improve, re-plant and landscape land;
  - (g) rights to alter the route of existing pedestrian and vehicular access ways;
  - (h) rights to trim and lop all trees, bushes and remove other vegetation that interferes with access for maintenance purposes;
  - (i) rights to use and maintain highway and drainage infrastructure; and
  - (j) rights to discharge flood or surface water onto land.
- 5.15 The rights listed above at paragraphs (a) to (g) (inclusive) are required only during the construction of the SIW. As such, on completion of the SIW construction these rights will, in practice, be spent and incapable of future exercise

## 6 The Purpose for which the Order Land is to be Acquired

- 6.1 The Order Land is required for the construction of the SIW, which is described below. The SIW is necessary to facilitate the development planned for the Garden Town. The Orders are needed to secure the necessary land assembly, within a reasonable timescale, in order to deliver the SIW and utilise the HIG funding within the availability period.
- 6.2 The vast majority of the land needed for the CSC is already within the existing highway or ownership of Places for People, ECC and HCC as shown on the Plan at Annexure A. Accordingly, the CPO is only needed to complete the CSC routes.

- 6.3 A significant part of the land needed for the ESC is within the existing highway or within the ownership or control of Places for People or HDC, specifically the land south of the River Stort and into Harlow via River Way and to the west of Terlings Park. However, the majority of the land needed for roads 1, 2 and 3 is within the joint ownership of two landowners (Mary Pope and Roger Beaumont) who have expressed an unwillingness to negotiate unless it is first agreed that they have a part ransom for compensation purposes. This is not and will not be agreed. Accordingly, a CPO will at least be needed to assemble the land owned by Pope and Beaumont for the ESC site. The Plan at Annexure B shows shaded the land that still needs to be acquired to deliver the ESC.
- 6.4 Negotiations with remaining landowners are continuing, with a view to acquiring the remaining interests by agreement (explained in section 7). In order to deliver the SIW it is essential that all of the remaining third party land interests, including any unknown interests, are brought into the ownership of the Councils or Developer and that all necessary rights to enable the SIW development are secured.
- 6.5 The Councils have considered the need for the land and rights within the EHDC Order Land and HDC Order Land and are satisfied that all of the land and rights included within the Order are necessary and justifiable.

## **7 East Herts**

- 7.1 The District of East Herts covers an area of 477 km<sup>2</sup> (184 square miles) and comprises around one third of the county of Hertfordshire. It is predominantly a rural district, with attractive towns and villages set in a rolling landscape. East Herts has a dispersed settlement pattern that includes the five market towns of Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth and Ware.
- 7.2 The District is also heavily influenced by the presence of major settlements beyond its boundary. The three New Towns of Stevenage, Harlow and Welwyn Garden City are located immediately on the East Herts District boundary, and there is pressure for expansion of these settlements. There are also substantial cross-boundary influences from Cambridgeshire to the north and Essex to the east.
- 7.3 East Herts is an attractive and prosperous area, which is reflected in high house prices. Residents enjoy one of the highest qualities of life in rural Britain. In particular, residents in East Herts enjoy a good level of health and life expectancy. Educational attainment is also high with students performing better in East Herts than the wider region.
- 7.4 The District is predominantly rural with a dispersed population, which creates challenges in providing a comprehensive public transport network. Many local communities are reliant on the private car as their only transport option. These impact on GHG emissions, air quality, noise, public safety and the quality of the environment in towns and villages.
- 7.5 In addition to having a need to deliver 16,390 new homes in the District by 2033, there is a need for more affordable housing. Of the 16,390 new homes allocated in the EHDC development plan, 3,600 fall to be developed with the new Garden Town Garden Communities, with the majority (3,000 homes) to be delivered in the Gilston Area by 2033. A total of 10,000 new homes will be built in East Herts as part of the Garden Town, with 7,000 homes anticipated to come forward post 2033 in the Gilston Area. Policy GA1 requires a proportion of the 10,000 homes to be affordable, in accordance with Policy HOU3.

## 8 Harlow

- 8.1 Harlow is located in the west of the County of Essex and is bordered by Epping Forest district to the south, west and east; and East Hertfordshire district (in the County of Hertfordshire) to the north. Harlow is 38km north of London and 50km south of Cambridge. It is the smallest local authority area in Essex, with a land area of 30.5sqkm and population of approximately 85,400 residents<sup>3</sup>.
- 8.2 The district has a higher than average number of lone parent households<sup>4</sup> and higher overcrowding levels compared to the rest of Essex and England<sup>5</sup>. Smoking and obesity levels in Harlow are higher than average, with physical activity rates lower than average<sup>6</sup>. Deprivation levels in the district are overall lower than the England average but high compared to most parts of Essex<sup>7</sup>. There are some variances between different parts of Harlow, with the east being less deprived than areas to the west and south. Furthermore, the district's health profile is higher than the England averages in some respects, such as smoking rates, alcohol related hospital admissions and obesity. Physical activity is also low and therefore there are overall health and wellbeing issues across the town.
- 8.3 Harlow has a high proportion of homes rented from the Council, a legacy of the Development Corporation. Harlow's property prices are lower than other parts of Essex, however the house price growth has outstripped wage increases making properties in Harlow unaffordable for many of the district's residents. The need in Harlow equates to around 3,400 new affordable dwellings over the Local Plan period.
- 8.4 The majority of Harlow's jobs are engaged in health care and social work, mainly due to the presence of Princess Alexandra Hospital, wholesale and retail and administration and support service activities. The majority of Harlow residents are employed in elementary, sales, and customer service occupations.
- 8.5 Residents of Harlow earn less than the county average and less than the average income of employees who work in Harlow<sup>8</sup>. Given the high level of self-containment in Harlow, this would suggest that higher paid jobs are being filled by those living outside of Harlow, meaning the local economy misses out on their disposable income.
- 8.6 The district's two main employment areas are located at Templefields in the north and the Pinnacles in the west.
- 8.7 Harlow Town Centre is a major employment and shopping destination with a mix of office, retail and leisure provision. It also provides an important supply of housing. The district contains five Neighbourhood Centres and several smaller local centres. They provide important local retail and other facilities for residents and can help reduce car travel and increase sustainability.
- 8.8 The district has two railway stations: Harlow Town and Harlow Mill located in the north and northeast of Harlow. They are located on the West Anglia Mainline, which links London Liverpool Street to Cambridge. This line also provides an express train from Liverpool Street to Stansted Airport, stopping at Tottenham Hale, Cheshunt, Harlow Town, Bishop's Stortford and Stansted Mountfitchet.

<sup>3</sup> Office for National Statistics, 2015 Mid-Year Estimates

<sup>4</sup> Office for National Statistics, 2015 Households and Families.

<sup>5</sup> Office for National Statistics, 2011 Census Analysis

<sup>6</sup> Public Health England, 2015 Health Profile for Harlow

<sup>7</sup> Ministry for Housing, Communities and Local Government, 2015 English Indices of Deprivation

<sup>8</sup> Office for National Statistics, 2015. NOMIS Official Labour Market Statistics

- 8.9 Harlow has only two major connections to the national road network: Junction 7 on the M11, which is the only link to the national motorway network; and the A414 at Burnt Mill, which can become severely congested at peak periods. Junction 7 of the M11, the closest junction to Harlow, is at capacity; future planned growth including that already being proposed at the London Road Enterprise Zone is dependent upon changes to the strategic road network.
- 8.10 As a new town, planned in the post war period, Harlow was designed to accommodate car usage with a roughly grid-patterned network of distributor and local roads spread across the town. However, as with other earlier planned new towns, current levels of car usage were not envisaged and this has resulted in significant local traffic congestion. The M11 Junction 7a consultation report states that: *'Harlow is severely limited by the lack of road capacity and connectivity, restricting the growth essential to provide the platform for regenerating the area.'*
- 8.11 Some of the key causes of Harlow's current highways deficiencies can be summarised as follows:
- (a) Harlow has only two major connections to the national road network: Junction 7 on the M11, which is the only link to the national motorway network; and the A414 at Burnt Mill, which can become severely congested at peak periods. Junction 7 of the M11, the closest junction to Harlow, is at capacity.
  - (b) Until the completion of junction 7a, Junction 7 of the M11 is the only local access point on the motorway network. This creates an effective pinch-point on the network as travellers from nearby villages use Harlow to access the M11.
  - (c) The significant in and out commuting to and from Harlow is reliant on the strategic road network and primarily the A414, as the main route. However, the A414 is a single carriageway for much of its section, which causes significant congestion at peak times.
  - (d) The grid pattern of roads in Harlow contain limited east west and north-south strategic routes through the town. This causes significant congestion, especially in the town centre.
  - (e) The location of employment sites in the north and south on the other side of town from the main strategic road network and the M11 creates issues of HGV traffic using more secondary roads.
  - (f) Both of the town's railway stations are located on the northern edge of the town and are largely inaccessible from Harlow despite having direct rail connections.
  - (g) Parts of the network, particularly the A414, are reaching, or are over, capacity during peak periods, constraining access to Harlow potentially stifling growth.
  - (h) The A414 presently provides the principal crossing over the River Stort and railway line connecting the original Harlow New Town with Gilston. It has very limited walking and cycling provision and presently suffers from peak period congestion
- 8.12 Since its inception, Harlow has been subject to distinct phases of growth and change. The district still faces significant challenges, including a shortage of affordable housing and a range of good quality housing stock; a highway network which is severely congested at peak times; an ageing physical environment; localised deprivation; and a skills shortage. Harlow performs poorly against comparator towns on a range of measures including employment



growth, Gross Value Added (GVA) per worker, knowledge based businesses, skills base and retail ranking. This, along with the district's tight administrative boundaries, means that Harlow's ability to meet its long-term needs are inhibited which can hinder the district's regeneration and long-term economic prospects.

8.13 The Harlow Local Plan Evidence Base demonstrates that Harlow needs housing growth to:

- (a) provide affordable and flexible housing for future population needs;
- (b) provide the critical mass needed to regenerate retail centres and other facilities;
- (c) provide attractive new homes for the workforce needed to retain and expand Harlow businesses; and
- (d) deliver major infrastructure.

## **9 Planning Policy Relevant to the Scheme**

9.1 The SIW have been identified as strategic infrastructure in the adopted development plans of the Councils and in the Garden Town documents. The EHDC District plan was adopted in August 2018 after Pre-Submission Public Consultation draft between 3 November 2016 to 15 December 2016 (following the Preferred Options Public Consultation in February 2014) and examination between October 2017 and January 2018. The Harlow District plan was adopted in December 2020 after Pre-Submission Public Consultation draft was published on May 2018 and examination between March and April 2019. As part of the evidence base for each development plan each Council published its own infrastructure delivery plan which identified the need and expected cost for the SIW. These were superseded by the Garden Town infrastructure delivery plan which was published in April 2019. It identified the expected cost for the SIW and how it would be funded.

9.2 The construction of the SIW, in accordance with the Planning Permissions, would be in accordance with the development plans of the Councils.

9.3 A comprehensive appraisal of the planning policy relevant to the SIW is set out in the Officer's report to the Councils' Development Management Committees on 22 February for EHDC and 23 February for HDC.

9.4 The strategic planning framework for the SIW includes the following key documents:

- (a) The Development Plan, which includes:
  - (i) EHDC District Council Local Plan (2018)
  - (ii) HDC Development Local Plan (2020)
  - (iii) Gilston Area Neighbourhood Plan (2021)
- (b) Other supplementary documents and guidance of material consideration include:
  - (i) The National Planning Policy Framework (2019)
  - (ii) Gilston Area Concept Framework and Council Report (2018)
  - (iii) Harlow and Gilston Garden Town Vision (2019)

- (iv) Harlow and Gilston Garden Town Infrastructure Delivery Plan (2019)
- (v) Harlow and Gilston Garden Town Transport Strategy (emerging draft)
- (vi) Hertfordshire's Local Transport Plan, 2018 – 2031 (adopted 2008)
- (vii) Essex Transport Strategy, the Local Transport Plan for Essex (adopted 2011)
- (viii) Harlow Town Centre Area Action Plan (Regulation 19 draft)

***East Herts District Plan 2018 (EHDP)***

- 9.5 The Adopted EHDP 2018 sets out the framework to guide and shape development in EHDC to 2033 and beyond. It sets a housing target of X homes and allocates the Gilston Area for 10,000 new houses in Policy GA1, with approximately 3,050 expected to be delivered during the plan period. The allocation in Policy GA1 forms part of the development strategy in the EHDP as detailed in Policies DPS1 (Housing, Employment and Retail Growth), DPS2 (The Development Strategy 2011-2033) and DPS3 (Housing Supply 2011-2033).
- 9.6 Policy GA1 (The Gilston Area) requires the development to follow Garden Town Principles, namely the creation of an integrated and accessible sustainable transport system, with walking, cycling and public transport designed to be the most attractive forms of travel.
- 9.7 Policy TRA1 (Sustainable Transport) seeks the provision and prioritisation of sustainable and active forms of travel and seeks contributions towards the provision of strategic transportation schemes. Policy TRA2 (Safe and Suitable Highway Access Arrangements and Mitigation) requires development proposals to provide safe and suitable access for all users, and that proposals should not have a significant detrimental effect on the character of the environment.
- 9.8 Policy GA2 (The River Stort Crossings) seeks the delivery of transport improvements to crossings of the River Stort, including the provision of a new vehicular, cycle and pedestrian crossing of the Stort Valley. This includes the “widening of the existing A414 crossing to enable a duelling of the northbound and southbound carriageways and provision of a new footway/cycleway, which will form part of a north-south sustainable transport corridor through Harlow”. Plus “a new vehicular, cycle and pedestrian crossing either to the east of the existing crossing (connecting the A414 to the River Way), or to the west of the existing crossing (connecting the A414 to Elizabeth Way).”
- 9.9 Paragraph 11.4.3 of the East Herts District Plan states that the Councils, HCC and ECC contemplate the need for CPOs to assemble the land needed to deliver the SIW and state that they will, if necessary, use CPO powers to bring forward works needed to support the growth and regeneration of the area.
- 9.10 Policy DEL1 requires development to demonstrate that adequate infrastructure capacity can be provided both on and off site to enable the delivery of sustainable development within the site, the locality and the wider area as appropriate.
- 9.11 Policy DPS4 makes it clear that the provision of a new crossing is needed with or without the development of the Gilston Area – the new crossing is part of the strategic infrastructure that

will be required to support the development identified in East Herts and the wider housing market area of around 19,500 homes by 2033<sup>9</sup>.

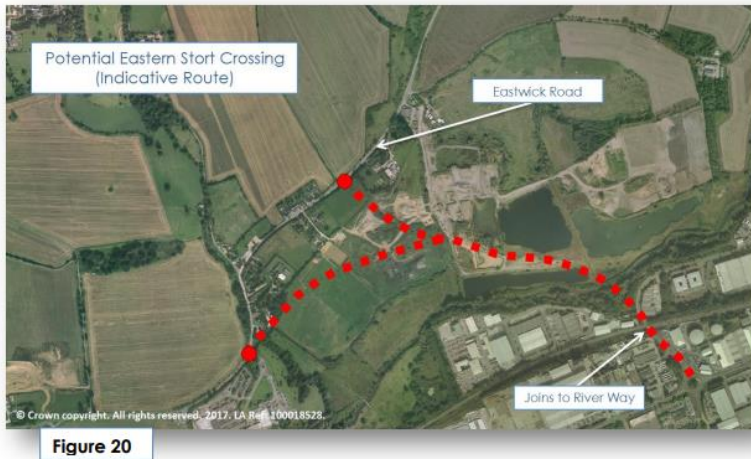
- 9.12 Paragraphs 11.4.1 to 11.4.4 of the East Herts District Plan explain that the CSC and ESC are necessary to meet the wider needs of the existing residents and businesses, and future growth. Paragraph 11.3.1 states that the A414 corridor is already under significant pressure from existing development and that proposals to increase network capacity at the existing A414 crossing were first developed by ECC in [2009]<sup>10</sup>, prior to the Gilston Area allocation and Garden Town designation.
- 9.13 The widening proposals for the CSC have evolved from a vehicular led solution to a sustainable transport scheme that is supported by a second river crossing. The allocation of the Gilston Area, alongside other planned and future growth in the Garden Town, meant that increasing vehicular capacity at existing A414 crossing would not of itself be enough to avoid severe highway impacts. It is agreed by both Highway Authorities that the ESC is necessary in conjunction with the CSC to provide the additional highway capacity required for the Gilston Area development as well as to support the growth of the wider Garden Town in and around Harlow.
- 9.14 Policy GA2 does not prescribe the location of the second river crossing. Instead, it recognises that it would be feasible for "a new vehicular, cycle and pedestrian crossing either to the east of the existing crossing (connecting the A414 to the River Way), or to the west of the existing crossing (connecting the A414 to Elizabeth Way)". The explanatory text at paragraph 11.3.2 acknowledges that a new crossing to the east or west of the existing A414 crossing would deliver different benefits.
- 9.15 At paragraph 11.3.1 of the East Herts District Plan it is stated that the Eastern option is preferred by ECC as it provides relief to junctions along the western end of the A414 Edinburgh Way in Harlow, and enhances access to the Enterprise Zone and links through, potentially, to the proposed new motorway Junction 7a.
- 9.16 The EHDC Infrastructure Development Plan (IDP) (dated February 2017) explains at paragraphs 14.11 to 14.15 that the timing for the new second stork crossing will be considered in light of the location and timing of other developments around Harlow and be dealt with through the Garden Town IDP. It also refers to the preferred location of the new second crossing being to the East of the existing central crossing at Fifth Avenue and includes a plan

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<sup>9</sup> Para 11.2.4 of the Gilston Area (Chapter 11) of the Publication Draft of the Local Plan refers to a second crossing being needed if development in the wider Harlow area, including the Gilston Area, is able to proceed without causing unacceptable congestion in Harlow and the surrounding towns and villages, as well as the wider strategic transport network.

<sup>10</sup> The explanatory text to GA2 at paragraph 11.3.1

at Figure 20 showing the indicative route of the ESC.



- 9.17 EHDC Policy CFLR9 (Health and Wellbeing) requires development to provide necessary infrastructure to encourage physical exercise and health, including through safe, well promoted walking and cycling routes.

**Harlow Local District Plan 2020 (HLDP)**

- 9.18 The adopted HLDP 2020 sets out the framework to guide and shape development in Harlow to 2033 and beyond. The Plan acknowledges in Policies HGT1 (Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town) and SIR1 (Infrastructure Requirements) that the Spatial Development Strategy will underpinned by “the timely provision of infrastructure necessary to support development in the Harlow and Gilston Garden Town”, with development phased over the Local Plan period to ensure that the correct levels of infrastructure are provided. Policy SIR1 of the HLDP identifies ‘infrastructure items which require safeguarding or have a land use implication’ including:

- SIR1-1 North-South Sustainable Transport Corridor and River Stort Crossing to Eastwick Roundabout;
- SIR1-2 East-west Sustainable Transport Corridor;
- SIR1-3 Second River Stort Crossing at River Way;

- 9.19 In contrast with Policy GA2, the HLDP recognises and fixes the eastern option as the only option for the new crossing. It does so by reference to a dashed red line, labelled SIR1-3, to the east of the CSC on the HLDP Policies Map Policy SIR1 referring to a "Second River Stort at River Way" and Policy SIR2 referring to the "Eastern Stort Crossing which enters Templefields Employment Area at River Way". .

- 9.20 Policy L4 (Health and Wellbeing) require inter alia developments to provide infrastructure to encourage physical exercise, including walking and cycling. Policy IN1 (Development and Sustainable Modes of Travel) requires development to create a step change in modal shift by contributing to the delivery of sustainable transport corridors and establishing an integrated,

accessible and safe transport system which reduces car use and maximises active and sustainable travel, to promote healthy lifestyles, and to provide linkages between communities.

- 9.21 Policies HGT1 (Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town) and IN1 (Development and Sustainable Modes of Travel) require development to create a step change in modal shift by contributing to the delivery of sustainable transport corridors and establishing an integrated, accessible and safe transport system which reduces car use and maximises active and sustainable travel, to promote healthy lifestyles, and to provide linkages between communities.
- 9.22 Policy SIR2 (Enhancing Key Gateway Locations) identifies the ESC where it enters Templefields Employment Area as a key gateway location which should be seamlessly integrated within the wider transport and green infrastructure network of Harlow. Policy IN2 (Impact of Development on the Highways Network Including Access and Servicing) states that development must not cause severe residual impacts on highway congestion and movement, and should not cause a detrimental impact on the safety of all highway users.
- 9.23 Paragraph 2.44 of the HDP recognises that major infrastructure enhancements are required to attract investors, businesses and therefore to improve economic aspirations in Harlow

#### ***Gilston Area Neighbourhood Plan***

- 9.24 Paragraph 29 of the NPPF states that Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Paragraphs 30 of the NPPF explains that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently
- 9.25 Policy AG8 (Minimising the Impact of Traffic and New Transport Infrastructure on Existing Communities) of the Gilston Area Neighbourhood Plan 2021 is the principal policy related to transport infrastructure. Objectives relate to minimising the impact of new transport infrastructure on existing communities, including from impacts such as air quality and noise. Proposals are expected to minimise impacts on heritage assets and the natural environment, including through the prevention of pollution. Construction and Environmental Management Plans are to be prepared along with a monitoring and management regime to address issues that may arise through the construction or operation of the development.
- 9.26 Policies TRA1 (Sustainable Mobility) and TRA2 (Access to the Countryside) of the Gilston Area Neighbourhood Plan require developments to provide an extended network of safe and where possible, separated footpaths, cycle ways and bridleways integrated with the existing wider Public Right of Way network. The preamble to Policy TRA2 includes specific reference to the river crossings, despite the SIW not being included in the Policy itself.

#### ***Concept framework***

- 9.27 The Concept Framework identifies the SIW but acknowledges that an alternative crossing development to the west can be provided if necessary<sup>11</sup>.

#### ***Garden Town Documents***

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<sup>11</sup> at paragraph 6.15 of the Gilston Area Settlement Appraisal

9.28 The Garden Town IDP recognises that:

- (a) STCs will form a strategic network of routes, principally, north-south and east-west across the Garden Town, connecting the new neighbourhoods and villages to Harlow Town Centre, the existing neighbourhoods of Harlow new town and key locations including the railway stations and employment areas. This network will provide dedicated routes for public transport as well as cycling and walking.
- (b) The STC network is a key intervention necessary to achieve the 60% modal split for the Garden Town communities.
- (c) The HIF bid to Homes England identified sections of the STC network as forming part of the network required to support the comprehensive and sustainable growth of the Garden Town. The Grant is a means to support the delivery of the STC network both directly (through funding sections of the network) and indirectly (from forward funding that will enable a rolling infrastructure fund to be set up and developer contributions recovered for HIF-funded infrastructure).
- (d) the River Stort Crossings are a combination of highway capacity improvements required for the Garden Town developments, and infrastructure that is necessary to enable provision of active, healthy sustainable connectivity in order to achieve the mode share targets within the Garden Town.
- (e) The proposed new ESC will primarily provide new highway capacity in the Harlow area connecting existing sections of the A414 strategic highway network as well as local roads and key locations within the Garden Town and its environs, including the Gilston Area allocation, existing neighbouring villages and the Harlow Enterprise Zone and employment areas. The route will also serve a function in supporting active, healthy sustainable travel through dedicated footways/cycleways and could support highway based public transport routes.
- (f) The ESC is a strategic highway mitigation that will support the growth of the Garden Town. Even with the achievement of the travel modal targets, additional highway journeys will still be generated by the Garden Town growth, particularly of an inter-urban nature, such as between the Garden Town and the Hertfordshire towns of Hertford, Ware, Sawbridgeworth, Bishops Stortford, Hoddesdon and Broxbourne as well as further afield.
- (g) Works including the realignment of the existing Eastwick Road carriageway and a bypass of the existing properties in Pye Corner would provide interim highway measures which would mitigate negative impacts of traffic seeking to enter/exit Harlow from the north and would also complement the access strategy for the Gilston Area allocation including the eastern most development access point.

9.29 The provision of the CSC and ESC is 'critical infrastructure' which is defined as '*that which must happen in order for development to proceed. It most commonly involves connections to transport and utility networks. It is usually triggered by the commencement of development activity*'.

9.30 The Garden Town Vision contains key principles for healthy growth, including 'Sustainable Movement'. The four Sustainable Movement principles are:

- (a) Revitalising the walking and cycling network;

- (b) The value of place: Changing the character of roads to streets;
  - (c) Integrated transport: a viable and preferred alternative to cars and to achieve a modal shift; and
  - (d) Anticipating change and future proofing infrastructure.
- 9.31 The Vision also identifies key new modes of travel into and out of the Garden Town, including the Stort Crossings, as being essential to the success of the Garden Town and sets the objective that 50% of all trips originating within the Gilston and Harlow Garden Town area should be by sustainable active travel modes, with a target of 60% for new villages and neighbourhoods. This target is continued through to the emerging Harlow and Gilston Transport Strategy.
- 9.32 The Garden Town Design Guide, written to support the Vision, sets out the expectations and aspirations for the delivery of high quality and sustainable development, including in the Gilston Area. Among other things, the Design Guide states that: *'New, safe cycling and walking crossings across the A414 should be explored, connecting into Harlow Town Centre and the train station where appropriate'*; and *'Attractive, safe and convenient cycling and walking links should be provided between the villages, to the Stort Valley, to the town centre, Harlow Town railway station and employment locations'*.
- 9.33 The Garden Town Transport Strategy (consultation draft, January 2019) sets out three objectives:
- (a) Achieve a target where 60% of all journeys within the new Garden Town Communities, and 50% of all journeys across Harlow, will be undertaken by sustainable modes
  - (b) Mobility options will be based on a hierarchy of importance: i) Reduce the need to travel ii) Walking and cycling iii) Public transport iv) Private vehicles
  - (c) Support and encourage a culture of active and sustainable travel ensuring all journeys will be efficient and safe.
- 9.34 The Garden Town Transport Strategy envisages two primary STCs, these will run north to south, and east to west connecting the central area of Harlow with the development areas at Gilston, East of Harlow, Latton Priory and Water Lane. The CSC forms part of STC Corridor 1: North – Town Centre to Gilston and links the Gilston Villages with Harlow town centre. The ESC connects into STC Corridor 3: East - Town Centre to East Harlow and links the Gilston Villages to the Templefields employment area and on to Harlow Mill station.

***[HCC transport documents]***

[Insert section on A414 corridor and mass transit study]

***National Planning Policy Framework***

- 9.35 The National Planning Policy Framework (NPPF) (last updated 20 July 2021) sets out the Government's policies on planning and how these are expected to be applied. The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to sustainable development: economic, social and environmental and that planning authorities should seek opportunities to achieve the promotion of these dimensions. For plan-making this means that all plans

should, among other things, promote a sustainable pattern of development that seeks to meet the development needs of their area and align growth and infrastructure.

- 9.36 Paragraphs 110 to 113 (section 9) of the National Planning Policy Framework (NPPF) 2021 relate to the consideration of development proposals in the context of promoting sustainable transport. Key principles include ensuring opportunities to promote sustainable transport modes are taken, safe and suitable access can be achieved, significant impacts on the transport network in terms of capacity and congestion can be acceptably mitigated, priority is first given to pedestrian and cycle movements and secondly to public transport use. The SIW are in accordance with the NPPF in terms of the emphasis on promoting sustainable transport.
- 9.37 Paragraph 73 of the NPPF recognises that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). It explains that in identifying suitable locations for such development local planning authorities should (among other things):
- (a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains; and
  - (b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access.
- 9.38 Paragraphs 104 to 106 of the National Planning Policy Framework (NPPF) 2021 promotes consideration of sustainable transport solutions at the plan-making stage with paragraph 105 explaining that the planning system should actively manage patterns of growth and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The NPPF recognises that this can help to reduce congestion and emissions, and improve air quality and public health. Paragraph 106 recognises that planning policies should
- (a) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned
  - (b) identify and protect sites and routes where they could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development.
  - (c) provide for any large scale transport facilities that need to be located in the area<sup>44</sup>, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements; and
- 9.39 Paragraph 121 of the NPPF also recognises that local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting



development needs. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.

## **10 The Councils' Power to Acquire Land Compulsorily**

- 10.1 In accordance with the Guidance, the purpose for which an authority seeks to acquire land will determine the statutory power under which compulsory purchase is sought. Paragraph 11 advises that acquiring authorities should look to use 'the most specific power available for the purpose in mind, and only use a general power when a specific power is not available.'
- 10.2 Compulsory purchase powers are available under the Highways Act 1980, exercisable by the local highway authorities, which might in principle be available for delivery of the SIW. The Councils have explored whether the local highway authorities, HCC and ECC, would be willing to exercise their land acquisition powers to assemble the remaining land needed to deliver the SIW. HCC and ECC have confirmed that, whilst they are supportive of the SIW and are willing to provide their land to enable the delivery for SIW, they are not willing to exercise their compulsory purchase powers to acquire the Order Land because they do not consider the use of the Highways Act 1980 power would be appropriate because the CPOs will not be delivering the SIW as a Highway Authority promoted scheme. Both HCC and ECC consider planning CPO powers under the 1990 Act to be more appropriate to acquire the Order Land given how the need for the SIW has arisen and the Garden Town as the scheme of development underlying the CPOs. The CPOs in this case are being used to assemble land necessary to implement proposals in the Councils' local plans and where strong planning justifications for the use of the power exist, in line with the Guidance. This is not a case where a more appropriate power than that under the 1990 Act exists. Those planning CPO powers under the 1990 Act are more restricted in their use than those under the Highways Act 1980, involving additional statutory and policy-based hurdles, and so the justification required for a CPO under the 1990 Act will be more demanding than under the Highways Act 1980.
- 10.3 Section 226 (1) (a) of the 1990 Act enables the Council to acquire land compulsorily in order to facilitate the carrying out of development, redevelopment or improvement on or in relation to land in its area. Section 226 (1)(a) is subject to sub-section (1A) which provides that the Council must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic and/or social and/or environmental wellbeing of its area.
- 10.4 Acquisition of the Order Land is necessary in order to implement the SIW. The SIW will make a significant contribution to the environmental, social and economic well-being of each of the Councils, as well as the Garden Town generally, meeting the objects of Section 226 (1A) of the 1990 Act.
- 10.5 The Councils consider that the use of section 226(1) (a) is appropriate as the acquisition of the Order Land is necessary to implement the development of the SIW themselves and to deliver the development and spatial strategy in their respective local plans, which includes a number of the new Garden Communities and other development in the Garden Town, which depend on the SIW.

- 10.6 Section 13 of the 1976 Act enables the Council to acquire any such new rights over the land as are specified in the Order. New rights are required for the delivery of the SIW and their subsequent maintenance.
- 10.7 Paragraph 95 to Section 1 of the Guidance explains that the Section 226 powers in the 1990 Act are intended to provide a positive tool to help acquiring authorities with planning powers assemble land where this is necessary to implement proposals in their Local Plan. In the case of the SIW, the main relevant Local Plan policies are policies GA2 and SIR1.
- 10.8 The Guidance provides advice to acquiring authorities on the use of compulsory purchase powers and the Councils have taken full account of this Guidance in making the Orders.
- 10.9 Places for People and the Councils have been successful in acquiring a substantial part of the Order Land by agreement and as outlined in paragraph X already own or control, alongside HCC and ECC, much of the land needed for the SIW including most of the land needed for the CSC. However, it will not be practicable to agree terms for the acquisition of all of the remaining interests in the Order Land to ensure land assembly and enable delivery of the SIW within a reasonable timeframe (bearing in mind the position with the HIG) or at all. This is particularly the case given there are unknown interests.
- 10.10 Having regard to the nature of the proposals and the advice set out in the Guidance, the Councils are satisfied that the use of their compulsory purchase powers under Section 226(1)(a) of the 1990 Act is justified in order to achieve its objectives.

## **11 Purpose and Justification for use of compulsory powers**

- 11.1 In accordance with the timetable agreed as part of the HIG funding, the Councils are seeking to enable the delivery of the CSC by xxx and ESC by xx . This will not be possible without first assembling all of the land needed for the CSC and ESC.
- 11.2 The CSC is anticipated to take two and a half years to design and construct, including survey and enabling works. The ESC will be delivered in phases and is expected to take three years to design and construct (a design period of circa 2 years with 18-24 months recommended for construction of Road 1 and Road 2 followed by road 3).
- 11.3 The proposed delivery date for the ESC under the HIG contract is sooner than anticipated under the HGGT IDP, which simply forecast delivery by the end of the plan period being 2033 on the assumption that approximately 3,000 homes would be delivered in the Gilston Area by that time, in addition to the surrounding growth. The timing for the delivery of the ESC depends on the availability of funding.
- 11.4 The need for the SIW is explained at section 3 above.
- 11.5 The development of the SIW will contribute to the achievement of the well-being objects specified in Section 226(1A) of the 1990 Act as explained in section 5 above, as well as other wider benefits.
- 11.6 The proposals for SIW comply with existing planning policy of the Councils, the NPPF and existing and emerging Garden Town documents, as explained in section 4 above.
- 11.7 Places for People own or have right to purchase a large proportion of the SIW. Places for People have agreed to (i) forward fund and deliver the SIW and (ii) dedicate to the relevant highway authority any SIW and underlying land that falls within its ownership on practical completion of the SIW. The planning agreement for the outline application shall prescribe the

timeframe for delivery of the relevant of SIW such that it will not be possible to occupy more than 5,000 homes in the Gilston Area until all components of the SIW have been delivered by Places for People.

- 11.8 HDC, HCC and ECC each own freehold land that is needed to deliver the SIW. ECC and HCC, as highway authority, also control land falling within the Order Land where the underlying freehold is registered to another party. HDC, HCC and ECC have each agreed to provide Places for People with a right to access and develop the SIW on their land and to dedicate to the relevant highway authority any SIW and underlying land that falls within its ownership on practical completion of the SIW.
- 11.9 The Councils agree that any remaining interests in the Order Land that are acquired by them (either voluntarily following the making of the Orders or compulsorily following confirmation of the CPOs) will be made available to Places to People so to enable the delivery of the SIW. Following the completion of the SIW and the dedication of any required land to the relevant highway authority, there will be a limited number of small areas of land that can be returned to the original owners free of charge. These small areas of land are needed during the construction of the SIW for a prolonged period of time but not on a permanent basis.
- 11.10 Paragraph 106 (Tier 2) of the Guidance sets out the particular factors which the Secretary of State will take into account in deciding whether to confirm an order under Section 226(1)(a) of the Town and Country Planning Act 1990, namely:
- (a) whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the NPPF;
  - (b) the extent to which the proposed development is likely to contribute to the achievement of the promotion of improvement of the economic, social or environmental well-being of the area;
  - (c) whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means; and
  - (d) the potential financial viability of the Scheme for which the land is being acquired. A general indication of funding intentions, and to any commitment from third parties will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the Scheme will proceed.

Each of these are considered below.

#### **Development is Consistent with the Planning Framework**

- 11.11 As articulated in Section 4, the CSC and ESC are both allocated infrastructure in the recently adopted development plans of both Councils (GA2 for EHDC and SIR1 for HDC), in addition to being identified as critical strategic infrastructure in all of the Garden Town documents for the delivery of the Garden Town. The delivery of the Garden Town is also supported by National Planning Policy.
- 11.12 The Councils are therefore satisfied that the Scheme, and the SIW to facilitate it, are both in accordance with the strategic objectives of national and local policies set out in the adopted Development Plans of the Councils and other emerging planning policy documents.

**Contribution to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area**

11.13 The SIW will promote or contribute to the economic, social and environmental well-being of each of the Councils. The specific well-being benefits for each Council are discussed below.

Harlow

11.14 The delivery of the SIW on the land being acquired by HDC will lead to the following economic well-being benefits in Harlow area:

- (a) making Harlow Town Centre readily accessible to new residents in the Gilston Area, as well as the existing communities at Eastwick, Hunsdon, Terlings Park and Pye Corner, whether by foot, bicycle and public transport via the new footbridge and northern part of the north-south STC. This will lead to new and more frequent visitors to and increased spending in the Harlow Town Centre, resulting in more money flowing through the local economy of Harlow.
- (b) via the provision of the ESC making the Enterprise Zone readily accessible to new residents in the Gilston Area, as well as the existing communities at Eastwick, Hunsdon, Terlings Park and Pye Corner, whether by foot, bicycle and public transport. This will attract new businesses to the Enterprise Zone, resulting in more money flowing through the local economy of Harlow.
- (c) the northern part of the north-south STC which will help to better connect Harlow Town Centre to Harlow train station. This will assist in attracting new businesses to Harlow which will in turn:
  - (i) lead to increased spending in Harlow Town Centre, which will assist with its regeneration; and
  - (ii) create greater choice of and more employment opportunities in Harlow, which is expected to improve the living standards of a number of existing residents
- (d) predominantly via the ESC, create new transport capacity on the transport network which will facilitate the development 4,297 homes<sup>12</sup> in Harlow, located at the East of Harlow Garden Community and another 21 individual sites in Harlow. The development of these new homes will lead to:
  - (i) increased economic activity in Harlow by reason of increased employment and expenditure during the construction phase of the various sites in Harlow; and
  - (ii) increased public finances through factors such as the New Homes Bonus, and Council tax receipts for Harlow;
- (e) create new construction jobs for the 2 and 3 year build periods for the CSC and ESC respectively, and provide opportunities for apprenticeships which will prioritise local people. The CSC and ESC consents each have a planning condition that requires an employment and skills plan to be prepared and implemented which, among other

<sup>12</sup> East of Harlow – 3,350 units, plus 21 smaller sites allocated in Harlow for a total of 1,147 dwellings

things, prioritises the employment of local people from Harlow in connection with the construction of the SIW.

- 11.15 The delivery of the SIW on the land being acquired by HDC will lead to the following environmental well-being benefits in Harlow:
- (a) less reliance on private vehicles by Harlow residents commuting out of Harlow and commuters travelling into Harlow Town Centre on account of the northern end of the north-south STC providing bus priority between the Harlow Town Centre and Harlow Station;
  - (b) a reduction in traffic congestion and resulting pollution in Harlow Town Centre on account of the ESC allowing traffic from EHDC to connect with the M11 without having to travel through Harlow;
- 11.16 The delivery of the SIW on the land being acquired by HDC will lead to the following social being benefits in Harlow:
- (a) a reduction in travel times between the Harlow town centre and Harlow town station through the creation of the northern part of the north-south STC in Harlow district;
  - (b) the ESC will remove traffic from other central areas of Harlow, reducing the levels of congestion on the network in Harlow;
  - (c) enabling the delivery of new housing in the Garden Town, including at least 4,297 homes in Harlow. This will lead to range of dwelling sizes and affordable homes, which will help to create a strong and balanced community in Harlow;
  - (d) the ESC proposal includes the replacement of two small bridge decks that connect the canal towpath and river footpath to the Mead Park Industrial Estate to the south. This path is currently poorly signposted and is very narrow, with poorly maintained footbridge structures. The replacement of these structures will assist in providing enhanced pedestrian access to the Stort Valley in this location.
  - (e) deliver a full replacement of the deteriorating River Way Bridge and potentially also Harlow Railway Bridge (depending on the outcome of its integrity following future structural assessments) to meet safety standards and provide longer-term resilience to the network in Harlow. Further, the structural elements of both Crossings will be constructed using resilient and robust materials that have minimal maintenance requirements and are designed so they can be easily accessed for maintenance purposes, reducing the need for future road closures and traffic delays in Harlow.

#### EHDC

- 11.17 The delivery of the SIW on land being acquired by EHDC will lead to the following economic well-being benefits in EHDC's area:
- (a) the creation of new transport capacity on the network which will facilitate the development of the new Garden Communities, including 10,000 homes and the equivalent of up to 5ha of employment floorspace in the Gilston Area. The Gilston Area development will:

- (i) lead to increased economic activity by reason of increased employment and expenditure during both the construction and operational phases of the Gilston Area;
  - (ii) result in increased public finances for EHDC through factors such as the New Homes Bonus, Council tax receipts and business rates;
- (b) create new construction jobs for the 2 and 3 year build periods of the CSC and ESC respectively and provide opportunities for apprenticeships for local people. The CSC and ESC consents each have a planning condition that requires an employment and skills plan to be prepared and implemented which, among other things, prioritises the employment of local people from EHDC in connection with the construction of the SIW.

11.18 The delivery of the SIW on land being acquired by EHDC will lead to following environmental well-being benefits in EHDC's area:

- (a) improved air quality due to less reliance on the private vehicle by the existing communities at Eastwick, Hunsdon, Gilston, Terlings Park and Pye Corner due to new and improved bus, pedestrian and cycle links into Harlow and the Harlow Enterprise Zone and beyond;
- (b) Road 1 and Road 2 of the ESC, once constructed, will function as a bypass to Pye Corner and enable Eastwick Road traffic to be re-routed away from Pye Corner and the village of Gilston. Eastwick Road is proposed to be closed as part of traffic calming to remove through traffic from Pye Corner and Gilston. The removal of through traffic will improve the noise environment within the heart of Gilston and Pye Corner;
- (c) an enhanced environment for walking and cycling in Pye Corner as it will allow vehicle access for residents only;
- (d) the new Gilston Area Garden Communities achieving the 60% mode share target;
- (e) encourage a shift to more active and sustainable forms of travel for the residents of the Gilston Area and existing communities at Eastwick, Gilston, Hunsden Terlings Park and Pye Corner.
- (f) Road 1 and Road 2, once constructed, will function as a bypass to the Pye Corner residential area and enable Eastwick Road traffic to be re-routed away from the front of properties in Pye Corner in the village of Gilston resulting in a reduced noise environment for the residents of Pye Corner.
- (g) improvements will be made to the Grade II listed footbridge as part of the ESC development, but subject to the terms of the separate listed building consent
- (h) a reduced noise environment for a number of residents at Terlings Park through the provision of provision of acoustic barriers and landscaping buffering.

11.19 The delivery of the SIW on land being acquired by EHDC will lead to the following social well-being benefits in EHDC's area:

- (a) new and improved pedestrian and cycle links into Harlow which the existing communities at Eastwick, Hunsden, Gilston, Terlings Park and Pye Corner can use.

These routes will be segregated, well-lit and will be designed to assist with commuter use into Harlow and the Templefields enterprise zone;

- (b) enhanced capacity for public transport through the creation of new bus lanes on the CSC;
- (c) the improvements to the CSC and the delivery of a new ESC will provide a more direct traffic route from the A414 for the existing communities at Eastwick, Gilston, Hunsden, Terlings Park and Pye Corner to use when travelling toward Junction 7a of the M11 and the Harlow enterprise zones. This will enable Harlow Town Centre to be bypassed and will reduce the level of existing congestion and travel time for residents;
- (d) provide user-controlled signalised crossing points that will make crossing the CSC carriageways safe and accessible for all persons, including for the disabled;
- (e) improved connections from the existing CSC down into the valley, connecting into the Stort Navigation Towpath and also to the Parndon Moat Marsh Local Wildlife Site/ Local Nature Reserve;
- (f) the ESC proposal also includes a new footpath and small bridge deck across Fiddlers Brook to connect Terlings Park to Footpath 029, providing an alternative walking route between the Terlings Park and Pye Corner residential areas which avoids the use of the signalised crossings provided on Road 1.
- (g) increased regularity of bus services and sustainable travel options for existing communities at Eastwick, Gilston, Hunsden, Terlings Park and Pye Corner, travelling to Harlow town centre, Harlow Station and employment zones in the east of Harlow;
- (h) the CSC will provide two new routes from the footway down into the river valley via steps to connect to the Stort Navigation towpath and to link to existing Public Rights of Way (PRoW) within the valley for recreational purposes.
- (i) The CSC also proposes a new gravel footway link from the Village 1 STC junction to Cat Lane in the west along the southern side of the A414. This route is not intended for regular footfall but represents an enhancement to an informal route.
- (j) At the northern end of the CSC, the existing roundabout at the A414 / Eastwick Road is to be replaced by a multilane four-arm traffic signal controlled junction, including at-grade signal controlled cyclist and pedestrian crossing facilities on each arm enabling movement in every direction. This is a significant improvement to the current situation where there is one poorly defined narrow path immediately adjacent to the kerb with no waiting space and no protection at the central reservation between east and west carriageways west of the current roundabout

11.20 For the above reasons, the well-being tests set out in Section 226(1A) are fully satisfied in respect of the CPOs as made and submitted for confirmation.

***Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.***

11.21 The Order Land is being acquired to deliver the SIW. The SIW are necessary to create new transport capacity to help facilitate the provision of sustainable transport corridors and so to facilitate the realisation of the Garden Town. It is the planned housing and employment

growth of the Garden Town that gives rise to the need for the SIW. As such, any alternative to the SIW would need to be able to facilitate the realisation of the Garden Town.

- 11.22 The Councils have undertaken a comprehensive investigation into the objective of the SIW and appropriateness of other options and have determined that the SIW as proposed is the only means to achieve the underlying objective of the SIW - the realisation of the Garden Town. Further, the SIW is the only means for the Councils to deliver their respective spatial development strategies. The Councils have summarised below the reasons why the purpose for the SIW could not be achieved through an alternative proposal or at an alternative location that has less of an impact on third party land.
- 11.23 The ES, the ES Addendum, CSC Options Report, ESC Options Report, the CSC Options Addendum and ESC Options Addendum provide further detail on the locations and designs considered as part of the SIW proposals.

The objective of the SIW and need for a Second River Crossing

- 11.24 The need for each element of the SIW is explained in section [3].
- 11.25 As recognised by the local plans of both Councils, the existing River Crossing at Fifth Avenue is already significantly congested and there is a need for a second crossing across the River Stort to increase capacity on the highway network to accommodate the Garden Town as part of the spatial strategies of the Councils. It will not be possible to achieve the necessary extra capacity needed for the Scheme through improvements to the CSC alone, even if that was delivered alongside other highway enhancements, interventions or public transport based solutions. This was demonstrated through modelling undertaken by ECC in 2014 as part of the EHDC local plan evidence base. Significantly, that modelling concluded that a second River Crossing was required alongside the new junction 7A on basis of 16,000 new homes within the overall Harlow area (which now forms part of the Scheme). The same conclusion was reached by Peter Brett and Associates in 2015 its East Herts Strategic Sites Delivery Study and AECOM in its Strategic Sites Assessment Study for HDC in 2016.
- 11.26 At the time of the ECC modelling the proposals to widen the CSC did not envisage the creation of a specific sustainable transport corridor. However, modifications to the CSC to incorporate the STC do little to increase the level of capacity it provides such that the CSC could not facilitate the planned growth in the Scheme without a new second River Crossing. This was confirmed by the modelling undertaken in 2019, in connection with the transport assessments for the Gilston Area. Even with the CSC incorporating a STC and a separate walking and cycling footbridge, the most growth that the CSC was capable of accommodating alone, alongside other proposed highway improvements schemes, was 3,500 new homes. This additional capacity is insufficient to facilitate the new Garden Community in the Gilston Area, let alone the Garden Town. It is the second crossing across the River Stort that provides the additional highway capacity necessary to enable the planned growth of the Scheme, taken with the CSC. This second River Stort crossing is also critical to the successful operation of the STC and the achievement of the mode share targets, as without it there would be no re-diverting of vehicles to relieve the congestion on the CSC and STC into Harlow, which would have result in negative effects on journey times and bus reliability.
- 11.27 Consideration has also been given to whether the ESC could be delivered without the CSC and still facilitate the Scheme. As has been explained, the CSC forms part of the North-South STC which is a key element in delivering a sustainable Garden Town that achieve the mode share targets. The purpose of the ESC is to relieve traffic from the CSC and other parts of central Harlow, which would enable the CSC to operate as part of the North-South STC. If



the proposed improvements to the CSC were not carried out as part of the SIW, then the Scheme would not be capable of being delivered because:

- (a) the failure to deliver the northern part of the North-South STC would significantly undermine the effectiveness of the Garden Town STC network, as the new Garden Community in the Gilston Area is the largest strategic site and would be without a direct connection to the STC network;
- (b) sustainable travel would not be the most advantageous form of travel in the new Garden Community in the Gilston Area and it is likely that this new community would take up more of the capacity on the ESC as a result, reducing the capacity for other development;
- (c) the new Garden Community in the Gilston Area would be unlikely to achieve its mode share target of 60% sustainable travel;
- (d) the failure to deliver the northern part of the North-South STC would mean that there is not a direct STC connection to Harlow Town Station which would also undermine the ability for the existing communities in the Garden Town to achieve the 50% mode share target.

#### The Strategic Location of the Second River Crossing

11.28 Six locations for the second river crossing have been considered since 2009, with three being to the west of the existing crossing at Fifth Avenue and three to the east of it. These options narrowed down to one preferred Eastern location and one preferred Western location based on the following criteria: (a) transport; (b) environment; (c) impact on the Masterplan for the new Garden Communities; (d) impact on third party owners; and (e) deliverability. Deliverability incorporates things such as cost, buildability and impact on the residual development potential of the land.

11.29 The proposed location for the Western crossing starts at village 6 of the Gilston Area and pass south over the existing floodplain and railway on structure before joining to the A1169 (Elizabeth Way) at a roundabout. Whilst the western location is recognised as an option for the second river crossing in GA2, this would not facilitate the full delivery of the Scheme which includes the employment growth in the Harlow Enterprise zones. The western option is also expected to have a generally similar land take area to the eastern, in addition to being inferior overall to the Eastern location because:

- (a) the Western option results in the least benefit in terms of diverting traffic from the CSC and A414 route and therefore resulted in a higher level of traffic congestion on the local road network and in the Harlow urban area;
- (b) the traffic heading towards the M11 Junction 7 would be diverted to routes to the west and south of Harlow with a Western option and traffic modelling showed that this diverted traffic would assign along Southern Way (A1169) which concerned Highway Authorities
- (c) the overall environmental impacts of the Eastern crossing were less, including a reduced impact on heritage assets. Natural England said that the air quality impacts arising from the introduction of the new Western crossing, within and adjacent to existing LWSSs, would be difficult to mitigate;

- (d) the Eastern option would require the demolition of properties;
- (e) the Eastern option provides relief to junctions along the western end of the A414 Edinburgh Way in Harlow and a direct link to the Temple Fields Employment Area, Harlow Enterprise Zone and M11 Junction 7a whilst the Western option provides a link only to the Pinnacles employment area; and
- (f) the Eastern option will be able to support future and post plan growth, such as the relocated the Princess Alexandra Hospital (which is to be to the East of Harlow near the M11 Junction 7a) and the potential future Harlow bypass.

#### 11.30

The March 2017 EHDC Topic Paper TPA/006 Transport, provided a summary of modelling undertaken that included the Eastern crossing location (Phase 2 as shown in Figure 5.2 of document). This noted that the Eastern Crossing "delivered significant flow changes when compared to Phase 1, particularly within Harlow itself. The western end of the A414 Edinburgh Way, and the existing A414 Stort Crossing between Eastwick and Burnt Mill roundabouts showed reduced flows which would enable the provision of a 'Sustainable Transport Corridor' utilising one of the lanes on the existing Stort Crossing"

- 11.31 A transport assessment carried out by Momentum in December 2016 was submitted as part of representations at the EHDC local plan. It carried out an assessment of the western and eastern options before concluding that the eastern was preferred. The alignment of the ESC is broadly consistent with the eastern alignment in that assessment.

#### The specific route of the SIW

#### CSC

- 11.32 The widening of the existing River Crossing at Fifth Avenue is supported by policy GA2 and has the least impact in land take terms.

11.33 Studies undertaken by both ECC and Places for People concluded that widening the western side was preferred for engineering and deliverability reasons. This is because it would not be possible to provide the crossing to the east and still provide the full width for sustainable modes without affecting Goodman House at the southern end of the crossing.

11.34 Some of the other advantages of the current CSC proposal compared to a separate nearby structure to the east or west of the existing crossing include:

- (a) it ties into the next element of the North-South STC to the south of Burnt Mill Roundabout and therefore provides continuity of route;
- (b) it provides access to Harlow station via the existing crossing's connection to Station Road;
- (c) it has lowest environmental impacts, including being less visually intrusive than a separate structure,
- (d) the existing junctions at the end of the CSC (Eastwick and Burnt Mill) can be enhanced to provide access to the CSC for buses and general traffic, which will also unlock some of the existing congestion on the network for vehicles in addition to creating a sustainable transport corridor;
- (e) it will help to encourage active and sustainable travel from the Gilston Area due to providing the most direct and shortest route for pedestrians and cyclists into Harlow Town Centre; and
- (f) no property demolition would be required.

#### ESC

11.35 The ESC route:

- (a) uses the exiting crossing of the railway line (albeit with a replacement bridge) and avoids the need for any property demolition;
- (b) bypasses Pye Corner and offers relief to those residents;
- (c) retains the Grade II listed building Fiddler's footbridge and maintains existing pedestrian connectivity either side of Fiddler's Brook footbridge between Terlings Park and Pye Corner
- (d) provides access into the Gilston Area via Village 2; and
- (e) provides a connection between the existing Eastwick Road east of the existing Eastwick roundabout and River Way.

11.36 The specific alignment for the ESC has been informed by extensive consultation with the existing communities and highway authorities, as well as environmental considerations and the objective of minimising the land take needed from third parties. Several route options were assessed for the ESC, relating to the geometric alignments for Roads 1 and 2 and the Central Roundabout. These options included the ESC alignment promoted by landowners Mary Pope and Roger Beaumont at the EHDC local plan examination, with the main difference between the route promoted by the landowners and the current ESC proposal being the alignment of Road 1. The alignment promoted by landowners followed the edge of the surface plateau of the former landfill site whereas the ESC design has the crossing

travelling along the top of the plateau and allowing for a dig and replace solution to get a stable formation over the former landfill site. Critically, the landowners proposal is a three road solution that would have a land take that is generally the same as the existing ESC route.

- 11.37 All of the alignments were evaluated for their impacts upon the following criteria: i) highway geometry, ii) structure versus earthwork solutions on account of ground conditions such as former landfill site, flood plain and steep sloping bank, iii) land taken and potential impact on the future developable area of the existing landowners, iv) impact on the PROW, and v) impact upon the River Stort flood plain. None of the options resulted in a route that achieved the purpose of the SIW or was affordable. The ESC design would enable a potential access to be delivered into the former landfill site which would offer resilience to any future development proposals.
- 11.38 Consideration was also given to providing a roundabout at the Road 1 / Pye Corner / Eastwick Road junction but this was rejected because it would require a greater land take than the existing proposal (from Terlings Park and landowners to the north), the diversion of PROWs, the loss of the existing Grade II listed Fiddlers Brook footbridge and substandard access and connectivity to Terlings Park.
- 11.39 The Hunsdon, Eastwick Gilston Neighbourhood Planning Group have suggested another alternative to the ESC route which required the internal Gilston Area STC to act as a through route and then act as a bypass to Pye Corner, removing the need for Road 1 of the ESC. This alternative has been investigated and the Councils are satisfied that it would not be an acceptable alternative that could achieve the objective of the SIW because:
- (a) routing part of the ESC through the Gilston Area would severely compromise the ability of the Gilston Area to achieve its 60% mode share target as it would not be able to provide the required level of priority to sustainable modes of travel;
  - (b) it would compromise important Garden City principles and place making and design related policy objectives of the Gilston Area, such as the emphasis on walkable neighbourhoods;
  - (c) it would require houses to be set back from the road and compromise the ability to achieve the 10,000 home allocation; and
  - (d) the ESC route would not be on its optimum and most direct alignment, and this would compromise its function of relieving traffic from more central parts of Harlow to facilitate sustainable travel.

#### The Scale and Design of the SIW

- 11.40 The extent of the Order Land is no more than is necessary to achieve the objective of the CPOs. The design of the SIW is not over-engineered, adheres to all necessary highway and safety standards and has been informed by extensive consultation with the highway authorities, the Environment Agency and the Garden Town Quality Review Panel (QRP) (among others).
- 11.41 The ESC crossing could in principle either be a full structure across all of the floodplain or partial embankment solution. Options were assessed to reduce the extent of the elevated bridge structure in combination with the use of culverts. Following design review and consultation feedback from the Environment Agency, the proposed solution for the ESC

comprises a combination solution of large culverts and a bridge structure, chosen to minimise the footprint within the flood zone and its visual and obtrusive lighting effects. It also provides a more affordable solution.

- 11.42 The ESC is the minimum required for a single carriageway with pedestrian/cycle routes and the segregated footway/cycleway facilities reflect Sustrans best practice guidance.
- 11.43 Amendments were made to further reduce the scale and width of each aspect of the ESC, in particular in relation to the design of the Pye Corner and Terlings Park junctions in November 2020.

***The potential financial viability of the Scheme for which the land is being acquired and a general indication of funding intentions***

- 11.44 Paragraph 13 of the Guidance advises that if an acquiring authority cannot show that all the necessary resources are likely to be available to achieve its intended use of the land within a reasonable time-scale, it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest. Paragraph 14 of the Guidance advises that when preparing its justification for an order the acquiring authority should address the sources and timing of funding, and provides that funding should generally be available now or early in the process. Paragraph 106 of the Guidance provides that a general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the Scheme will proceed. The two related issues of viability of the Scheme and funding for the SIW are considered in this section. The Councils consider that these provisions of the Guidance are met in this case.
- 11.45 The developments comprising the Garden Town have all been allocated in the recent development plans of the Councils, including the 10,000 homes in the Gilston Area allocated in Policy GA1 of the EHDC Local Plan. The development plans, including the spatial strategy which seeks to meet the objectively assessed development and infrastructure requirements of the Districts, were each found sound at examination, which shows that they are considered deliverable during the plan period. The viability of the growth locations has been assessed as part of the Garden Town IDP and the call for sites process for both of the Councils' development plans<sup>13</sup>. The Garden Town, as the scheme underlying the CPOs, has been shown to be financially viable and there is at least a reasonable prospect that it will proceed.
- 11.46 Two outline planning applications have been submitted which provide the framework for delivering the full 10,000 homes for the Gilston Area, amounting to 43% of the proposed Garden Town housing growth. In addition, Places for People having made planning applications to deliver both the CSC and ESC and have agreed to enter into planning obligations to ensure the delivery of this infrastructure alongside housing occupation in the Gilston Area. The current housing delivery plan supporting the HIG agreement between Homes England and HCC has the CSC and ESC being delivered before April 2027 and before [3,500] homes are occupied in the Gilston Area. This timing is no longer achievable (and will need to be revised) but demonstrates how the HIG is seeking to bring forward the delivery of the SIW so that both are delivered well in advance of the end of the plan period at 2033.

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<sup>13</sup> EHDC local Plan: Peter Brett Associates Delivery Study (2015) – Plan Viability, Affordable Housing and CIL 2015 and Peter Brett Associates Delivery Study (2015) – Strategic Sites

- 11.47 As outlined at paragraph X, the costs of delivering the SIW will be forward funded by Places for People, with the Councils agreeing to recover contributions from third party developers (as and when they come forward), to eventually reimburse Places for People for up to 49% of the total ESC costs. The total costs of the SIW includes all land acquisition/compensation costs, as well as CPO and capital costs.
- 11.48 HCC has agreed to loan Places for People up to £129 million from the HIG to assist with funding the SIW and other agreed Gilston Area enabling infrastructure, but delays in being able to acquire all of the necessary Order Land would make it increasingly difficult to utilise the full sum by March 2025 as there are conditions that prevent a large proportion of the Funding from being drawn until all of the land needed for the CSC or ESC is within the control of the Councils and/or Places for People.
- 11.49 On X 2022 Places for People submitted a viability assessment for the development of Gilston Park Estate (8,500 homes) alongside the SIW. Despite the infrastructure costs of the SIW exceeding £X, the viability assessment demonstrates that it is viable for Places for People to deliver the SIW with or without the use of Funding, alongside the delivery of Gilston Park Estate.
- 11.50 Furthermore, Places for People is a top 10 housebuilder in the UK and a not for profit registered provider. It has full ownership of the Gilston Park Estate and is part of the Places for People Group that:
- (a) owns and manages 217,000 properties
  - (b) in the 2020-2021 financial year it had a turnover £816million and operating profit £206m
  - (c) is rated A- (stable outlook) by Standard & Poor, rated A (stable outlook) by Fitch and rated A3 (stable outlook) by Moody's
  - (d) built or acquired over 2,186 homes in 2020-2021
  - (e) had fixed assets of £4.9 billion in 2020.
- 11.51 Places for People has a demonstrated track record of funding and delivering complex developments including:
- (a) its £500 million 'Brooklands' development in Milton Keynes, which is delivering 2500 new mixed-tenure homes, as well as three new schools, a hotel, commercial space, 100 acres of parkland, new roads and a bus way; and
  - (b) its joint venture with Urban Splash at Port Loop in Birmingham, which is reconnecting the local network of canals and towpaths and transforming the former industrial site into 1100 high-quality new homes and a range of new community spaces for events and activities.
- 11.52 The Councils are satisfied that Places for People has the necessary funding, asset base and experience necessary to deliver the SIW and Gilston Park Estate (8,500 homes) even without the Funding. This includes paying out all compensation arising out of the Order.
- 11.53 The Councils and Places for People also entered into a CPO Indemnity Agreement on 9 May 2021, in which Places for People undertook to indemnify the Councils in respect of costs incurred in promoting, making and securing the compulsory acquisition of the Order Land and

related compensation. The costs covered by Places for People under the Indemnity Agreement include:

- (a) all advice and assistance to the Council by appointed specialist advisors;
- (b) legal costs of the Council (including any time spent by external legal advisors, agents and advisors);
- (c) payments for any compensation, acquisition costs (including those resulting from a blight notice) and disturbance payments; and
- (d) other relevant and related costs including all costs, fees and expenses relating to any public inquiry in respect of the Order.

11.54 In light of the provisions contained in the CPO Indemnity Agreement, the Councils are satisfied that adequate funding is available to enable it to complete the compulsory acquisitions under the Orders and meet statutory compensation claims together with all resource costs associated with making the Order.

11.55 The Councils are satisfied that there are no known impediments to the funding of the SIW or the viability of the Scheme.

***Identifying persons with an interest in the Land***

11.56 The Councils and Places for People have carried out extensive land ownership investigations. Land referencing agents have carried out a land referencing exercise and appropriate due diligence. The actions taken to investigate title and occupier details for inclusion in the Order included:

- (a) land registry searches;
- (b) review of Councils' own records as to its land holdings;
- (c) service of Section 16 Requisitions for Information on behalf of the Councils and review of information returned in responses;
- (d) inspection of the Order Land and surrounding areas; and
- (e) placing of public notices on the Order Land.

11.57 In relation to plots included in the Order of which the owners cannot be traced, the Councils' advisers have examined details held at the Land Registry and Land Charges Department concerning these plots, and the Councils have posted site notices in close proximity to the plots in question to try to obtain further information using powers under section 16 of the 1976 Act and section 5A of the Acquisition of Land Act 1981. The Councils consider they have made sufficient enquiries to identify any owners.

11.58 There are a number of unregistered ownerships in the Order Land. In most cases, these are drainage, ditches and watercourses. Where diligent inquiries (including the service of Section 16 Requisitions for Information) has not established ownership of these areas, the presumption is that the adjacent freehold owners own the land.

11.59 It is considered that the Schedule is therefore as accurate as possible based on diligent inquiries made on behalf of the Councils.

- 11.60 Places for People commissioned Montagu Evans to carry out of a preliminary assessment of the extent to which the SIW (once built) may impact on properties within the vicinity of the Order Land. That assessment identified some properties whose amenity may be affected. Section 12 (2A) of the Acquisition of Land Act 1981 identifies a "qualifying person" in relation to land comprised in an order as being "a person the acquiring authority thinks is likely to be entitled to make a relevant claim if the Orders are confirmed and the compulsory purchase takes place".
- 11.61 Section 12 (2B) states that a "relevant claim" is a claim for compensation under Section 10 of the Compulsory Purchase Act 1965. Loss of amenity, for example as a consequence of noise arising from the use of the new roads, may in some circumstances give rise to a claim for compensation.
- 11.62 As a precautionary measure, the Councils have therefore included in Table 2 to the Schedules those properties that may have a claim under section 10 of the Compulsory Purchase Act 1965. These properties lie outside of the boundary of the Order Land and are not subject to any form of acquisition, nor is any new right being sought in respect of these properties. Given it is the entirety of the SIW, as built, which may give rise to a claim for compensation, column (4) of Table 2, has been referenced to refer to "All Plots".
- 11.63 For the avoidance of doubt, the inclusion of these properties is not an acknowledgement or acceptance that compensation is payable. Rather, these properties are being included in the Schedule given the requirements of S12 (2A) of the Land Acquisition Act 1981.

## **12 Efforts to Acquire Land by Agreement**

- 12.1 Genuine and sustained efforts have been made to acquire all of the land and rights required for the SIW. In accordance with best practice, the Councils will continue to endeavour to reach negotiated settlement and these efforts will continue in parallel with making the formal CPO process and continue after the Orders are made.

### ***Order Land that has been secured***

- 12.2 There are more than X parties with an interest in the land needed to implement the SIW. Schedule 1 to this Statement summarises the progress the Councils and Places for People have made and the number of interests it has acquired or secured control over.
- 12.3 Places for People has agreed with the Councils to dedicate all of its land needed for the SIW to the relevant highways authorities following the construction of the Stort River Crossings. This includes plots [insert] and any other plot or interest it acquires between now and confirmation of the CPOs.
- 12.4 A significant portion of the land needed to implement the SIW is held by HDC or falls within the existing public highway and is unregistered. HDC has agreed to make all of the land falling within its ownership and required for the SIW available to for the construction of the SIW and to dedicate it as public highway once Places for People have completed the construction of the relevant part.
- 12.5 ECC and HCC also own land that is needed to implement the ESC. They have agreed with Councils to make all of the land falling within their ownership and required for the SIW available for the construction of the SIW and to dedicate it as public highway once Places for People have completed the construction of the relevant part.



12.6 As summarised in Schedule 1, Places for People have, on behalf of the Councils, agreed terms with a number of the landowners having land that falls within the Order Land. Once a formal agreement has been entered into with these landowners it is expected that a number will be able to have their land excluded from the CPO.

12.7 There are heads of terms and option agreements that document the different rights and land interests that have been or will be secured in connection with the delivery of the SIW.

***Order Land that still needs to be secured***

12.8 [X] land and rights interests still need to be acquired to deliver the CSC and [X] land and rights interests still need to be acquired to deliver the ESC. It is not possible to commence construction on the CSC or the ESC until the remaining interests in the relevant Order Land are acquired. All interests are integral to delivery of each crossing.

12.9 As set out in Section 8 of this Statement, all freeholders and long leaseholders within the Order Land have been contacted and invited to enter into negotiations with a view to securing the acquisition of their interests, or the necessary rights, by agreement.

12.10 Places for People has a right to end any of the business tenancies on their land with 2 months prior notice.

12.11 Based on the negotiations held with the Canal and River Trust, Mary Pope and Roger Beaumont and the owners of Redricks Farm to date, it seems very unlikely that a voluntary agreement will be reached, in time or at all. This is due to there being a fundamental difference of opinion in relation to the amount to be paid for the land and rights held by these owners.

12.12 The SIW cannot proceed unless and until all of the remaining interests and rights are acquired, either voluntarily or compulsorily through CPO.

12.13 The Councils recognise that compulsory purchase powers should be used as a last resort. However, the Guidance (Tier 1 paragraph 2) recognises that:

- (a) if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost;
- (b) it is often sensible, given the amount of time required to complete the compulsory purchase process, to initiate compulsory purchase procedures concurrent with the negotiation process; and
- (c) initiating compulsory purchase procedures will help make the seriousness of the acquiring authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.

12.14 In accordance with best practice, negotiations to acquire third party interests will continue in parallel with the compulsory purchase process. It is very unlikely that the Councils will be able to acquire all the necessary interests and rights by private agreement within a reasonable timescale or at all. Compulsory powers are being sought to ensure certainty of delivery. The acquisition of the land needed for the CSC and ESC is a precondition to drawing down the HIG funding beyond a certain level. As such, the ability to draw down all of the allocated funding by March 2025 will be in jeopardy if the land cannot be assembled by way of CPO as a last resort.

### 13 Human Rights

13.1 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights (**ECHR**). Articles 6 and 8 and Article 1 of the First Protocol are the main (but not only) potentially relevant Articles in relation to the compulsory purchase of land generally:

- (a) Article 6 provides that everyone is entitled to a fair and public hearing in the determination of his civil and political rights.
- (b) Article 8 provides that everyone has the right to respect for his private and family life and that there shall be no interference by a public authority with the exercise of his right except in accordance with the law, where there is a legitimate aim and where it is fair and proportionate and in the public interest.
- (c) Article 1 of the First Protocol provides for the peaceful enjoyment of possessions (including property) and that no one shall be deprived of possessions except in the public interest and subject to the conditions provided for by law.

13.2 It is well settled that the compulsory purchase of land is not contrary to the ECHR if it is undertaken in the public interest and in accordance with the law and procedures laid down by statute. The requirements of the ECHR are reflected in paragraphs 12 and 13 of Guidance:

*"12. A compulsory purchase order should only be made where there is a compelling case in the public interest.*

*An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention."*

*"13. The minister confirming the order has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in the land that it is proposing to acquire compulsorily and the wider public interest. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be.*

*However, the confirming minister will consider each case on its own merits and this guidance is not intended to imply that the confirming minister will require any particular degree of justification for any specific order. It is not essential to show that land is required immediately to secure the purpose for which it is to be acquired, but a confirming minister will need to understand, and the acquiring authority must be able to demonstrate, that there are sufficiently compelling reasons for the powers to be sought at this time."*

13.3 The impact on occupiers and landowners falling with the Order Land has been mitigated as far as possible in the design and route of the SIW, however it is acknowledged that the CPO may be incompatible with Article 8 and Article 1 of the First Protocol as it will:

- (a) temporarily interfere with the businesses operated by Marshall Motor Group Limited during the one to two days that cranes will need to oversail them. There is no way to avoid or mitigate this impact beyond compensation for any resulting.

- (b) deprive the residents of Terlings Park of an area of amenity land that is used is also used by the public more widely. This area of land will be replaced with exchange land that is no less in size or value.
  - (c) deprive Terrence Hill from an area of land that is considered to have a value to them in terms of storage for their business. Unless replacement land can be provided to compensate for this loss in storage space the impact can only be mitigated through compensation.
  - (d) deprive Pope and Beaumont and Green-Wilkinson and Langford from land that may have future development potential. The existing use of the land is current limited so will the impact of the SIW relates to a speculative future use. As outlined at paragraphs XX of this Statement, the loss of land having a development potential has been reduced as far as possible in terms of the route and design of the ESC and has factored in the ability to provide development access to the balance land, subject to all necessary approvals. It is considered likely that the design and existence of the ESC has created a betterment or increased the prospects of the balance land having a future residential use. Any remaining loss could be addressed through compensation.
- 13.4 The CPO and construction of the SIW is not expected to disrupt the operation of the railway by Network Rail or the use of the River Stort Navigation, despite the need for air rights to construct the bridge structures.
- 13.5 The other areas of land that are to be acquired as part of the CPO or be burdened with rights are not expected to interfere with the enjoyment of owners or the operation of their business and compensation is expected to be sufficient to mitigate for them for the loss of land or burden of new rights.
- 13.6 No plots within the Order Land contain residential properties and no land or rights acquired as a result of the Orders will require any businesses to be acquired or cease trading, unless for a temporary period of one to two days during construction of the ESC. In those instances, Places for People have agreed to work with the landowners to mitigate the level of interference and to compensation them for any loss sustained as a result.
- 13.7 The impact on nearby residents and existing businesses has also been considered as part of the design and efforts have been made to appropriately avoid or mitigate any permanent detrimental impacts as a result of the SIW, including through the acoustic noise fence and road surfacing treatment. Furthermore, the planning conditions of the CSC and ESC permissions will ensure that the temporary impacts on existing dwellings and business within in the vicinity of the SIW will be considered (e.g. as part of the construction and environment management plan) and mitigated as far as reasonably practicable by the developer, Places for People.
- 13.8 The Councils consider there is a compelling case in the public interest for the delivery of the SIC and are of the view, therefore, that the need to acquire the Order Land outweighs the detrimental impact upon the owners and occupiers of the Order Land, making the Order compatible with the ECHR.
- 13.9 Article 14 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. The Councils have considered these rights and do not consider any to be engaged by the Orders on the facts of this case.

## 14 Public Sector Equality Duty

- 14.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 14.2 Section 149 of the Equality Act 2010 places the Councils, as public authorities, under a legal duty (the **Public Sector Equality Duty**), in the exercise of all of their functions, to have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
  - (b) advance equality of opportunity between persons who share a "relevant protected characteristic" (i.e. the characteristics referred to above other than marriage and civil partnership) and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 14.3 An Equalities Impact Assessment (EQIA) by Quod Planning Consultants was commissioned by the Councils to help them discharge their duty to have due regard to the considerations listed in section 149 of the Equality Act 2010 in respect of the making and subsequent implementation of the Orders. The EQIA did not identify any disproportionate equality effects have been identified.
- 14.4 The EQIA acknowledged that there was a potential for some differential equality effects to occur, but concluded that any such effects would be able to be mitigated or compensated for through the process of making the CPOs, if not already addressed through the planning process. It also acknowledges significant potential positive impacts of the Scheme which be made possible as a result of the Orders.
- 14.5 It is considered that to date due regard has been given to the impact of the Orders on all relevant groups with protected characteristics and that no equalities issues are likely to arise. In progressing the Orders the Councils will continue to take into account the needs of those with protected characteristics and their PSED obligations.

## 15 Other consents and approvals

- 15.1 The Councils do not consider there are any obstacles to Places for People delivering the SIW once the necessary land has been assembled by CPO. They are satisfied that Places for People has sufficient funding secured or available to it to construct the SIW, including any cost overruns. Before
- 15.2 A search has been undertaken for historic, recent and extant planning permissions affecting the SIW. It can be concluded that there are no planning applications (including small householder applications) or planning agreements that are considered to affect the ability for the SIW to be implemented.
- 15.3 Listed Building Consent (**LBC**) is required in connection with the development of the ESC. The application for LBC is going to the EHDC planning committee in March 2022 with a recommendation for approval. It is expected to be approved as the heritage benefits of the proposed works were considered as part of the ESC application. The planning conditions for the CSC and ESC Planning Permissions require details to be submitted and approved prior to

the construction of limited enabling works, including the detailed design for (including the construction materials and finishes, ground levels, lighting, noise attenuation schemes, any realignment works to the watercourses and the crossings structures themselves) and landscaping of the SIW. The Councils do not expect Places for People to have any difficulty in discharging these conditions given the level of discussion that has been had to date with the statutory consultees and surrounding communities, the detail in the committee reports and the preciseness of the condition wording which has been agreed with Places for People. . This includes the design of the CSC footbridge which will be subject to a design competition that will be managed by Places for People. There are a number of agreed parameters for the design competition which ensure the design must be affordable and implementable and the winning design selected promptly.

- 15.4 If ecological surveys identify the potential presence of protected and notable species including the great crested newt, bats and/or badgers at any of the SIW locations, appropriate mitigation licences will be sought and obtained from Natural England prior to works commencing. Based on the available survey information to date, it is unlikely there will be a need for any licences.
- 15.5 There are three areas of existing carriageway which will no longer provide vehicular access and will instead be used for a cycle/footway pathways and ancillary landscaping. An order may be required to stop up the areas of public highway if a voluntary agreement cannot be reached with the relevant occupiers under section 127 of the Highways Act 1980. The relevant areas include:
- (a) two existing accesses on the north side of the A414 (just west of the existing CSC roundabout) serving small businesses on Places for People's landholding. A new all movements' replacement access will be provided further west as part of the CSC.
  - (b) the existing entrance into Mead Park Business park which is, in part, privately owned. Access to the units in the business park will instead be provided off the new arm of the new River Way roundabout, with the control room/barrier to be relocated to align with the new access.

Discussions are on-going with the relevant occupiers and it is expected that an agreement can be reached to avoid the need for such orders. If such orders are required, it is not anticipated that there would be any impediment to obtaining them.

- 15.6 Individual Prohibition of Driving Orders may be needed to stop vehicles passing over the three areas of existing carriageway identified above, which are to be re-provisioned to a cycle/footway path or landscaping if the areas are not stopped up. If such an order is required, it is not anticipated that there would be any impediment to obtaining it.
- 15.7 During the construction of the new River Way bridge, in order to maintain pedestrian and cycle (dismounted) access, a temporary footbridge structure will be erected over the railway line. This will be subject to a separate planning application for temporary works to Harlow District Council. The planning application will be submitted 12 months before works are proposed to start in this location. It is not envisaged that there would be any impediment to obtaining such temporary planning permission in the circumstances and the need for such is explained in detail in the officer's report for the ESC.
- 15.8 The final phase of the ESC development comprising the replacement of the River Way bridge will be dependent upon the delivery of the Cambridge Road access into Templefields, which is a scheme managed by ECC. HCC has agreed loan £4 million of HIG funding to ECC to

facilitate the delivery of these works and there are targets and milestones for ECC in its agreement with HCC which will ensure the timely delivery of the Cambridge Road access. ECC expect to be able to acquire the small areas of land needed by way of negotiation but have said that they use its powers under section 239 of the Highways Act 1980 to acquire by CPO if necessary to deliver these works. Planning permission has already been secured for the works under planning reference CC/HLW/21/17/1/1.

- 15.9 Traffic Regulation Orders (**TROs**) may be needed to implement new speed limits or to temporarily close affected routes and divert users while works are proceeding. It is expected that any temporary closures will relate to evening works only. Any individual objections received as part of the TRO process will be considered in line with standard protocol and the Councils are confident that no technical issues will arise that would impede delivery of the SIW in this respect.
- 15.10 Orders will be required under Section 257 of the Town & Country Planning Act 1990 to temporarily stop up of public rights of way (**PRoW**) 29 and 30 that run beneath the proposed new Fiddlers' Brook Bridge. The PRoWs will be reinstated once the works to the Grade II Listed Fiddlers' Brook Bridge have been completed. Any individual objections received as part of the PRoW process will be considered in line with standard protocol and the Councils are confident that no technical issues will arise that would impede delivery of the SIW in relation to these PRoW.
- 15.11 ECC have agreed to promote and apply for an Order pursuant to section 106(3) of the Highways Act 1980 for each bridge above navigable waters, which includes the CSC, ESC, and the footbridge that forms part of the CSC. Bridge Orders will be made following further consultation with the Canal and River Trust (CRT) and other statutory undertakers on the proposed Schedule for the Bridge Orders. The need for the Bridge Orders is to obtain Ministerial approval to the bridge structures, so to confirm that they will not interfere with the navigation rights of existing users. The CRT have confirmed as part of their consultations on the CSC and ESC planning applications that the parameters for bridge structures are acceptable. Accordingly, there is not expected to be any technical issue that would impede the Minister from making the Bridge Orders.
- 15.12 Development that affects the form and flow of ordinary watercourses, including the widening of the channel to include additional storage or discharge into an off-site ditch/pipe, may require an ordinary watercourse consent and/or prior written consent from the Lead Local Flood Authority (LLFA) under section 23 of the Land Drainage Act 1991. The scope of required permissions will be agreed with the Environment Agency and the LLFA. A small section of Pole Hole Brook, a seasonal watercourse, may require a slight diversion in order to run through the western-most culvert. This has been discussed with and agreed with the LLFA and Environment Agency and will be managed through Condition 17 which requires that a Water Framework Directive Mitigation and Enhancement Strategy be submitted and approved prior to the commencement of the relevant phase of the development.
- 15.13 An application will need to be made to the Canal and Rivers Trust for approval to discharge any surface water into the River Stort. In addition, an application will also need to be made to the Canal and River Trust for Charities' Act approvals and DEFRA consent. The need for these approvals has been discussed with the Canal and Rivers Trust and is considered standard practice. There is not expected to be any difficulty in securing them.
- 15.14 Highways agreements will need to be entered into under sections 278 and 38 of the Highways Act 1980 before work can commence on the construction of the CSC or ESC. Certain easements, bridge agreement and construction licences will also need to be entered into with the some of the landowners of the CSC and ESC land, including Network Rail and

HDC. The need for such has already been discussed with Network Rail and HDC and agreed in principle. As such, there is not expected to be any difficulty in with entering into the relevant agreements as and when needed.

- 15.15 There is not expected to be any difficulty to obtaining the above consents and approvals at the appropriate time or any other physical or legal impediment to the delivery of the SIW.

## **16 Special Considerations**

- 16.1 There is no Crown Land.
- 16.2 The Order Land is not in a conservation area.
- 16.3 The EHDC Order Land for the ESC includes the Fiddlers Bridge, which is a Grade II listed building. Listed building consent (reference 3/19/1049/LBC) has been applied for and is expected to be granted by EHDC in March 2022. The consent will authorise the replacement of the balustrade with a design akin to the description of the listing as well repairs to the pointing of the bridge. The ESC proposal allows the bridge to remain in situ.
- 16.4 There is no land within the Order Land that is owned by the National Trust.
- 16.5 None of the Order Land is ecclesiastical or burial ground.
- 16.6 There are no ancient monuments within the Order Land.
- 16.7 There are no veteran trees within the Order Land. There will be a loss to existing hedgerows to facilitate the development of the ESC by approximately 0.23km, however, the landscaping proposals for each of the CSC and ESC developments deliver a net gain in terms of hedgerows and other habitats including tree planting.
- 16.8 The mining code has not been included.
- 16.9 There is no land within the Order Land which forms part of a common or fuel or field garden allotment.

### **Open Space**

- 16.10 Within the EHDC Order Land there is an area of open space, amounting to 3,639 sq.m, that falls within the definition set out in section 19 and schedule 3, Paragraph 6 of the 1981 Act which comprise part of Terlings Park (plot numbers: EH31, EH34a, EH36, EH37 and EH38) (**Terlings Park Open Space**).
- 16.11 Plots EH31 (204 sq.m), EH36 (6 sq.m) and EH38 (808 sq.m) relate to the acquisition of new rights required to construct a new carriageway and bridge over Fiddler's Brook. The rights include the ability to divert and lay new services and for a crane over-sail the plots during construction. Plot EH31 forms part of the existing highway and footways known as Terlings Avenue. Plot EH36 is an existing gas governor which will be unaffected by the development of the ESC aside from the crane over-sailing. The land after acquisition of these rights will be no less advantageous to the Terlings Park Management Company (in whom it is vested) and the public than it was before because the rights will be spent and not capable of being exercised following completion of the ESC development.
- 16.12 Plots EH34a (131 sq.m) and EH37 (4,134 sq.m) relates to acquisition of land forming part of the Terlings Park Open Space Area for the construction of the new carriageway and bridge at

Fiddlers Brook, built to adoptable standards, for the purposes of vehicular and pedestrian traffic.

- 16.13 These works for the Terlings Park Open Space have been the subject of discussions with the Terlings Park Management Company, who own and manage the Terlings Park Open Space, to ensure that the continued use and enjoyment of the balance of the open space land is preserved.
- 16.14 Three (3) areas have been identified which would provide a suitable exchange land site for the Terlings Park Open Space. The areas are shown on a plan at Annexure X and may be described as follows:
- (a) Option 1: Land in Places for People ownership north of the River Stort and west of Burntmill Lane. The land area would be approximately 1ha in size and it would be accessible via an entrance through Places for People land south of Eastwick Road and via an entrance off Burntmill Lane to the south of the River Stort;
  - (b) Option 2: Land in Places for People ownership south of the River Stort and west of Burntmill Lane. The land area would be approximately 3.2 ha in size and it would be accessible via an entrance off Burntmill Lane; and
  - (c) Option 3: Land partially in Places for People ownership and partially in the ownership of the Lands Trust to the south of the River Stort and bordering Burntmill Lane. The land area would be approximately 0.75 ha in size and it would be accessible from the River Stort (Navigation) and via an entrance off Burntmill Lane. Option 3 impacts the existing access to the field. Either an alternative field access, or some form of easement over the proposed exchange land, would therefore need to be retained in order to allow this use to be maintained
- 16.15 Option 3 is considered the most favourable option but it will require some land to be voluntarily acquired from the Lands Trust and an arrangement being reached to enable access to the balance of the Lands Trust land. If a suitable agreement cannot be reached with the Lands Trust, Places for People has agreed to provide the land needed for Option 1 or 2, alongside any necessary improvements, at its own cost. The Terlings Park Management Company will be consulted on the options. All options will require Places for People to provide improvements to the land at its own cost. Options 1 and 2 are however likely to require a greater financial outlay as they would need to become a destination in their own right, whereas the connectivity afforded Option 3 allows it to more readily support public use without this.
- 16.16 Once the exchange land site has been determined, a separate application will be made to the Secretary of State under section 19 and Schedule 3 of the 1981 Act to certify that there is exchange land for the Terlings Park Open Space an area of land that satisfies the requirements of section 19(a). These requirements include that the land (i) is no less in area; (ii) is equally advantageous to the public; and (iii) will be vested in the Terlings Park Management Vehicle subject to the like rights, trusts and incidents as those attached to the Terlings Park Open Space.

#### ***Utilities***

- 16.17 In order to mitigate the impact of the SIW on the undertakings of Thames Water Utilities Limited, Affinity Water Limited, Cadent Gas Limited, GTC, National Grid Gas Plc, National Grid Electricity Transmission Plc, UK Power Networks Holdings Limited, London Power



Networks Plc and telecommunications companies such as British Telecommunications Plc, Virgin Media Limited, Vodafone Limited and EU Networks Fiber UK Limited, Places for People has identified at Annexure X:

- (a) the need to expand areas of existing drainage
- (b) a number of diversions of apparatus that are likely to be needed; and
- (c) apparatus that can likely be retained in situ, without there being any disruption to those undertakings
- (d) the agreements or consent that is likely to be needed for the SIW

16.18 In addition to the statutory public consultation, engagement has commenced with the statutory undertakers to determine likely diversion or undergrounding requirements and estimated costs as part of the NRSWA C3 process. The diversions will be contained within the proposed highway boundaries wherever possible.

16.19 Written confirmation (diversion agreements) that statutory undertakers are content with the proposed solutions in respect of their apparatus will be obtained at the detailed design stage. Where necessary, arrangements will be made to divert or protect the apparatus under the provisions of the New Roads and Street Works Act 1991 (**NRSWA**).

16.20 Discussions with the affected statutory undertakers have commenced and are ongoing. Places for People is confident that agreements will be reached with each of the affected undertakers in due course, as the detailed design for the SIW progresses.

#### **Green Belt**

16.21 Part of the Order Land is designated as Green Belt. Most of the affected Green Belt land falls within EHDC, with only a small proportion within HDC.

16.22 'Inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances' (paragraph 147 of the NPPF). Paragraph 148 of the NPPF requires decision makers to attach substantial weight to any harm to the Green Belt. Paragraph 148 of the NPPF also states that "very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

16.23 Paragraphs 149 and 150 of the NPPF set out the forms of development that are not, or may not be, considered inappropriate. Paragraph 150 includes 'local transport infrastructure' which can demonstrate a requirement for a Green Belt location, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

16.24 Both the CSC and ESC are a 'local transport infrastructure' item within the terms of paragraph 150 of the NPPF. The Councils have determined that the proposals will cause some unavoidable impact on openness, albeit that this harm is not considered significant. The Council also consider the CSC and ESC proposals will conflict with the 'safeguarding the countryside from encroachment' purpose of the Green Belt.

16.25 In granting permission for both the CSC and ESC the Councils considered that the benefits of each crossing, in combination with the benefits of the Gilston Park Estate development in the Gilston Area, are sufficient to give rise to 'very special circumstances' that clearly outweigh the substantial weight that is to be given to the harm to the Green Belt and other harm.

### ***Relocations and Noise impacts***

- 16.26 No homes need to be acquired (or demolished) to deliver the SIW.
- 16.27 The key benefit arising from the ESC proposal is that it creates a bypass of Pye Corner, and through the realignment of Eastwick Road and other design measures, reduces noise and disturbance impacts for the majority of properties in Terlings Park.
- 16.28 The ESC development is expected to result in large adverse and moderate adverse noise impacts on 27 properties in Terlings Park and Pye Corner during the day time and 41 properties during the night time. Of these 41, 12 properties are modelled to experience an increase in noise of 5dB or more and 29 experience an increase in noise of between 3dB and 5dB which is a level of change that is not likely to be perceptible. The baseline measurements indicate that the majority of these receptors already experience noise levels above 50dB, i.e. the level at which noise is considered as having an observed adverse effect, and other facades of these buildings may experience significant beneficial reductions in noise. Notwithstanding this, these properties may be eligible for compensation under the Noise Insulation Regulations.
- 16.29 There are a handful of houseboats within the Stort Valley; some with permanent and some with temporary moorings. Works associated with the construction of the culverts and open span bridge are a considerable distance from the river towpath and Navigation, and with the intervening landscaping and land form providing screening it is considered that impacts on residential amenity for those properties will be negligible. Similarly, for those walking and cycling along the towpath their experience of construction will be minimal and temporary.

## **17 Conclusion**

- 17.1 For the reasons set out in this Statement, the Councils consider that there is a compelling case in the public interest for the making and confirmation of the Orders.
- 17.2 The Orders are being promoted by the Councils under section 226(1)(a) of the Town and Country Planning Act 1990 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976. The Orders are necessary to implement proposals in the Councils' local plans and there are strong planning justifications for the use of the compulsory purchase powers in addition. The purposes for which the Order Land is being acquired fit with the adopted local plans of the two Councils and with national planning policy. The two Councils each consider that the test in section 226(1A) of the Town and Country Planning Act 1990 are met as it applies to each of them. Each of the two Councils considers that the development of the SIW on the Order Land in each of their areas is likely to contribute to the achievement of the promotion or improvement of the economic, social and environmental well-being of their respective local authority area. The Orders have been made in order to acquire third party interests in the Order Land, and rights over the Order Land, to enable the SIW to be delivered. The Councils confirm that the relevant statutory procedures have to date been correctly followed.
- 17.3 The SIW are key to achieving sustainable growth, and the delivery of regeneration initiatives and new homes in the Garden Town including development in the Gilston Area. The objective of the Orders could not be achieved by any other means and certainly none which produce less interference with the rights of those affected by the Orders. The land and rights included in the Orders are no more than necessary to accomplish the objective of the Orders.

- 17.4 Neither the Scheme nor the SIW are likely to be blocked by physical or legal impediments to their implementation. There is at least a reasonable prospect of both the SIW and the Scheme going ahead.
- 17.5 In determining the extent of the compulsory acquisition powers proposed in the Orders, the Councils have had regard to the requirements of the relevant legislation and to the advice in the Guidance. The Councils are content that the scope of the powers sought and the extent of the interests in the Land to be acquired by compulsory acquisition are required for the SIW and are the minimum necessary to enable the construction, operation and maintenance of the SIW. The purpose for which each part of the Order Land is required is set out in the Schedule in the Orders].
- 17.6 Places for People has consulted all persons affected by the compulsory acquisition powers and persons who may have a claim for compensation arising from the SIW. Places for People has, on behalf of the Councils, sought to acquire interests and rights in the Order Land by agreement wherever practicable. The status of negotiations with affected landowners and occupiers for the acquisition of their land interests and rights is set out in Schedule 1 to this Statement. The Orders are being promoted as a last resort, as reasonable steps have been taken to try to acquire the land and rights by agreement and that has not proved possible.
- 17.7 The Councils have considered the human rights of the individuals affected by the compulsory acquisition powers. In making the Orders the Councils are satisfied that there is a compelling public interest case to enable the Councils to acquire the Order Land via compulsory acquisition. The circumstances justify interfering with the human rights of those affected. The purpose for which the Orders are made is sufficient to justify the interference with the human rights of those affected, especially in light of the availability of compensation. The public benefit resulting from the Orders is more than sufficient to outweigh the private loss of those affected.
- 17.8 Without the grant of compulsory acquisition powers, the Councils consider that it will not be possible to construct the SIW, or realise the public benefits arising from it.
- 17.9 There is a compelling case in the public interest for the compulsory acquisition powers sought by the Councils in the Orders. The exercise of the compulsory acquisition powers that are sought is shown throughout this Statement to be necessary and proportionate to the extent that interference with private land and rights is required. It is essential to acquire the land and rights sought in the Orders in order to allow the SIW to be successfully delivered. It is expedient and necessary in the public interest to use compulsory purchase powers to deliver the SIW for the reasons given in this Statement. There are compelling reasons for the powers to be sought at this time, in particular given the timetable related to the HIG.

## **18 Details of Contacts at the Councils**

- 18.1 All those owners and occupiers affected by the EHDC Order or HDC Order who wish to speak to the Councils' agents regarding the purchase of their interests are requested to contact:

Mark Whitfield  
Montagu Evans LLP  
70 St Mary Axe, London, EC3A 8BE  
Email: [mark.whitfield@montagu-evans.co.uk](mailto:mark.whitfield@montagu-evans.co.uk)

Tel: 020 7312 7482  
Mob: 07818 012 482

- 18.2 If any person affected by the EHDC Order wishes to discuss it with an officer of EHDC, he/she is requested to email [Gilston.Applications@eastherts.gov.uk](mailto:Gilston.Applications@eastherts.gov.uk) or contact:

Planning and Building Control Services  
FAO Garden Town Lead Officer  
East Hertfordshire District Council  
Wallfields  
Pegs Lane  
Hertford  
Hertfordshire, SG13 8EQ

- 18.3 If any person affected by the HDC Order wishes to discuss it with an officer of HDC, he/she is requested to email [\[insert\]](#) or contact:

Planning and Building Control Services  
Harlow District Council  
Civic Centre  
The Water Gardens  
Harlow  
Essex, CM20 1WG

**19 Documents to be referred to in the event of a public inquiry** [table to be reviewed and updated]

- 19.1 In the event of a public inquiry into the EHDC Order and/or HDC Order, the Councils may refer to the documents detailed below. The list is not exhaustive and the Councils reserve their right to refer to any further document or planning policy and will seek to notify the inquiry and any remaining objectors of any such documents as soon as possible in advance of the commencement of any inquiry.

	Document
	<b>Order Documents</b>
1.	The EHDC Order
2.	The HDC Order
3.	EHDC Order Maps
4.	HDC Order Maps
5.	Statement of Reasons
6.	Application for Certificate under s19 of the Acquisition of Land Act

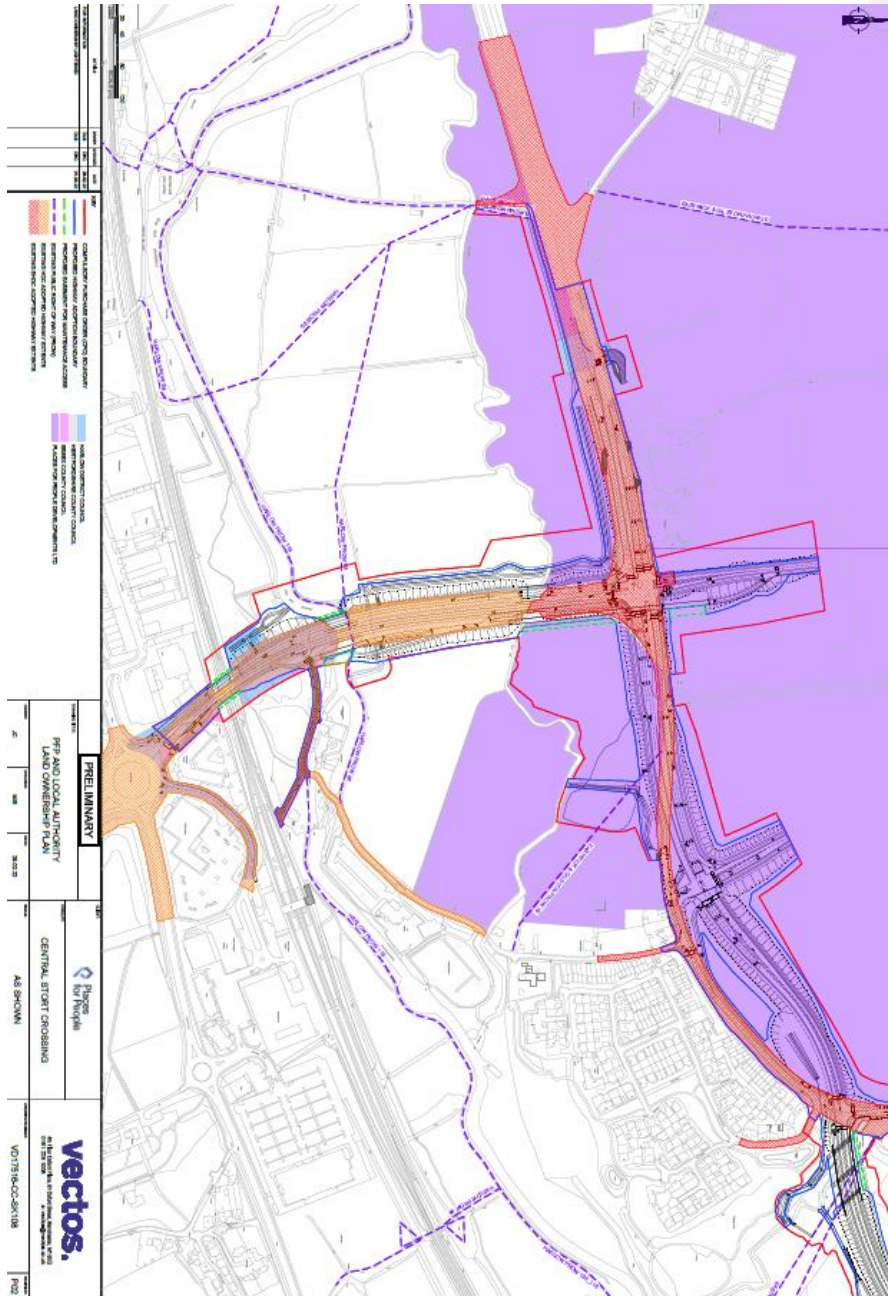
	<b>Document</b>
7.	EHDC Development Management Committee Minutes for CSC and ESC applications on 22 February
8.	HDC Development Management Committee Minutes for CSC and ESC applications on 23 February
9.	Development Management Committee Report for CSC
10.	Development Management Committee Report for ESC
11.	Development Management Committee Report for Fiddler's Bridge Listed Building Consent Application
12.	Minutes of the HDC Full Council meeting held on 23 March 2022 endorsing Cabinet's decision to use compulsory purchase powers
13.	Minutes of the EHDC Cabinet meeting held 17 April 2022 endorsing Cabinet's decision to use compulsory purchase powers.
14.	HDC Report to HDC Cabinet recommending resolution to use compulsory purchase powers
15.	EHDC Report to EHDC Executive recommending resolution to use compulsory purchase powers
16.	Minutes of the HDC Cabinet meeting held 15 October 2020 endorsing Cabinet's decision to use compulsory purchase powers.
17.	HDC Report to HDC Cabinet dated 15 October 2020 recommending in principle resolution to use compulsory purchase powers
18.	EHDC Executive minutes dated 6 October 2020
19.	EHDC Council Report dated 6 October 2020 recommending in principle resolution to use compulsory purchase powers
20.	EHDC Executive minutes dated xx 2018
21.	EHDC Council Report dated xx 2018 recommending in principle resolution to use compulsory purchase powers for CSC
	<b>Planning Documents</b>
22.	National Planning Policy Framework
23.	National Planning Policy Guidance
24.	East Herts District Council Development Plan (2018 – 2033) (adopted October 2018)

Document	
25.	Harlow Local Development Plan (adopted December 2020)
26.	Gilston Area Neighbourhood Plan 2020-2033 (Feb 2021)
27.	Harlow and Gilston Garden Town Vision (November 2018)
28.	Harlow & Gilston Garden Town 'How To' Guide for Planning Obligations, Land Value Capture and Development Viability (2019)
29.	Getting Around in the Garden Town – The Transport Strategy
30.	Harlow and Gilston Garden Town Employment Commission Final Report 2020
31.	Harlow and Gilston Garden Town Infrastructure Development Plan (adopted April 2019)
32.	Harlow & Gilston Garden Town Strategic Viability Assessment (April 2019)
33.	HCC A414 Corridor Study
34.	Documents and supporting information for CSC planning application 3/19/1046/FUL <i>are available to view separately on-line at <a href="http://Simple Search (eastherts.gov.uk)"><u>Simple Search (eastherts.gov.uk)</u></a></i>
35.	Documents and supporting information for planning application 3/19/1051/ <i>are available to view on-line at <a href="http://Simple Search (eastherts.gov.uk)"><u>Simple Search (eastherts.gov.uk)</u></a></i>
<b>Consent documents</b>	
36.	EHDC Decision letter dated xxx for CSC
37.	EHDC Decision letter dated xx for ESC
38.	HDC Decision letter dated xxx for CSC
39.	HDC Decision letter dated xx for ESC
40.	Listed Building consent for Fiddlers Bridge dated xx
<b>Legislation</b>	
41.	Town and Country Planning Act 1990
42.	Local Government (Miscellaneous Provisions) Act 1976
43.	The Acquisition of Land Act 1981
44.	The Compulsory Purchase Act 1965
45.	Compulsory Purchase (Inquiries Procedure) Rules 2007

	Document
46.	Department for Levelling Up, Housing & Communities Guidance on Compulsory Purchase and the Criche Down Rules (updates previous version published in February 2018)

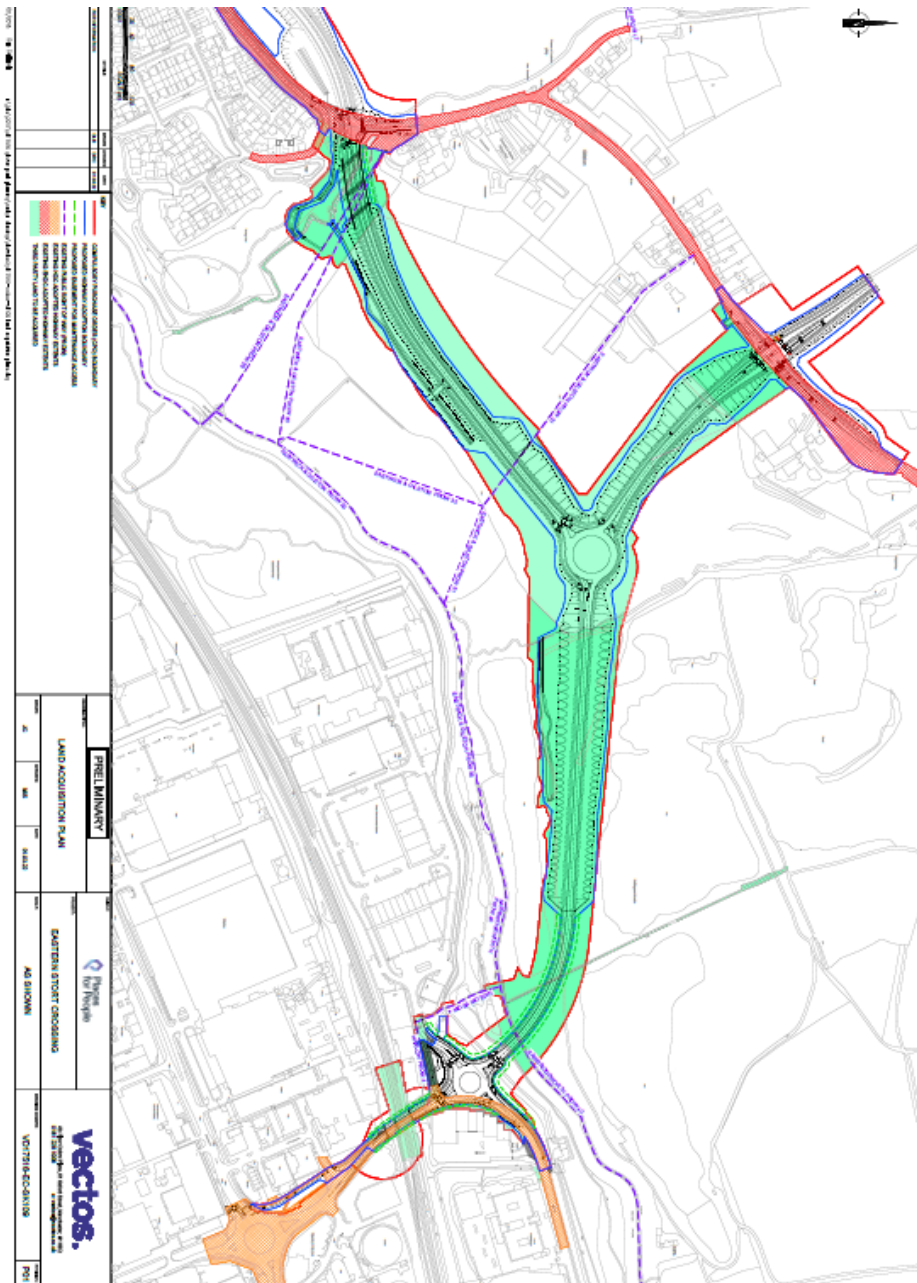
- 19.2 A paper copy of this Statement, the Orders, Order Maps and background documents can be inspected at the following locations [insert addresses].
- 19.3 These documents can be viewed on the HDC website at [insert] or EHDC website at: [insert]
- 19.4 Paper copies will be available to purchase on request

**Annex A – CSC Land that has been secured voluntarily (coloured)**



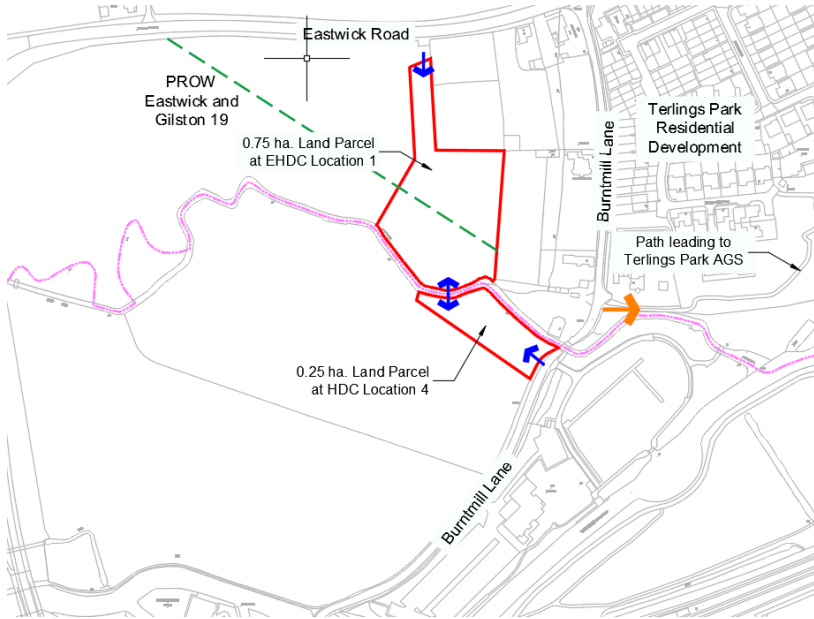


**Annex B – ESC Land that still needs to be acquired (coloured)**

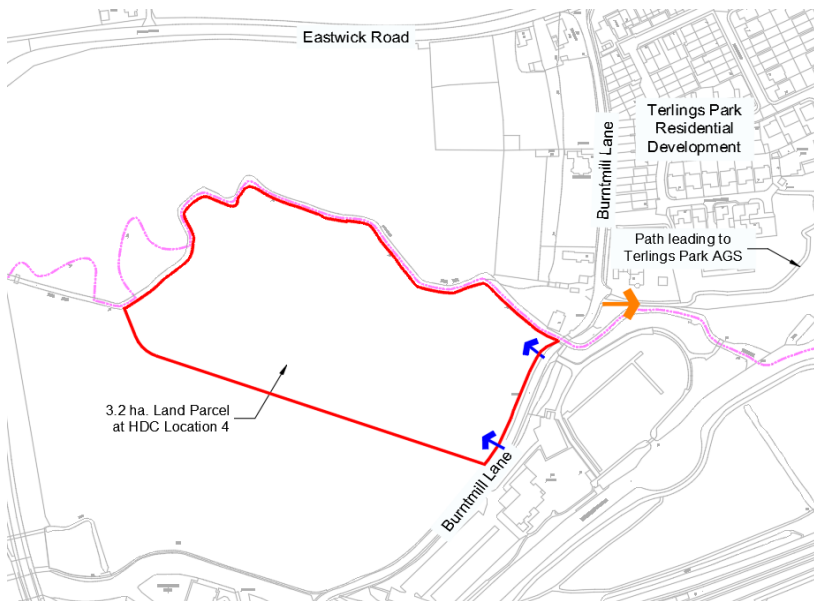


**ANNEX C – POTENTIAL EXCHANGE LAND SITES**

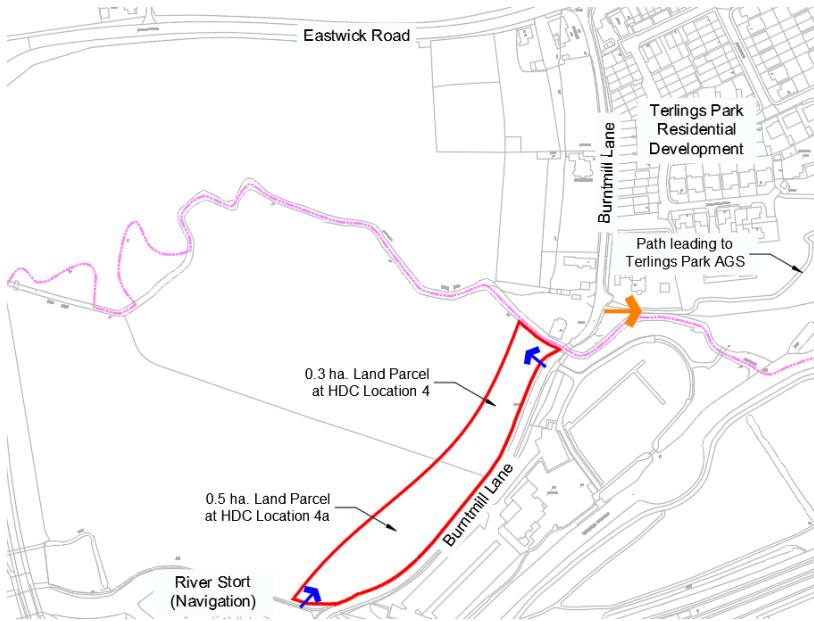
**Option 1**



**Option 2**



**Option 3**



## Schedule 1 - Status of negotiations with landowners

CSC

LPA Area	Description	Owner	Voluntary acquisition Status
HDC	Rights and Pasture land to the east and west of existing highway (including existing highway)	Land Restoration Trust	Discussions on-going but Homes England have confirmed they are agreeable to voluntary acquisition.  An offer to acquire (stating a set monetary value) was sent on 2/3/22. Awaiting response.
EHDC	Public highway and agricultural land	Homes England	Discussions on-going but Homes England have confirmed they are agreeable to voluntary acquisition.  HE have said they will need to obtain advice on the price/compensation offered to satisfy their internal processes but appreciate that the land has little value. HE are supportive of the SIW.  An offer to acquire (stating a set monetary value) was sent on 2/3/22. Awaiting response.
EHDC & HDC	Air rights over Canal and Stort Navigation	Canal and River Trust	Discussions are on-going but agreement is considered unlikely in advance of the CPO inquiry because CRT are claiming a value that is considered to be significantly in excess of the Market Value of the interests that are required.  An offer to acquire (stating a set monetary value) was sent on 2/3/22. Awaiting response.
HDC	Rights and agricultural land, land sitting adjacent to development site, railway tracks, canal and land falling within or adjacent to (verge land) the highway of the existing CSC	Harlow District Council	CPO not required in relation to any of the land in HDC ownership. HDC has agreed to dedicate their land and any SIW infrastructure on it as and when required (post completion of the relevant SIW Component)  Land to be shown on CPO map but excluded from the CPO
HDC	Rights and verge land adjacent to Goodman House the offices	Essex County Council	CPO not required in relation to any of the land in ECC ownership. ECChas agreed to dedicate their land and any SIW infrastructure on it as and when required (post completion of the relevant SIW Component)  Land to be shown on CPO map but excluded from the CPO
EHDC	Highway and verge land known as	Hertfordshire	CPO not required in relation to any of the land in HCC ownership. HCC has agreed to dedicate their

	Eastwick Road (A414) and agricultural land adjoining the southern side of Eastwick Road	County Council	land and any SIW infrastructure on it as and when required (post completion of the relevant SIW Component)  Land to be shown on CPO map but excluded from the CPO
EHDC	Rights and agricultural Land and verge land	Places for People Developments Limited	CPO not required in relation to any of the land in PFP ownership. PFP has agreed to dedicate their land and any SIW infrastructure on it as and when required (post completion of the relevant SIW Component)  Land to be shown on CPO map but excluded from the CPO
EHDC	Rights and verge land and amenity open space	Bloor Homes Limited or the Terlings Park Management Company following transfer	The land contains areas of open space. Discussions with the TP management committee are ongoing and they are seeking legal advice on the ability and process for selling the land given that it is open space held for the benefit of all 200 homes in TP.  An offer to acquire (stating a set monetary value) was sent on 2/3/22. Awaiting response.  Expect that voluntary agreement will not be possible on account of difficulties with management vehicle and general resistance to the ESC.
HDC	Air rights over the railway	Network Rail	Heads of Terms have been agreed for voluntary acquisition
EHDC	Crane over-sailing rights	GTC Pipelines Limited	Crane over-sailing expected to be a couple of days only and plot otherwise not affected by works  A formal offer (stating a set monetary value) to acquire rights by agreement was sent on 2/3/22. Awaiting response.
HDC	Air space over railway at River Way Bridge	Network Rail	HoTs have been agreed for voluntary acquisition, subject to ECC approval.

ESC

LPA Area	Description	Title Absolute	Voluntary acquisition Status
EHDC	Agricultural land and scrubland	Mary Blanche Pope Roger James Beaumont	<p>Voluntary agreement considered highly unlikely as landowner is alleging they have a shared value/ransom position. A meeting has been held where the landowners' agent requested a detail response to a number of allegations, namely the impact of the development on the lands future development and alleged shared value position on account of the ESC including an access to V2.</p> <p>A formal offer to acquire (stating a set monetary value) was sent on 1/3/22 in accordance with the Compensation Code. It also confirms that the asserted ransom/shared value position is unfounded. Awaiting response.</p>
HDC	Access road, verge land, parkland and scrubland	The Prudential Assurance Company Limited	<p>Negotiations are on-going and it is anticipated an agreement will be reached in due course.</p> <p>A formal offer to acquire (stating a set monetary value) was sent on 2/3/22. Awaiting response.</p>
HDC	Verge land and land falling within the existing highway	Harlow District Council	<p>CPO not required in relation to any of the land in HDC ownership. HDC has agreed to dedicate their land and any SIW infrastructure on it as and when required (post completion of the relevant SIW Component)</p> <p>Land to be shown on CPO map but excluded from the CPO</p>
EHDC & HDC	Air rights over the Canal	Canal & Rivers Trust	<p>Discussions are on-going but agreement is considered unlikely in advance of the CPO inquiry because CRT are claiming a value that is considered to be significantly in excess of the Market Value of the interests that are required.</p> <p>An offer to acquire (stating a set monetary value) was sent on 2/3/22. Awaiting response.</p>

LPA Area	Description	Title Absolute	Voluntary acquisition Status
HDC	Industrial estate land and one industrial unit	Richard and Elaine Smith City Trustees Limited (as trustees of the Lionheart Trust)	<p>Negotiations on-going and it is anticipated an agreement will be reached in due course. A number of technical queries are being discussed which will inform a bespoke agreement.</p> <p>A formal offer to acquire (stating a set monetary value) was sent on 2/3/22. Awaiting response.</p>
EHDC	Scrubland plus part of a lake and verge land	<p>Richard Lumley Green-Wilkinson Christopher Edward Langford (owners)</p> <p>Mitchell Edwards (tenants)</p>	<p>Landowner has been unwilling to meet as they are represented by Sworders and have aligned themselves with Pope/Beaumont – it is believed that they will also seek a ransom/shared value position but this has not yet been formally asserted.</p> <p>A formal offer to acquire (stating a set monetary value) has been sent on 1/3/22. Awaiting response.</p>
EHDC	Agricultural and verge land	Places for People Developments Limited	<p>CPO not required in relation to any of the land in PfP ownership. PfP has agreed to dedicate their land and any SIW infrastructure on it as and when required (post completion of the relevant SIW Component)</p> <p>Land to be shown on CPO map but excluded from the CPO</p>
HDC	Verge land	O-I Glass Limited	A formal offer to acquire (stating a set monetary value) has been sent on 1/3/22. Awaiting response
HDC	Verge land	E.J. Darlington Holdings Limited (landlord) and Marshall Motor Group Limited (tenant)	<p>HoTs have been agreed for voluntary from E.J Darlington</p> <p>Negotiations with Marshalls are on-going. A formal offer to acquire (stating a set monetary value) was sent on 1/3/22.</p>

**Commented [Dentons1]:** Pls expand on this Matt, James and Mike including details of how we have accommodated their requests through design changes etc

**Commented [Dentons2]:** ME, Have we contacted Mitchell Edwards or do we know if he has a terminable lease?

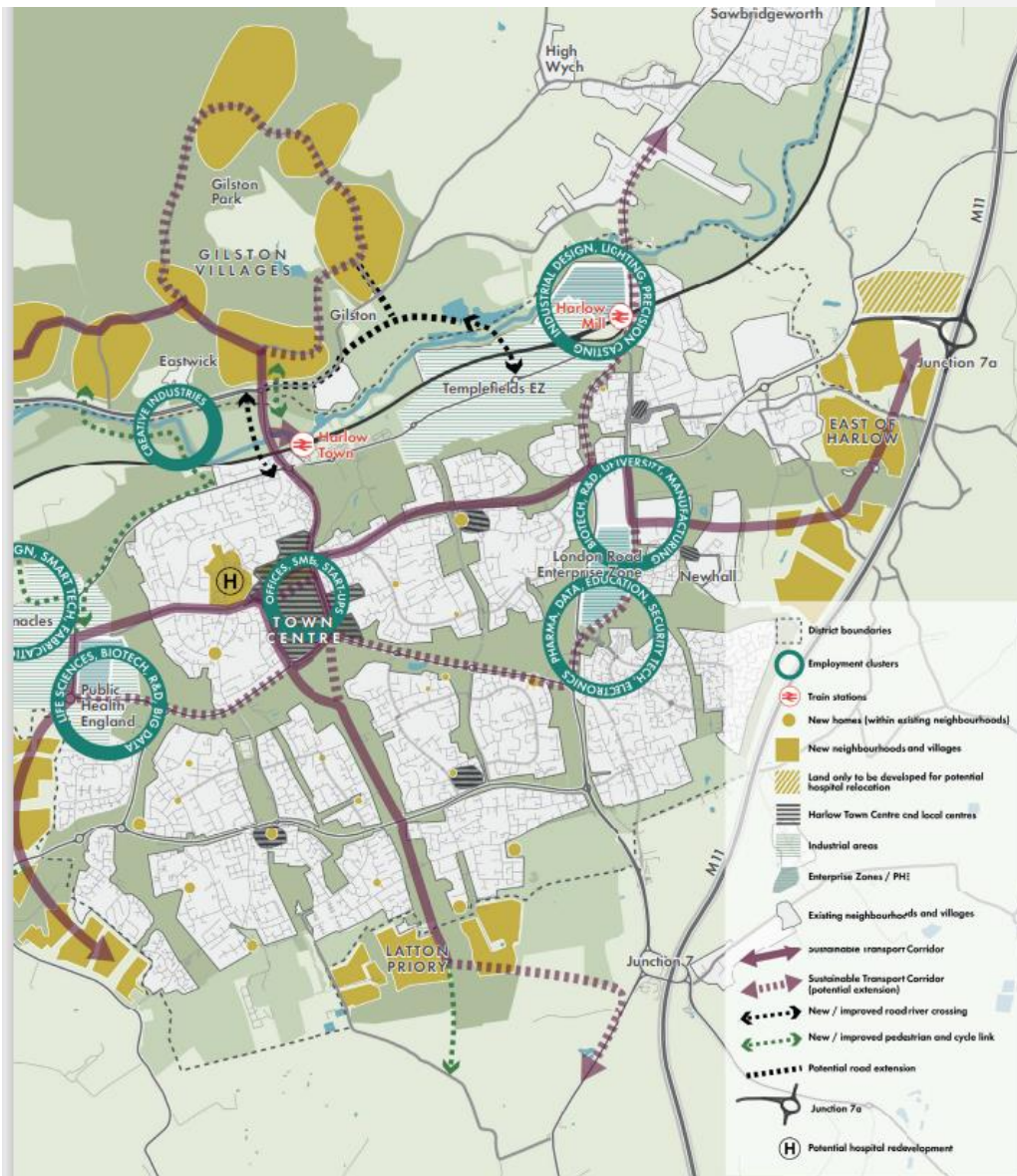
LPA Area	Description	Title Absolute	Voluntary acquisition Status
HDC	Verge land. Industrial parking land	Terrence James Hill	<p>Negotiations on-going. Hill will not agree to HoTs unless the land at the end of Edinburgh Place, which is currently used for fly tipping, is offered in exchange. That land is owned by HDC but the responsibility to manage fly-tipping rests with ECC</p> <p>A formal offer to acquire (stating a set monetary value) was sent on 2/3/22. It acknowledges the landowner's desire for the land at the end of Edinburgh Place but confirm PpP is not in a position to offer this.</p>
HDC	Air space over railway at River Way Bridge	Network Rail	HoTs have been agreed for voluntary acquisition, subject to ECC approval.



**Schedule 2 – Plan showing extent of the EHDC Order Land**

**Schedule 3 - Plan showing extent of the HDC Order Land**

## Schedule 4 - Plan illustrating the Garden Town and Strategic Infrastructure Works



## Schedule 5 – Summary of Rights

In Table 1 of the Schedule to the Order, the following terms shall have the following meanings [to be refined and kept under review]

**'Services'** means having connections for mains water, foul and surface water drainage, gas, electricity, and telecommunications

**'Highway Infrastructure'** means the drainage infrastructure, street lighting, traffic signs and traffic signals infrastructure, retaining walls/slopes, earthworks, boundary walls, noise mitigation structures, fencing and street furniture, bridges, footbridges and carriageway pavement and paved areas that are built to adoptable standards as part of the development

The **'Airspace Right'** means all rights in the airspace [insert] meters over the land necessary for the Acquiring Authority and its lessees, licensees, successors in title, assigns and those authorised by any of these:

- a) to carry out works in connection with the demolition or construction of the relevant railway bridge or footbridge, built to adoptable standards;
- b) to use the footbridge for the purposes of pedestrian and cycle access; and
- c) to carry out works in connection with the inspection and maintenance of the relevant railway bridge or footbridge

The **'Construction Right'** means all rights necessary for the Acquiring Authority and its lessees, licensees, successors in title, assigns and those authorised by any of these:

- a) to swing the jib of a crane, loaded or unloaded, through the airspace over the land
- b) to access the land to undertake works on adjoining land to construct the Highway Infrastructure and/or alter the existing highway and railway bridges;
- c) to fell, trim and lop all trees, bushes and other vegetation which obstructs or interferes with rights of access or the safe operation of the development;
- d) to carry out survey and investigation works in connection with the development and remediation of the land or adjoining land;
- e) to carry out works in connection with the demolition or partial-removal of the existing footways, highway or railway bridge;
- f) to carry out works to plant, landscape or reinstate land;
- g) the laying or removal of Services; and
- h) the carry out works in connection with the construction of the Highway Infrastructure

The **'Drainage Right'** means all rights necessary for the Acquiring Authority and its lessees, licensees, successors in title, assigns and those authorised by any of these to discharge over the land and into a watercourse any flood or surface water as the case may be;

The **'Maintenance Right'** means all rights necessary for the Acquiring Authority and its lessees, licensees, successors in title, assigns and those authorised by any of these to:

- a) to access the land to inspect, maintain, repair, alter, renew, replace, remove and improve the Highway Infrastructure or Services; and
- b) to fell, trim and lop all trees, bushes and other vegetation or other structure which obstructs or interferes with the right to access the land

## Schedule 6 - Negotiations with statutory undertakers/utility providers

Central Stort Crossing – Fifth Avenue, A14 and Eastwick Road

Party Name	CPO Plots affected	Description of impact	Summary of investigations and negotiations to date (regarding arrangements will be made to divert, underground or protect the apparatus under the provisions of the New Roads and Street Works Act 1991)
British Telecommunications Plc (Openreach)	7,8,9,9b,12,15c,22,33,33a,35,37,39,48 and 49	Below ground Openreach ducting and cables are located within the northern verge/footpath of the A14 and within both verges on Eastwick Road, these also head south in the Eastern verge of Fifth Avenue. These cables will require diverting if they do not have sufficient depth or are located within areas deemed unacceptable to Openreach or the highway authority. Should diversions be proposed then new locations will be provided with suitable access and within the adoptable area.	Openreach asset maps were requested via a C2 application. GPR surveys are currently being instructed to accurately map the route of services and confirm service diversion requirements and obtain C4 quotations for the works. Should diversions be required the assets will be relocated within existing or new highway land
National Grid Gas Plc	No assets located in this area	N/A	N/A
National Grid Electricity Transmission Plc	No assets located in this area	N/A	N/A
UK Power Networks Holdings Limited	1,3, 8,11,33, 34 and 40	UKPN overhead electric cables currently crossing the existing Fifth Avenue and Eastwick Road. The proposal would be to divert these within the new adoptable highway corridor.	UKPN asset maps were received on the 17 <sup>th</sup> March 2021 via a C2 application. GPR surveys are currently being instructed to accurately map the route of services and C4 quotations obtained for the works to progress. It is expected that UKPN will be able to rely on its statutory powers and existing easements to divert and/or underground the electric cables, such that a separate wayleave consent is not expected to be necessary for the works.
UK Power Networks Holdings Limited	3,5,8,10a, 11a, 11b, 11d,13,17,17a,28,29,30,30a,31,35,41,48,49,51	UKPN underground electric cables currently run with Fifth Avenue and Eastwick Road. The proposal would be to reroute these within the new adoptable highway corridor.	UKPN asset maps were received on the 17 <sup>th</sup> March 2021 via a C2 application. GPR surveys are currently being instructed to accurately map the route of services and C4 quotations obtained for the works to progress. It is expected that UKPN will be able to rely on its statutory powers and existing easements to divert and/or underground the electric cables, such that a separate wayleave consent is not expected to be necessary for the works.
London Power Networks Plc	No assets located in this area	N/A	N/A

Virgin Media Limited	2,3,6,6a,8,9,9b,12,15a,22 33,33a,37,35 and 39	Virgin Media ducting and fibre cables are located within the southern verge of the A414 and then head south in the eastern verge of Fifth Avenue. These cables will require diverting if they do not have sufficient depth or are located within areas deemed unacceptable to Virgin Media or the highway authority. Should diversions be proposed then new locations will be provided with suitable access and within the adoptable area	A C2 application was requested on the 29 <sup>th</sup> March 2021.
Thames Water Utilities Limited (Foul Trunk Main)	11,11b,11c and 12	A 990mm diameter foul trunk sewer crosses Fifth Avenue from East to west.	A C2 application was requested on the 29 <sup>th</sup> March 2021. The detailed designs of bridge structures to be installed will confirm if a diversion of this sewer is required.
Thames Water Utilities Limited (Foul Sewer)	3 and 8	A foul sewer runs east to west along Eastwick Road and the A414. There is no intention to divert this sewer.	A C2 application was requested on the 29 <sup>th</sup> March 2021
Thames Water Utilities Limited (Storm Culvert)	11,11b,11c and 12	A surface water drain crosses Fifth Avenue from East to west. As part of the new construction works this drain will require extending to allow for the new highway above.	A C2 application was requested on the 29 <sup>th</sup> March 2021. The surface water culvert will require extending as part of our works as this will be covered under a section 104 application
Thames Water Utilities Limited (Storm Drainage)	11b,17,28b and 30a	An existing highway drainage network runs along the western verge of Fifth Avenue and this will require reconstructing to service the new highway.	A C2 application was requested on the 29 <sup>th</sup> March 2021. The surface water drainage network will require reconstructing as part of our works as this will be covered under a section 104 application.
Affinity Water Limited	3,8,11a,11b,11d,13,17,17a, 28,29,30a,34a,45,47b and 51	Water mains (of various widths and materials) runs in the Northern footpath of the A414 and Eastwick Road before crossing the Eastwick Road at Lime tree Avenue and running in the southern verge of Eastwick Road. This main also heads south on the western footpath of Fifth Avenue. It is expected that diversions will be necessary to relocate the water mains within the existing or new highway land	Asset maps were requested from Affinity Water Limited on the 30 <sup>th</sup> March 2021. Following commencement of the detailed designs constraints plans will be prepared to allow for diversion plans to be prepared. GPR surveys are currently being instructed to accurately map the route of services. Should diversions be required the assets will be relocated within existing or new highway land
Cadent Gas Limited	30a,28,31,29,28,17,172,13, 11d, 11b and 12	A medium pressure gas main runs in the Western footpath of Fifth Avenue and over the railway bridge before crossing Fifth Avenue at the junction of Burntmill Lane before heading north in the eastern footpath and then heading East down the embankment and along the canal path. It is expected that diversions will be necessary to relocate the gas mains within the existing or new highway land	Asset maps were requested from Cadent Gas Limited on the 30 <sup>th</sup> March 2021. Following commencement of the detailed designs constraints plans will be prepared to allow for diversion plans to be prepared. GPR surveys are currently being instructed to accurately map the route of services. Should diversions be required the assets will be relocated within existing or new highway land
Vodafone Limited	1a,1b,1c, 1, 2, 8, 10a, 11a, 11b, 11d, 13c, 17,28, 28d, 29, 32.	Telecommunication cables underneath plots 1a,1b,1c, 1, 2, 8, 10a, 11a, 11b, 11d, 13c, 17,28, 28d, 29, 32 are owned by Vodafone	Asset Maps have been provided by Vodafone Limited on the 18 <sup>th</sup> March 2021 following a request. Following commencement of detailed designs constraints plans will be prepared to allow for diversion plans to be prepared.

		Limited. These cables run within the fifth avenue highway verge to the east and then cross fifth avenue to the south of the Fifth Ave/ A414 and Eastwick Road roundabout. These cables will require diverting in the following locations, Fifth Avenue Bridge, to allow for its reconstruction and in instances where they do not have sufficient depth or are located within areas deemed unacceptable to Vodaphone Limited or the highway authority. Should diversions be proposed then new locations will be provided with suitable access and within the adoptable area.	for diversion plans to be prepared. GPR surveys are currently being instructed to accurately map the route of services. Should diversions be required the assets will be relocated within existing or new highway land
Lumen	11b,11d, 13,17,17a,28,29 and 30a	Telecommunication cables located within the western footpath of Fifth Avenue. These cables will require diverting if they do not have sufficient depth or are located within areas deemed unacceptable to Lumen or the highway authority. Should diversions be proposed then new locations will be provided with suitable access and within the adoptable area.	C2 application was made to Lumen and received the 18 <sup>th</sup> March 2021.
Network Rail Infrastructure Limited	28,28a and 28b	Overhead lines on railway could be affected by new bridge construction	Asset enquiry made to network rail and BAPA Agreement in place to progress design approvals which will consider the impact on any overhead lines
EU Networks Fiber UK Limited	30a,29,28,17,17a,13,11d, 11b,11a,10a,8,1b,3,2,1a and 1.	Telecommunications cables within the western footpath of Fifth Avenue and the heading west along the grass verge of the A414. These cables will require diverting if they do not have sufficient depth or are located within areas deemed unacceptable to EU Networks Fiber UK Limited or the highway authority. Should diversions be proposed then new locations will be provided with suitable access and within the adoptable area.	Asset maps have been provided by EU Network Fiber UK Limited following a C2 request. Following commencement of detailed designs constraints plans will be prepared to allow for diversion plans to be prepared. GPR surveys are currently being instructed to accurately map for the route of services. Should diversions be required the assets will be relocated within existing or new highway land
GTC	No assets located in this area	No assets located in this area	No assets located in this area

Eastern Stort Crossing – River Way

Party Name	CPO Plots affected	Description of impact	Summary of discussions/negotiations to date (regarding arrangements will be made to divert, underground or protect the apparatus under the provisions of the New Roads and Streetworks Act 1991)
British Telecommunications Plc (Openreach)	63,64, 64a,67,68,70,87,88,99,99a,100,108,114	Below ground Openreach ducting and cables are located within the southern footpath of Eastwick Road, these cables and ducts will require diverting to allow for a new signal T junction. Below ground Openreach cables and ducts are also located within the eastern footpath along River Way and will therefore require diversion.	Openreach asset maps were requested via a C2 application. GPR surveys are currently being instructed to accurately map the route of services. In order to construct a new roundabout on River Way and demolish and reconstruct the railway bridge diversions will be required of these assets and a new supply installed within the new adoptable area.
National Grid Gas Plc	No assets located in this area	N/A	N/A
National Grid Electricity Transmission Plc	No assets located in this area	N/A	N/A
UK Power Networks Holdings Limited	118a,110,119,120,121,122, 123,124,125,126,108,107,133, 132a,140,140a, 142 and 144.	Existing HV and LV cables run within the Western adopted footpath of River Way.	UKPN asset maps were received on the 17 <sup>th</sup> March 2021 via a C2 application. In order to construct a new roundabout on River Way and demolish and reconstruct the railway bridge diversions will be required of these assets and a new supply installed within the new adoptable area.
London Power Networks Plc	No assets located in this area	N/A	N/A
Virgin Media Limited	70,87,88,99,100,108 and 116a	Virgin Media ducting and fibre cables are located in the Western footpath of Riverway.	A C2 application was requested on the 29 <sup>th</sup> March 2021.
Thames Water Utilities Limited (foul truck sewer)	76,77,79,79a,79b,79c,80 and 87	A 975mm foul truck sewer runs from East to West through the flood plain with manhole inspection chambers raised above existing ground levels. This trunk sewer will be crossed with the proposed bridge and therefore a build over agreements will be required.	A C2 application was requested on the 29 <sup>th</sup> March 2021.
Thames Water Utilities Limited (Foul sewers, foul rising mains and surface water drainage)	62,62a,63,64,64a,67,68,70,80, 80a,80b,82,84,88,89,89a,89c, 92a,97,98,98a,108,109,110a, 111,112a,116a,117,118,122	There is a foul rising main running within the western verge of river way from the southern end. Just prior to the river Way railway bridge the rising main heads west going under a building before heading north under the railway line. The main then continues north parallel with river way until heading North east again alongside River Way before connecting to the foul trunk sewer.	A C2 application was requested on the 29 <sup>th</sup> March 2021.
Affinity Water Limited	107,108,108a,110,110a,118,121,126,132a,140 and 146.	A 6inch water main runs in the western footpath of river way and over the railway bridge before crossing to the eastern footpath adjacent to printers way	Asset maps were requested from Affinity Water Limited on the 30 <sup>th</sup> March 2021. In order to demolish the existing river way railway bridge these utilities will need to be diverted onto temporary bridging structure to allow for the new bridge.



		commercial properties. This main also serves mead park commercial units.	construction of the railway bridge. Following completion of these works these cables will be relocated back into the new adopted highway.
Cadent Gas Limited	125,126,132a,133 and 144	Existing 125mm PE Medium pressure gas main crosses the River Way railway bridge within the Western footway.	Asset maps were requested from Cadent Gas Limited on the 30 <sup>th</sup> March 2021. In order to demolish the existing river way railway bridge these utilities will need to be diverted onto a temporary bridging structure to allow for the new construction of the railway bridge. Following completion of these works these cables will be relocated back into the new adopted highway.
Cadent Gas Limited	118,110a,118a,110,109a, 109,121,120,119,121,122, 123,124,125,126,108, 108a and 107	Various gas mains and connections serving the properties on Printers Way via a Cadent gas main in the Eastern and southern footpath of River Way. A supply also serves the properties at Mead park crossing Riverway at a right angle.	Asset maps were requested from Cadent Gas Limited on the 30 <sup>th</sup> March 2021. A new roundabout is proposed to provide a new access into Mead park which will involve diverting gas mains to ensure these supplies are accessible. Also when the new railway bridge is constructed in order for this to meet current standards the new bridge will increase in height, which could affect the existing supplies to the printers way units. Any impacts on the existing supply will be corrected and any necessary gas main diversions will be relocated within the adoptable highway.
Cadent Gas Limited (P93600 United Glass Supply)	139,140,140a,141,142 and 141a	The cadent Gas Limited records indicate an Intermediate pressure supply crossing River Way from the existing gas holders to the pressure reduction station.	Asset maps were requested from Cadent Gas Limited on the 30 <sup>th</sup> March 2021. GPR surveys will be required and possible slip trenches to confirm the depth of this main and if diversions will be required.
Vodafone Limited	125,132a and 140 Plan – Vodaphone C2 A Response 1	Telecommunication cables underneath plots 125, 132a and 140 are owned by Vodaphone Limited. These cables run within the eastern footpath of River Way and cross the existing River Way Railway Bridge.	Asset Maps have been provided by Vodafone Limited on the 18 <sup>th</sup> March 2021 following a C2 request. In order to demolish the existing River Way railway bridge these utilities will need to be diverted onto a temporary bridging structure to allow for the new construction of the railway bridge. Following the completion of these works these cables will be relocated back into the new adopted highway.
Vodafone Limited	110 Plan – Vodaphone C2 A Response 1	Telecommunications cables underneath plot 110 are owned by Vodaphone Limited. These cables run within the eastern footpath of River Way.	Asset Maps have been provided by Vodafone Limited following a C2 request, in order to construct a new roundabout on River Way the cables will be relocated into the new highway footpath if these cannot remain within the highway verge.
Lumens	140,146,148a and 149	Telecommunication cables located within the western verge of River Way. It is not anticipated that diversions will be required.	C2 application was made to Lumen and received on the 18 <sup>th</sup> March 2021.
Network Rail Infrastructure Limited	130,131, 132,132a,132b, 135 and 136	Overhead lines on railway could be affected by new bridge construction. Any necessary diversions will be determined and agreed as part of the detailed design stage.	Asset enquiry made to network rail and BA Agreement in place to progress design approval
EU Networks Fiber UK Limited	No Utilities	No Utilities	No Utilities
GTC	47a,47b,48,49 and 51	A Medium pressure gas main is located within the southern footpath of Eastwick Road and Low-pressure gas mains within the	C2 plans request made and received on the 17 <sup>th</sup> March 2021.

		Terlings Park site owned by GTC. GPR surveys will be completed to confirm the location of services in this area and if diversions are required. It is assumed at this stage that diversions will not be required as footpath levels are not being altered.	
GTC	Plot 50 contains a Medium pressure reduction station owned by GTC	There is no intention to relocate or divert services to this pressure reduction station.	C2 plans request made and received on the 17 <sup>th</sup> March 2021.

## Equality Impact Analysis Form

### 1. Equality Impact Analysis (EIA) Form

<b>Title of EIA (policy/change it relates to)</b>	East Hertfordshire District Council (The SIW East Hertfordshire) Compulsory Purchase Order 2022 (the "CPO")	<b>Date</b>	29 March 2022
<b>Team/Department</b>	<p>An Equality Statement (the "Statement") has been prepared by QUOD for the benefit of the Council and HDC in respect of the CPO and the Works. A copy is attached. The Council has used and considered the findings within the Statement for the purposes of compiling this assessment and discharging the PSED. The Council has assisted QUOD as far as possible and where requested by making available such information to inform the Statement.</p> <p>The Statement sets out how matters that may be relevant to equality considerations (such as noise) have influenced scheme selection and design; how consultation was used to make decisions on these matters; and how the direct and indirect effects of the CPO could give rise to equality impacts.</p> <p>This assessment should be read in conjunction with the Statement.</p>		

<p><b>Focus of EIA</b></p> <p>What are the aims of the new initiative?  Who implements it?  Define the user group impacted?  How will they be impacted?</p>	<p>To assess the possible impact, in accordance with the Public Sector Equality Duty (“PSED”), of the CPO and the strategic infrastructure works to be undertaken as a result of the CPO (the “Works”).</p> <p>The CPO will involve the compulsory acquisition (where such land and rights cannot be acquired by agreement with the relevant landowner) of land and rights necessary to complete the Works (the “Order Land”).</p> <p>The CPO is needed in order to facilitate the completion of the Works (both within the East Herts administrative area (the “District”) and the Harlow District Council (“HDC”) area) which in turn are necessary to unlock housing development and other growth in the Harlow-Gilston Garden Town (the “Garden Town”) area. The Council believes the CPO, and the Works carried out on the land included in the CPO, are likely to contribute to the promotion or improvement of the economic, social or environmental well-being of the District.</p> <p>The CPO is being promoted by the Council in parallel with another compulsory purchase order promoted by HDC of other land needed for the Works.</p> <p>The scheme of housing development and other growth underlying the CPO is being promoted by a partnership of local authorities concerned with the strategic development of the Garden Town, together with Places for People Developments Limited (“PFP”), one of the keys developers within the Garden Town.</p> <p>The CPO will directly affect persons identified as Qualifying Persons pursuant to the CPO process, including tenants/occupiers of the land within the CPO. The land holdings within the CPO are listed in Table 4.1 and 4.2 of the Statement.</p> <p>The Council is not aware of any residential properties within the Order Land.</p> <p>Residents, workers, employees, commuters and visitors in and around the area of the CPO may be</p>
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affected as and when the CPO is implemented and the Works are carried out, as well as after their completion.

The PSED applies to a public authority in respect of the exercise its functions. Whilst the function being exercised here is that of acquisition pursuant to the CPO, this report also considers the impact of the Works (both during and after construction) which are facilitated by the CPO. However, the Council is mindful that the Council will need to take further action before the Works can commence, for instance by granting the necessary rights to PfP to enter Council owned property (including the Order Land) to carry out the Works.

When exercising functions related to CPO the Council should consider the potential effects of the CPO on protected characteristics. They should give due regard to equality considerations and attribute appropriate weight to such considerations in its decision making. Consideration can be given to whether there are alternative approaches or additional steps that could alleviate or mitigate the impact of a decision. Equality impacts should be a considered in the balance, alongside the benefits arising from the CPO

A wider impact assessment of those who may be impacted by the effect of the other developments comprised in the Garden Town scheme will have been carried out for the two local plans and will have been or will be carried out for the planning permissions for the major developments comprised in the Garden Town scheme.

**Please note:** Prepopulated data for protected categories other than Age and Gender come from 2011 census results<sup>1</sup> on the district, the Age and Gender data comes from ONS mid-year estimates<sup>2</sup>. If the service has specific demographic data for service users/residents than this should be used instead.

<sup>1</sup><https://www.nomisweb.co.uk/census/2011>

<sup>2</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland>

## 2. Review of information, equality analysis and potential actions

Please fill in when appropriate to the change. If it does not, please put N/A

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff		What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
Age	As set out in 4.25-4.28 of the Statement.	<p>24.2%</p> <p>Under 20 4.5%</p> <p>20-24 5.5%</p> <p>25-29 19.8%</p> <p>30-44 22.9%</p> <p>45-59 5.4%</p> <p>60-64 9.6%</p> <p>65-74 5.6%</p> <p>75-84 1.6%</p> <p>85-89 0.9%</p> <p>90</p>	n/a	<p>No known adverse impacts upon Qualifying Persons (“QPs”).</p> <p>The construction phase for the Works – impacts, particularly in respect of severance, could disproportionately affect some people with particular Protected Characteristics in the absence of mitigation, particularly older people (Age) and disabled people (Disability);</p> <p>The completed</p>	<p>No need for further action except to state that the Council will keep the position under review as and when more information about the QPs becomes available.</p> <p>The nature of any equality effects from land and rights acquisition, if they arise, is likely to mean mitigation and compensation through the CPO process will be possible.</p> <p>The priority throughout the design of the mitigation process for both crossings has been to ensure that safe walking routes,</p>

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff		What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
Page 297				Works – the effects on residents and businesses around the CPO land are likely to relate primarily to air quality, noise and traffic, which could differentially and/or disproportionately affect some people with particular Protected Characteristics in the absence of mitigation, particularly older people and children (Age), disabled people (Disability), and pregnant people or those with young children (Pregnancy and Maternity)	especially to shops, services and recreation opportunities, are retained which limits the likelihood of a differential impact on certain residents.  Proposed mitigation measures have prioritise keeping safe walking and cycling routes available for recreation and access to services and public transport
				See table 3.1 of the	Mitigation is proposed in the form of management plans which will control the timings, methods of construction and routes for construction vehicles.

<b>Protected characteristics groups from the Equality Act 2010</b>	<b>What do you know?</b> Summary of data about your service-users and/or staff	<b>What do people tell you?</b> Summary of service-user and/or staff feedback	<b>What does this mean?</b> Impacts (actual and potential, positive and negative. Clearly state each)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
			Statement for further detail of potential effects. More detail if provided in clause 5 of the Statement.	
<b>Disability</b>	As set out in 4.29 – 4.32, 4.57 and 4.62 of the Statement.  11,663 households in East Herts have one person in household with a long-term health problem or disability.		No known adverse impacts upon Qualifying Persons.  The construction phase for the Works – impacts, particularly in respect of severance, could disproportionately affect some people with particular Protected Characteristics in the absence of mitigation, particularly older people (Age) and disabled people (Disability);	No need for further action except to state that the Council will keep the position under review as and when more information about the QPs becomes available.  The nature of any equality effects from land and rights acquisition, if they arise, is likely to mean mitigation and compensation through the CPO process will be possible.  The priority throughout the design of the mitigation process for both crossings has been to ensure that



<b>Protected characteristics groups from the Equality Act 2010</b>	<b>What do you know?</b> Summary of data about your service-users and/or staff	<b>What do people tell you?</b> Summary of service-user and/or staff feedback	<b>What does this mean?</b> Impacts (actual and potential, positive and negative. Clearly state each)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
Page 299			The completed Works – the effects on residents and businesses around the Order Land are likely to relate primarily to air quality, noise and traffic, which could differentially and/or disproportionately affect some people with particular Protected Characteristics in the absence of mitigation, particularly older people and children (Age), disabled people (Disability), and pregnant people or those with young children (Pregnancy and Maternity).	safe walking routes, especially to shops, services and recreation opportunities, are retained which limits the likelihood of a differential impact on certain residents.  Proposed mitigation measures have prioritised keeping safe walking and cycling routes available for recreation and access to services and public transport.  Mitigation is proposed in the form of management plans which will control the timings, methods of construction and routes for construction vehicles.

<b>Protected characteristics groups from the Equality Act 2010</b>	<b>What do you know?</b> Summary of data about your service-users and/or staff	<b>What do people tell you?</b> Summary of service-user and/or staff feedback	<b>What does this mean?</b> Impacts (actual and potential, positive and negative. Clearly state each)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
			See table 3.1 of the Statement for further detail of potential effects. More detail if provided in clause 5 of the Statement.	
<b>Gender reassignment</b>	As set out in 4.41 of the Statement.		No known adverse impacts upon Qualifying Persons.  No evidence to suggest that the effects of CPO and construction and operation of the Works would differentially or disproportionately affect any residents with this protected characteristics at any spatial scale.	None.

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
Pregnancy and maternity	As set out in 4.33-4.34 of the Statement.		<p>No known adverse impacts upon Qualifying Persons (“QPs”)</p> <p>The completed Works – the effects on residents and businesses around the Order Land are likely to relate primarily to air quality, noise and traffic, which could differentially and/or disproportionately affect some people with particular Protected Characteristics in the absence of mitigation, particularly older people and children (Age), disabled people (Disability),</p>	<p>No need for further action except to state that the Council will keep the position under review as and when more information about the QPs becomes available.</p> <p>The nature of any equality effects from land and rights acquisition, if they arise, is likely to mean mitigation and compensation through the CPO process will be possible.</p> <p>The priority throughout the design of the mitigation process for both crossings has been to ensure that safe walking routes, especially to shops, services and recreation opportunities, are retained which limits the likelihood</p>

<b>Protected characteristics groups from the Equality Act 2010</b>	<b>What do you know?</b> Summary of data about your service-users and/or staff		<b>What do people tell you?</b> Summary of service-user and/or staff feedback	<b>What does this mean?</b> Impacts (actual and potential, positive and negative. Clearly state each)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
				and pregnant people or those with young children (Pregnancy and Maternity).  See table 3.1 of the Statement for further detail of potential effects. More detail if provided in clause 5 of the Statement.	of a differential impact on certain residents.  Proposed mitigation measures have prioritise keeping safe walking and cycling routes available for recreation and access to services and public transport.  Mitigation is proposed in the form of management plans which will control the timings, methods of construction and routes for construction vehicles.
<b>Race</b>	As set out in 4.35-4.37 of the Statement.  <b>White</b> English/Welsh/Scottish/Northern Irish/British Irish	<b>95.47%</b> 90.25%  1.14%		No known adverse impacts upon Qualifying Persons (“QPs”)  No evidence to suggest that the effects of CPO and construction and	None.

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>																																								
	<table border="0"> <tr> <td>Gypsy or Irish Traveller</td> <td>0.04%</td> </tr> <tr> <td>Other White</td> <td>4.04%</td> </tr> <tr> <td><b>Mixed/multiple ethnic groups</b></td> <td><b>1.61%</b></td> </tr> <tr> <td>White and Black Caribbean</td> <td>0.45%</td> </tr> <tr> <td>White and Black African</td> <td>0.15%</td> </tr> <tr> <td>White and Asian</td> <td>0.62%</td> </tr> <tr> <td>Other Mixed</td> <td>0.38%</td> </tr> <tr> <td><b>Asian/Asian British</b></td> <td><b>1.95%</b></td> </tr> <tr> <td>Indian</td> <td>0.73%</td> </tr> <tr> <td>Pakistani</td> <td>0.15%</td> </tr> <tr> <td>Bangladeshi</td> <td>0.20%</td> </tr> <tr> <td>Chinese</td> <td>0.37%</td> </tr> <tr> <td>Other Asian</td> <td>0.49%</td> </tr> <tr> <td><b>Black/African/Caribbean/Black British</b></td> <td><b>0.71%</b></td> </tr> <tr> <td>African</td> <td>0.43%</td> </tr> <tr> <td>Caribbean</td> <td>0.22%</td> </tr> <tr> <td>Other Black</td> <td>0.07%</td> </tr> <tr> <td><b>Other ethnic group</b></td> <td><b>0.26%</b></td> </tr> <tr> <td>Arab</td> <td>0.10%</td> </tr> <tr> <td>Any other ethnic group</td> <td>0.16%</td> </tr> </table>	Gypsy or Irish Traveller	0.04%	Other White	4.04%	<b>Mixed/multiple ethnic groups</b>	<b>1.61%</b>	White and Black Caribbean	0.45%	White and Black African	0.15%	White and Asian	0.62%	Other Mixed	0.38%	<b>Asian/Asian British</b>	<b>1.95%</b>	Indian	0.73%	Pakistani	0.15%	Bangladeshi	0.20%	Chinese	0.37%	Other Asian	0.49%	<b>Black/African/Caribbean/Black British</b>	<b>0.71%</b>	African	0.43%	Caribbean	0.22%	Other Black	0.07%	<b>Other ethnic group</b>	<b>0.26%</b>	Arab	0.10%	Any other ethnic group	0.16%		operation of the Works would differentially or disproportionately affect any residents with this protected characteristics at any spatial scale.	
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<b>Religion or belief</b>	<p>As set out in 4.38-4.40 and 4.57 of the Statement.</p> <table border="0"> <tr> <td>Christian</td> <td>62.75%</td> </tr> <tr> <td>Buddhist</td> <td>0.32%</td> </tr> <tr> <td>Hindu</td> <td>0.45%</td> </tr> <tr> <td>Jewish</td> <td>0.33%</td> </tr> <tr> <td>Muslim</td> <td>0.72%</td> </tr> <tr> <td>Sikh</td> <td>0.12%</td> </tr> <tr> <td>Other religion</td> <td>0.32%</td> </tr> <tr> <td>No religion</td> <td>27.75%</td> </tr> <tr> <td>Religion not stated</td> <td>7.26%</td> </tr> </table>	Christian	62.75%	Buddhist	0.32%	Hindu	0.45%	Jewish	0.33%	Muslim	0.72%	Sikh	0.12%	Other religion	0.32%	No religion	27.75%	Religion not stated	7.26%		<p>No known adverse impacts upon Qualifying Persons (“QPs”)</p> <p>No evidence to suggest that the effects of CPO and construction and operation of the Works would differentially or disproportionately affect any residents with this protected characteristics at any spatial scale.</p>	None.
Christian	62.75%																					
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Sikh	0.12%																					
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No religion	27.75%																					
Religion not stated	7.26%																					
<b>Sex/Gender</b>	<p>As set out in 4.41 of the Statement.</p> <p>The district is 51% female and 49% male</p>		<p>No known adverse impacts upon Qualifying Persons (“QPs”)</p> <p>No evidence to suggest that the effects of CPO and construction and</p>	None.																		

<b>Protected characteristics groups from the Equality Act 2010</b>	<b>What do you know?</b> Summary of data about your service-users and/or staff	<b>What do people tell you?</b> Summary of service-user and/or staff feedback	<b>What does this mean?</b> Impacts (actual and potential, positive and negative. Clearly state each)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
			operation of the Works would differentially or disproportionately affect any residents with this protected characteristics at any spatial scale.	
<b>Sexual orientation</b>	As set out in 4.41 of the Statement.		<p>No known adverse impacts upon Qualifying Persons (“QPs”)</p> <p>No evidence to suggest that the effects of CPO and construction and operation of the Works would differentially or disproportionately affect any residents with this protected characteristics at any spatial scale.</p>	None.

<b>Protected characteristics groups from the Equality Act 2010</b>	<b>What do you know?</b> Summary of data about your service-users and/or staff		<b>What do people tell you?</b> Summary of service-user and/or staff feedback	<b>What does this mean?</b> Impacts (actual and potential, positive and negative. Clearly state each)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Marriage and civil partnership</b>	As set out in 4.41 of the Statement.	30.5% 52.3% 0.2% 2.3% 8.6% 6.2%		No known adverse impacts upon Qualifying Persons (“QPs”)  No evidence to suggest that the effects of CPO and construction and operation of the Works would differentially or disproportionately affect any residents with this protected characteristics at any spatial scale.	None.
<b>Assessment of overall impacts and any further recommendations</b>					



<b>Protected characteristics groups from the Equality Act 2010</b>	<b>What do you know?</b> Summary of data about your service-users and/or staff	<b>What do people tell you?</b> Summary of service-user and/or staff feedback	<b>What does this mean?</b> Impacts (actual and potential, positive and negative. Clearly state each)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<p>When considering a decision, the PSED requires the Council carefully to consider how the decision will affect people who are protected under the Equality Act 2010. In meeting its duty, the Council should have due regard to those equality considerations (and any others it considers relevant) and seek to advance equality of opportunity, and foster good relations, between people who share protected characteristics with those who do not.</p> <p>The Statement details the potential effects of the CPO and the related Works that may differentially or disproportionately affect people with protected characteristics.</p> <p>No affected persons within the Order Land have been identified for whom protected characteristics differentially affect their ability to understand or engage in the land acquisition process, or how they will be affected by it. Engagement will continue throughout the land referencing process to monitor the needs of Qualifying Persons as they relate to the Equality Act. The nature of any equality effects from land acquisition, if they arise, is likely to mean mitigation and compensation through the CPO process will be possible.</p> <p>In the Statement, some potential adverse environmental effects have been identified (which constitute indirect effects of the CPO). An adverse environmental effect does not automatically constitute an equality effect and in the majority of cases it would not do so. Some of these effects are short term, and some are isolated affecting only a very small number of residents.</p> <p>The scale and nature of these effects is not considered to amount to illegal discrimination as defined in the Act.</p> <p>No disproportionate effects have been identified.</p> <p>Some differential effects could potentially occur but can be mitigated.</p>				

<b>Protected characteristics groups from the Equality Act 2010</b>	<b>What do you know?</b> Summary of data about your service-users and/or staff	<b>What do people tell you?</b> Summary of service-user and/or staff feedback	<b>What does this mean?</b> Impacts (actual and potential, positive and negative. Clearly state each)	<b>What can you do?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<p>In view of the information contained within the Statement, the Council has considered the potential impacts but is of the view that other considerations, including the public benefit of the wider HGGT scheme which the CPO and strategic infrastructure works will facilitate, outweigh the potential adverse effects.</p> <p>Under legislation, identification of an impact does not mean a CPO should not proceed. The Council has given due regard to the PSED.</p>				

### 3. List detailed data and/or community feedback which informed your EqIA (If applicable)

<b>Title</b> (of data, research or engagement)	<b>Date</b>	<b>Gaps in data</b> (Baseline summary data found in Appendix 2 of Statement.)	<b>Actions to fill these gaps: who else do you need to engage with?</b> (add these to the Action Plan below, with a timeframe)
Direct consultation with QPs.	Various	As described in the Statement.	Ongoing discussions with QPs.
Planning permissions relating to proposed Works.	Various	None known.	None known.

Planning permissions relating to Gilston Park Estate.	Various	None known.	None known.
See 5.5-5.19 of Statement.	Various	As described in the Statement.	None known.

#### 4. Prioritised Action Plan (If applicable)

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
QPs.	Further engagement as part of CPO process.	Further information to inform PSED consideration.	Ability to further consider PSED.	Unknown.
Others	Monitoring construction process	Assessment of effectiveness of mitigation process.	Ability to further consider PSED.	As Works commence.

**EqIA sign-off:** (for the EQIA to be final an email must be sent from the relevant people agreeing it or this section must be signed)

<b>Lead Equality Impact Assessment officer:</b>		<b>Date:</b>	
<b>Directorate Management Team rep or Head of Service:</b>		<b>Date:</b>	
<b>Author of Equality Impact Analysis:</b>		<b>Date:</b>	



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Quod

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# Equality Statement

Compulsory Purchase  
Order enabling the delivery  
of the Central River Stort  
Crossing and Eastern Stort  
Crossing

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MARCH 2022

Q30176

# Contents

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# 1 Introduction

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## Purpose of this Statement

- 1.1 This Equality Statement (EqS) has been prepared by Quod to provide information to the relevant public bodies in relation to their use of Compulsory Purchase Powers.
- 1.2 These powers are available to them under section 226(1)(a) of the Town and Country Planning Act 1990 and will allow them to compulsorily purchase land and/or acquire rights within each District to enable development of the Central River Stort Crossing and Eastern Stort Crossing, subject to determination.
- 1.3 This Statement provides a summary of the likely impacts of the proposals which the Authorities should consider when discharging their Public Sector Equality Duty (PSED) under Section 149 of the Equality Act 2010 ('the 2010 Act').
- 1.4 This Statement may require revision in the event that any changes to the land referencing occur between now and the making of the CPOs (or any other relevant considerations arise through the process of that application).
- 1.5 No disproportionate effects have been identified. Some differential effects could occur and these are summarised in Section 6.
- 1.6 Based on the nature of the likely effects of the CPO, any such effects will be able to be mitigated or compensated for through the process of making the CPO. Relevant indirect environmental effects as a result of the construction and operational River Crossings (primarily noise effects, for a limited number of receptors) will be mitigated and managed under the conditions placed on the Planning Permissions granted for the River Crossings.
- 1.7 Under the Act, the Authorities are not required to take any specific course of action in response to any identified effects or potential equality effects, just to take due consideration of the effects in their decision making.
- 1.8 The public bodies, namely Harlow District Council and East Herts District Council, are hereafter referred to as "the Acquiring Authorities". The Minister is hereafter referred to as the "Confirming Authority"; and collectively as the "Authorities".

## The Planning Context

- 1.9 Places for People ('the Applicant' for the Central River Stort Crossing and the Eastern Stort Crossing) seeks to deliver 8,500 new homes in Gilston Park Estate (GPE)<sup>1</sup>. This site is part of a 16,000 home plan (and other uses) for the expansion of Harlow in four key areas collectively referred to and planned as the Harlow and Gilston Garden Town (HGGT). To enable the delivery of the HGGT strategic infrastructure work is planned. This includes two road bridge crossings – the Central River Stort Crossing and Eastern Stort Crossing. The Central (3/19/1046/FUL) and Eastern (3/19/1051/FUL) River Stort Crossing Planning Applications were made to both Harlow District and East Hertfordshire District Councils<sup>2</sup> (HDC and EHDC) as they cross the administrative boundary.
- 1.10 To facilitate construction of the Central River Stort Crossing (CRSC) and Eastern Stort Crossing (ESC) for the benefit of the Harlow of Gilston Garden Town (HGGT) as well as EHDC and HDC individually, it will be necessary for HDC and EHDC to exercise compulsory purchase powers.
- 1.11 Because this statement is directly related to Compulsory Purchase powers, it focusses on the proposed crossings for which CPO rights are required, and not on the potential effects of the wider development applied for under 3/19/1045/OUT (Gilston Park Estate Villages 1-6); Village 7 of Gilston Park Estate; Latton Priory; East Harlow; Water Lane; or any other element of the Harlow and Gilston Garden Town (although that wider context is considered where relevant). Given the geographical links between the Crossings and Gilston Park Estate, that application is referred to in most detail. For the avoidance of doubt, the Authorities will be required to discharge their PSED when consenting all planning applications, as well as in using their CPO powers to enable the CRSC and ESC, but this statement relates to the CPO functions specifically.

## The PSED

- 1.12 There are ways in which any CPO, or any development which it enables, could potentially disproportionately or differentially impact on individuals or groups with Protected Characteristics. This EqS addresses both the direct effects of the CPO itself (i.e. those that arise as a result of the acquisition of land or rights) and those that could arise as a result of both the construction and operation of the CRSC and the ESC.
- 1.13 The 2010 Act requires public authorities to have due regard to equality considerations when exercising their functions. These considerations include to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic (explained in detail below) and persons who do not share it;

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<sup>1</sup> The Outline Planning Application, made to East Hertfordshire District Council, is for 8,500 new homes spanning six new villages along with supporting social and community infrastructure (3/19/1045/OUT).

<sup>2</sup> Listed Building Consent ref: 3/19/1049/LBC was also applied for but is not directly relevant to this statement.



- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

1.14 These are sometimes referred to as the three aims or arms of the PSED. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

1.15 The Act states that “meeting different needs” involves taking measures to take account of disabled people's disabilities. It describes “fostering good relations” as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the PSED may involve treating some people more favourably than others (referred to in some contexts as “positive discrimination”).

1.16 The main objective of the PSED is to ensure public policies and programmes are implemented fairly, in particular with regard to their impact on the protected characteristics identified below:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership<sup>3</sup>
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

1.17 When exercising functions related to CPO the Authorities should consider the potential effects of that CPO on those protected characteristics, as defined under the Act. They should give due regard to equality considerations and attribute appropriate weight to such considerations in its decision making. Consideration can be given to whether there are alternative approaches or additional steps that could alleviate or mitigate the impact of a decision. Equality impacts should be a considered in the balance, alongside the benefits arising from the CPO.

1.18 Mitigation measures can eliminate or reduce some equality impacts, but some impacts may be unavoidable. Under legislation, identification of an impact does not mean a CPO should not proceed. In these cases, the Authorities should make it clear that they have considered these

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<sup>3</sup> Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status. This means that the first arm of the duty applies to this characteristic, but that the other arms (advancing equality and fostering good relations) do not apply.

potential impacts in decision making (due process) and consider whether other considerations, including the public benefit of the development that will be supported by the CPO, outweigh the potential adverse effects.

- 1.19 Under the Act, the Authorities are not required to take any specific course of action in response to any effects, just to give due consideration of the effects in their decision making.
- 1.20 The PSED cannot be delegated, therefore this report does not in itself discharge the Authorities' duties, although it should provide relevant information that will help them to do so.

### **Principle of Development**

- 1.21 The principle of the development of the Stort Crossings has been established in EHDC planning policy (See Section 11.4 of the East Herts District Plan 2018) and HDC planning policy (See Policy SIR1 of the Harlow Development Plan 2020). The adoption of planning policies by public authorities is subject to the PSED assessment and both the EHC and HDC development plans have been found sound in that respect through the examination process.
- 1.22 The principle of this type of development in this type of location has already been subject to some degree of an Equality Impact Assessment subject to level of detail available at that stage.

### **Structure of this Report**

- 1.23 This EqS sets out the likely equality impacts arising from the CPO considering the nature of these and setting out the proposed mitigation where this is necessary to avoid likely effects.
- 1.24 The structure of this report is as follows:
- Scheme Description
  - Methodology
  - Baseline
  - Equality Statement summary of effects
  - Conclusion
  - Appendices

## 2 Scheme Description

### The Proposed Development

- 2.1 Full planning permission is being sought for Central River Stort Crossing (3/19/1046/FUL):

*Alterations to the existing Fifth Avenue road/rail bridge, and creation of new bridges to support the widened highway to west of the existing structure to create the Central Stort Crossing, including embankment works, pedestrian and cycle facilities, a pedestrian and cycle bridge over Eastwick Road, lighting and landscaping works and other associated works*

- 2.2 Full planning permission is also being sought for Eastern Stort Crossing (3/19/1051/FUL):

*Erection of a new road, pedestrian and cycle bridge; replacement of an existing rail bridge at River Way; alterations to the existing local highway network; lighting and landscaping works; listed building works to Fiddlers Brook Bridge; and other associated works.*

- 2.3 The following maps show the alignment of the two crossings and their relationship with neighbouring land uses and communities.

Figure 1: CRSC proposed layout

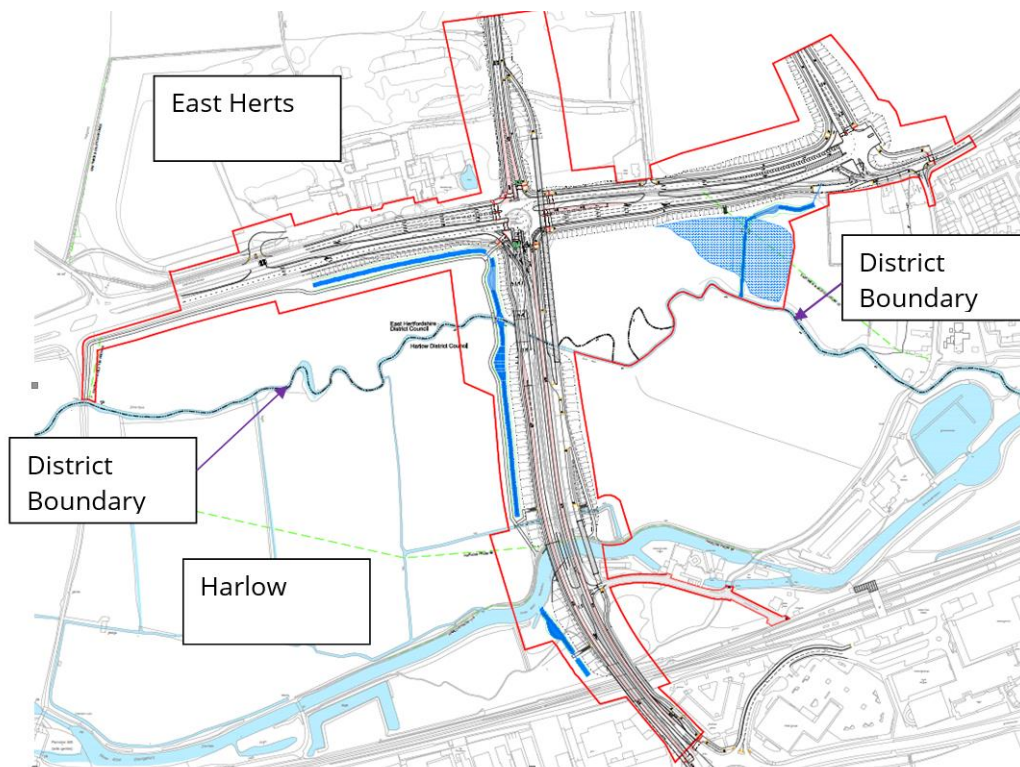
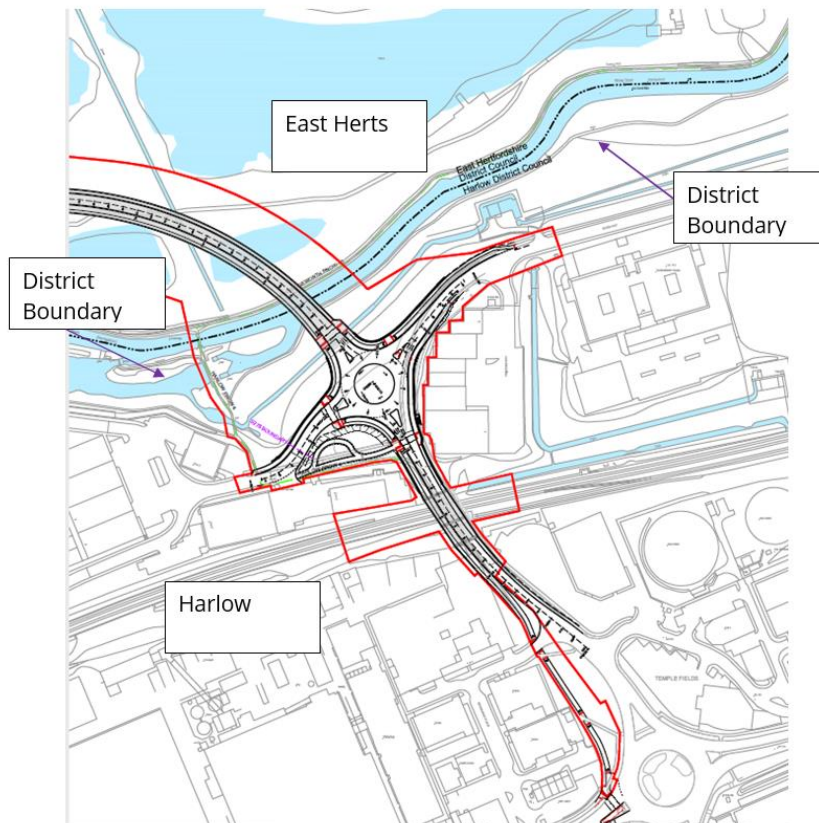


Figure 2: ESC proposed layout



## Central Stort Crossing

### *The existing road layout*

- 2.4 The existing Fifth Avenue road crossing is constructed on a raised embankment above the Stort Valley floodplain and crosses the River Stort, the Stort Navigation and the West Anglia Mainline railway (which links Harlow with London, Stansted Airport and Cambridge) on bridges.
- 2.5 At the northern end of Fifth Avenue, where it joins Eastwick Road, is a non-signalised roundabout. To the west this links to the A414 a dual carriageway road toward Ware and Hertford. To the east it is a two lane single carriageway road linking across to Terlings Park, Pye Corner, High Wych and Sawbridgeworth.
- 2.6 A pedestrian path runs on the western side of Fifth Avenue but is very narrow in places and encroached upon by vegetation. The path is generally well separated from the carriageway, except at the northernmost end.
- 2.7 There are two other walking and cycle paths to the east and west of Fifth Avenue that cross the River Stort, the Stort Navigation, and the railway mainline. The west route is between Parndon Mill Lane and Eastwick Road. The east route is Burnt Mill Lane. Both connect into the towpath that runs along the Stort Navigation, underneath Burnt Mill Bridge.

## Proposals

- 2.8 The proposed development comprises enhancements and widening the existing Eastwick (A414)/ Fifth Avenue Crossing over the Stort Valley to facilitate the provision of sustainable transport infrastructure between the Gilston Area residential development (District Plan allocation Site GA1) and Harlow. The application, as amended, comprises:
- The main central access into that part of the Gilston area allocation immediately north of the existing Eastwick junction (Village 1) (in interim and final form), to allow for sustainable modes of transport only;
  - A new “all modes” access into Village 1, located to the east of the “sustainable modes” junction off Eastwick Road (in interim and final form);
  - New northbound carriageway and bridge structures to the west of the existing Fifth Avenue Crossing;
  - Parameters for a new dedicated pedestrian and cycle route to the east of the existing Fifth Avenue Crossing comprising a bridge over the Eastwick Road junction, a bridge over the Stort Navigation and a bridge over the West Anglia Mainline; and
  - A new access from the A414 into the Eastwick Lodge Farm complex and amendments to existing access arrangements.
- 2.9 The CRSC is anticipated to take two and a half years to design and construct including enabling works.
- 2.10 The Application includes full details for the accesses, new pedestrian and cycle provision and the new road carriageway.
- 2.11 However, details for the design of the area under the carriageway where Stort Navigation and its associated towpath will be provided as part of the detailed engineering design stage to follow determination. This is addressed by a planning condition. Similarly, details will be required via condition for the design of the dedicated pedestrian and cycle bridge over Eastwick Road.
- 2.12 The application provides the technical design parameters for the construction of the bridge, with the full details to emerge through a later design stage. The final extent of land needed to facilitate the development of the CRSC will be determined as part of the later design stage but shall be no larger than that proposed as part of the CPO.

Figure 3: CRSC illustrative visuals



Figure 4: Burnt Mill Lane and Terlings Park Access Illustrative Visual



### Eastern Stort Crossing

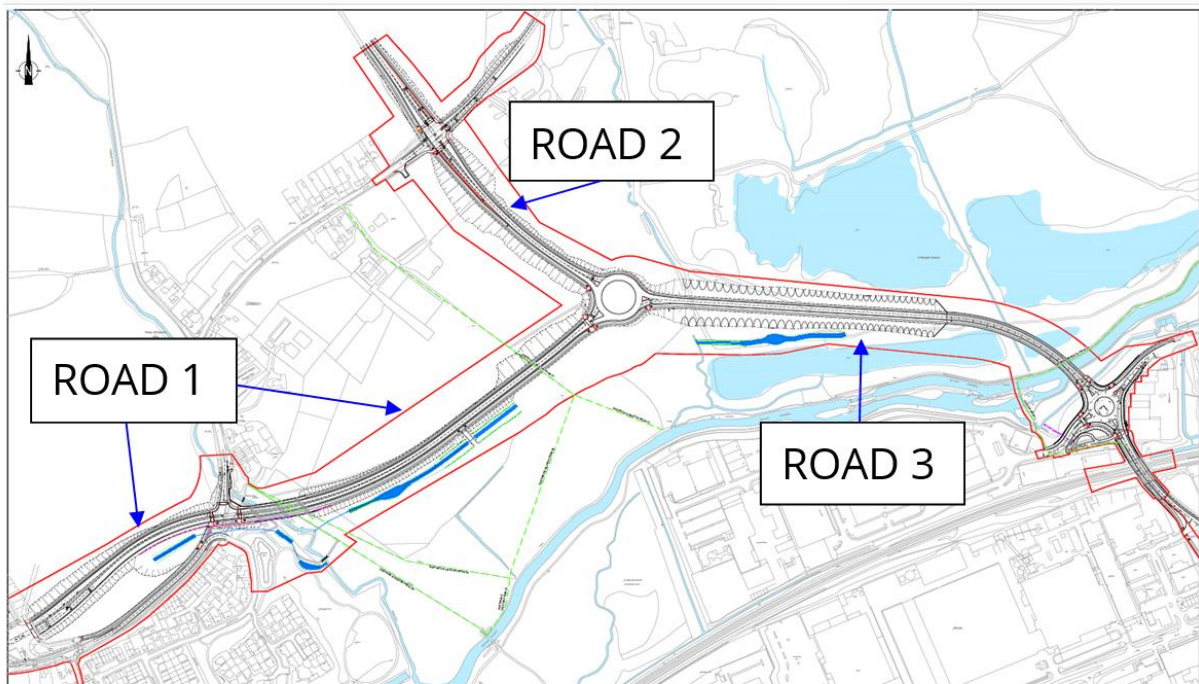
#### *The existing road layout*

- 2.13 There is currently no road crossing of the Stort Valley in this location (although Public Right of Way (footpath) does link Pye Corner and the towpath). The ESC will link the existing Eastwick Road (in two locations) with River Way and the Edinburgh Way Junction.

#### *The proposed road layout*

- 2.14 The proposed Eastern Stort Crossing (ESC) is a new pedestrian, cycling and vehicular route which runs between the A414/ Eastwick Road/ Fifth Avenue junction to the A414 Edinburgh Way junction in Harlow.
- 2.15 The site encompasses an area of 26.9 hectares spanning from the Village 1 junction in the west to River Way, Harlow to the east. The route of the ESC is broken into three sections: Road 1, Road 2 and Road 3. The three roads join at the Central Roundabout.

Figure 5: ESC sections



- 2.16 There are three locations where highway bridge structures are required; Road 1 is required to span Fiddlers' Brook near Terlings Park; Road 3 is required to span the Stort Valley and the Stort Navigation to the south east where the road links with the existing highway at River Way; and the River Way Bridge over the railway line, which is reaching the end of its serviceable life, is being replaced to, in part, enable a safe connection to be made that meets current highway safety standards.
- 2.17 Within the river valley itself, the proposal includes the replacement of two small bridge decks which connect the canal towpath and river footpath to the Mead Park Industrial Estate in Harlow to the south. This path is currently poorly signposted and is very narrow, with poorly maintained footbridge structures. Improving the structures will provide an off-road alternative to the road bridge footway/cycleway.
- 2.18 A segregated 5m useable width footway/ cycleway facility plus buffer zones is provided for the full extent of the ESC between Fifth Avenue/Central Stort Crossing and River Way/ Edinburgh Way junction.
- 2.19 A construction period of approximately 2 years has been identified for Roads 1 and 2, and approximately 2 years for the construction of Road 3. It is anticipated that there will be a period of overlap rather than running consecutively.



Figure 6: Fiddlers Brook Road Bridge Cross Section (Road 1)  
 Upon completion and after 10 years

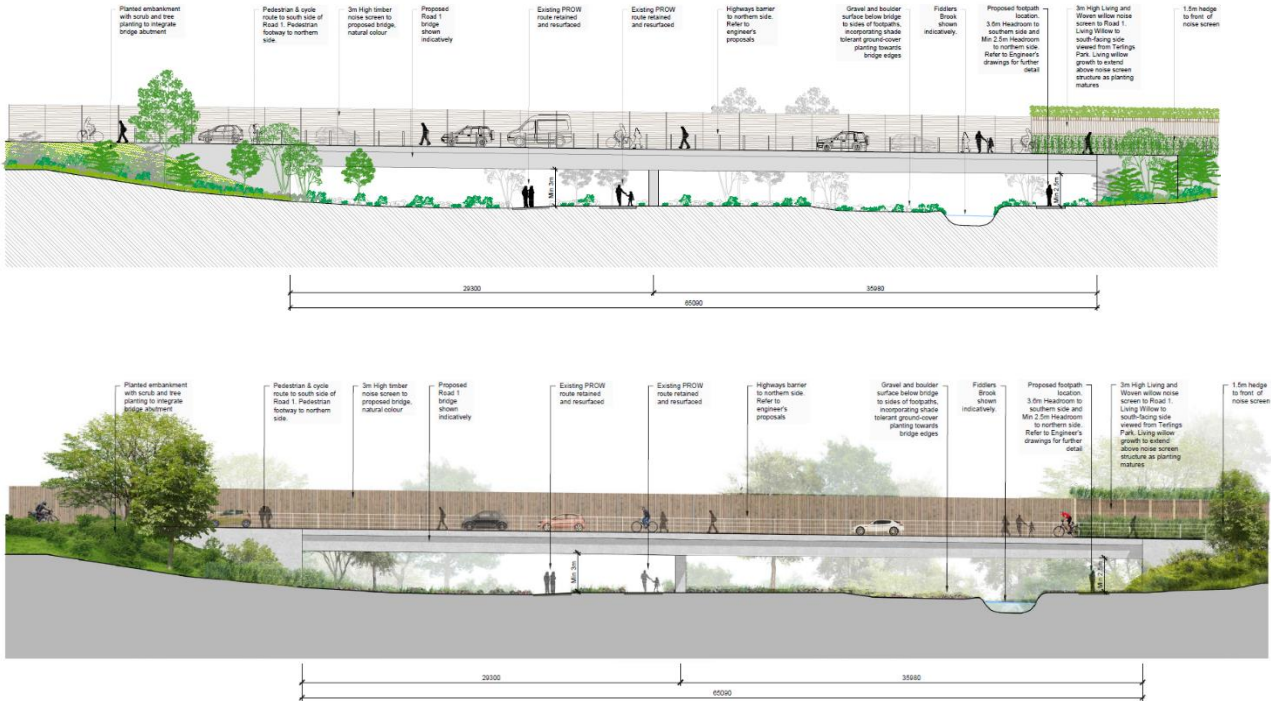


Figure 7: Eastern Stort Crossing Vision (looking West, with Terlings Park at the centre top)



## Scheme Design and Selection

- 2.20 Policy GA2 in the East Herts District Plan identified two strategic schemes for improving capacity and connectivity over the River Stort:
- A widening of the existing A414 crossing to enable a dualling of the northbound and southbound carriageways and provision of a new footway/cycleway, which will form part of a north-south sustainable transport corridor through Harlow; and
  - A new vehicular, cycle and pedestrian crossing either to the east of the existing crossing (connecting the A414 to the River Way), or to the west of the existing crossing (connecting the A414 to Elizabeth Way)
- 2.21 The explanatory text to GA2 at paragraph 11.3.2 acknowledges that a new crossing either to the east or west of the existing A414 crossing would be feasible and that they would deliver different benefits. An eastern crossing is the option preferred by ECC as it provides relief to junctions along the western end of the A414 Edinburgh Way in Harlow, and enhances access to the Enterprise Zone and links through, potentially, to the proposed new motorway Junction 7a.

- 2.22 Schemes for improvements to the existing A414 crossing at Eastwick were first designed by Essex City Council (ECC), in advance of the Gilston Area allocation.
- 2.23 Chapter 5 of the Environmental Statement (ES) and Chapter 5 of the Environmental Statement Addendum (Addendum) provides a detailed explanation of all of the crossings options that have been considered and the reasons the current proposals are preferred.

## 3 Methodology

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### Approach

- 3.1 Land acquisition will affect those with an interest in that land, and the CPO acquisition process is intended to ensure that this acquisition is only done where necessary and is fairly compensated. That reduces effects on people irrespective of their protected characteristics.
- 3.2 All people have some protected characteristics (including age, sex, race etc). That does not, however, mean that an effect of a development or CPO necessarily constitutes an equality effect. It becomes an equality consideration where the act affects them differently as a result of those characteristics.
- 3.3 Ways in which that could happen include:
- Personal characteristics that make it harder for an affected person to understand or engage with the process (for example language, or disability).
  - Characteristics which make alternatives less suitable – for example the occupier of a house that has been specially adapted for a disability, for whom compensation to buy an alternative, non-adapted home, would not be sufficient.
  - Characteristics which make an affected person more vulnerable than normal to the effects of disruption or from being required to move home (for example age or disability).
- 3.4 There are no statutory or regulatory requirements for the form, methodology or content of an Equality Impact Assessment. A growing body of recent practice applies the approach of categorising potential equality impacts into two types: *disproportionate* and *differential*. This is a helpful categorisation to distinguish the effects of a decision on people, in general, from effects that should be considered as part of the PSED.
- 3.5 Some effects of development will affect many users – residents, visitors, employees – including many with protected characteristics. This is not necessarily an equality issue, but it may become one when any adverse effect on those with protected characteristics is either *disproportionate* or *differential*, as explained below:
- **Disproportionate:** there may be a disproportionate equality effect where people with a particular protected characteristic make up a greater proportion of those affected than in the wider population.
  - **Differential:** there may be a differential equality effect where people with a protected characteristic are affected differently to the general population as a result of circumstances, vulnerabilities or restrictions they face because of that protected characteristic.
- 3.6 The scale and significance of such impacts cannot always be quantified, but the direction of the effects can be qualitatively considered through descriptive analysis of impacts and identifying whether such impacts are adverse, beneficial or neutral.

- 3.7 Some impacts are inherently more difficult for the CPO or planning process to directly control. For example, some effects may depend on how people respond to a development in future (e.g. the future way people will use the road crossings), which cannot be accurately projected. For this reason, the EqS should focus on impacts that can be modelled or forecast with a reasonable degree of certainty, or on impacts that can be controlled through relevant measures.
- 3.8 This Statement considers the direct effects of the CPO and CPO process itself, including:
- Disproportionate or differential effects resulting from the displacement of existing owners or users of the land which is due to be the subject of a CPO; and,
  - How the protected characteristics have been considered in the CPO process, specifically with reference to the engagement with the affected parties, known as the Qualifying Persons<sup>4</sup>.
- 3.9 It also considers the indirect effects of the ESC and CRSC that are enabled by the CPO including:
- The construction phase for the Crossings – impacts, particularly in respect of severance, could disproportionately affect some people with particular Protected Characteristics in the absence of mitigation, particularly older people (Age) and disabled people (Disability);
  - The completed Crossings – the effects on residents and businesses around the CPO land are likely to relate primarily to air quality, noise and traffic, which could differentially and/or disproportionately affect some people with particular Protected Characteristics in the absence of mitigation, particularly older people and children (Age), disabled people (Disability), and pregnant people or those with young children (Pregnancy and Maternity).
- 3.10 The potential effects and their potential vulnerable populations are summarised in the following table. These are the examples of the ways in which vulnerable populations could be affected in the context of a CPO and is not an exhaustive list:

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<sup>4</sup> Defined as: an owner; an occupier; a tenant (whatever the period of the tenancy); a person to whom the acquiring authority would be required to give notice to treat if it was proceeding under section 5(1) of the Compulsory Purchase Act 1965; a person the acquiring authority thinks is likely to be entitled to make a claim for compensation under section 10 of the 1965 act (compensation for injurious affection) if the order is confirmed and the compulsory purchase takes place, so far as he is known to the acquiring authority after making diligent inquiry; this relates mainly, but not exclusively, to easements and restrictive covenants.

**Table 3.1 Potential Effects on Protected Characteristics**

<b>Topic</b>	<b>Potential Effects</b>	<b>Vulnerable Populations</b>
Land Acquisition	<p>The owners/secure tenants of acquired land may be unable to acquire or afford alternative land or premises.</p> <p>The users of acquired land may be unable to secure access to a suitable alternative.</p> <p>Affected people may find it hard to understand or engage with the process</p> <p>Affected people may experience greater costs of relocation, e.g. costs of adapting a new premises for a disability</p>	<p>Children</p> <p>The elderly</p> <p>People with disabilities</p>
Road Safety	<p>There may be an increased risk of road traffic accidents as a result of changes in traffic flows and patterns during both construction and operation (with an associated potential adverse effect on health).</p>	<p>Children</p> <p>Pregnant women</p> <p>The elderly</p> <p>People with disabilities</p>
Active Travel	<p>Changes in active travel as a result of changes in traffic flows and patterns resulting in severance, road/footpath closures and subsequent diversions for pedestrians and cyclists (construction), and changes in amenity, contributing to people’s ability or inclination to walk or cycle.</p>	<p>Children</p> <p>Pregnant women</p> <p>The elderly</p> <p>People of limited mobility</p>
Accessibility & severance	<p>During scheme construction, disruption to the road and public transport network may result from road closures/diversions and public transport diversions, potentially affecting access to schools, healthcare and community facilities as well as being a cause of driver stress.</p> <p>During scheme operation, there may be improvements to accessibility resulting from the provision of a new cross-river vehicular route, including improved public transport capacity which could improve access to facilities and services.</p>	<p>Children</p> <p>Pregnant women</p> <p>The elderly</p> <p>People with disabilities</p>
Access to work & training	<p>During scheme construction, beneficial effects could relate to improvements to mental health and general well-being arising from access to construction jobs and training.</p> <p>Adverse effects could arise from the loss of employment as a result of land-take from the scheme, with associated effects on health and well-being.</p> <p>During scheme operation, beneficial effects could relate to reduced congestion improving access to work by car. Improved access to employment and training resulting in</p>	<p>All residents - but young adults may be particularly vulnerable to (and may particularly benefit from) jobs and skills loss/opportunities</p>

Topic	Potential Effects	Vulnerable Populations
	improvements to mental health and general well-being. Adverse effects may relate to personal affordability and the effect on those not able to transfer to bus or use an alternative route.	
Noise and Air Quality	The scheme could have both beneficial and adverse effects on health according to where there are improvements or deteriorations in noise levels and air quality.  Effects may result in an increase or decrease in annoyance levels, levels of sleep disturbance, and risk of cardiovascular conditions such as myocardial infarction and an increase or decrease in a range of conditions including asthma, other respiratory and circulatory diseases.	Children Older people People with disabilities (including existing long-term respiratory conditions)

## Methodology

### Baseline

- 3.11 The baseline assessment aims to understand the characteristics of those likely to be impacted by the CPOs and the construction and operation of the ESC and CRSC.
- 3.12 The nature of the land acquisition process, dealing with affected individual people, means that general discussion of protected characteristics can become specific and personal, and some relevant information may be confidential. There are therefore limits to how much information can be published for individuals affected although it has been presented where possible and available.
- 3.13 The Baseline below refers to the general characteristics at neighbourhood (where available) and district level.
- 3.14 Where there specific information is not available, a statement of likely level of risk/vulnerability has been presented based on the available evidence.
- 3.15 For the CPO element, the baseline is all the Qualifying Persons. There is no publicly available statistical record that is available at an individual property level so any relevant protected characteristics have been identified through the direct consultation with the Qualifying Persons. Some of this is personal and confidential and so cannot be published.
- 3.16 For the wider impact section the “receptors” or people who may be impacted by the effect of the construction and operation of the Crossings have been identified through the Environmental Impact Assessment process undertaken in support of the three planning applications. The most relevant assessments are Air Quality (ES Chapter 8), Noise (ES Chapter 8), and Transport and Access (ES Chapter 9).
- 3.17 The maps in Appendix 1 show the location of the Sensitive Receptors identified in each case and used as the basis for the ES assessment. The methodology for identifying these receptors is set out in the respective ES Chapters.

### Identification of potential effects

- 3.18 Section 5 presents the potential effects of the Proposed Development on people with Protected Characteristics, focusing on differential and disproportionate effects.
- 3.19 The information presented is based on a review of all relevant documents within the planning applications (including Environmental Impact Assessment) and engagement with the Authorities, the Applicant and its Project Team, and through engagement directly with the Qualifying Persons and with the wider community.



## 4 Baseline

### Baseline for Direct Effects of the CPO

- 4.1 The direct effects of the acquisition of the land could give rise to equality effects on either the owners (called Qualifying Persons) or the occupiers or users of the land. Most of the land parcels required for the crossings are not in private economic use – they are land already in public ownership (typically for highways and verges).
- 4.2 There is a small number of parcels which currently house active businesses and leisure uses, one dwelling, road access and some agricultural and park land, all of which could theoretically give rise to equality impacts. The table below considers owners as well as occupiers.
- 4.3 Full details on the parcels can found in Table 1 of the Schedule to the Draft Orders. The following table summarises those in active use (e.g. other than for highways and verges) as known at the time of writing.

Table 4.1 Land Plots within the Order Limits, potentially giving rise to equality effects [this table is still be finalised]

Title No	LRS Plot No.	Address	Current use of the land	Title Absolute and/or Proprietors	Relevant Protected characteristic of Qualifying Persons <sup>5</sup>
EX877978	11, 11a, 11b, 11c, 11d, 12	Land lying to the south of Eastwick Road, Harlow	Pasture land to the east and west of existing highway (including existing highway)	Land Trust Restoration	none
EX686164	8, 8a, 8b	Land on the north side of the River Stort (navigation), Harlow	Public highway and part of roundabout with agricultural land either side.	Homes and Communities Agency	none

<sup>5</sup> relevance defined as being likely to trigger a differential or disproportionate effect from land acquisition

Title No	LRS Plot No.	Address	Current use of the land	Title Absolute and/or Proprietors	Relevant Protected characteristic of Qualifying Persons <sup>5</sup>
<b>EX686160</b>	15, 15a, 17, 17a, 17b, 20, 20a, 29, 31	Land at Elizabeth Way, Burnt Mill, Burnt Mill Lane, Fifth Avenue, Allende Avenue, Edinburgh Avenue and Harlow Town Station, Harlow	Public highway and part of roundabout with agricultural land either side.	Harlow District Council	none
<b>EX410562</b>	32	Land lying to the north east side of Fifth Avenue	Goodman House offices. Verge land adjacent to the offices	Essex County Council	none
<b>HD127528</b>		Land at Gilston Park Estate	Agricultural and verge land	Places for People Developments Limited	none
<b>HD332654</b>		Eastwick Lodge Farmhouse, Eastwick Road, Gilston, Harlow, CM20 2QT	Agricultural Land, including Eastwick Lodge Farm	Places for People Developments Limited	none

Table 4.2 Acquisition of land parcels within the Order Limits, potentially giving rise to equality effects: ESC

Title No	LRS Plot reference	Address	Current use of the land	Title Absolute	Relevant Protected characteristic of Qualifying Persons <sup>6</sup>
<b>HD555808</b>	55, 56, 58, 61, 65, 66, 73, 75, 76, 82	Land adjoining Highview, Pye Corner, Gilston, Harlow, CM20 2RB	Agricultural and scrubland	Mary Blanche Pope Roger James Beaumont	none
		High View, Pye Corner, Gilston, CM20 2RB	Dwelling	Mary Blanche Pope Roger James Beaumont (freeholder)	none  (owner and occupier relevant, if different )
<b>HD276093</b>	62, 63, 64, 74, 77, 80	Land to the South East of Eastwick Road, Stanstead Abbots, Ware	Agricultural land	Mary Blanche Pope Roger James Beaumont	none
<b>HD142647</b>	52, 53, 59	land on the south side of Eastwick Road, Gilston	Park land (open space) surrounding previous development	Bloor Homes Limited	All of the Terlings Park residents (200+) have a private right to access the park land owned by Bloor (although it has or will soon be transferred to the TP's Management Vehicle).  The CPO will affect a parcel of the land to the north of the park land near Eastwick road and Fiddler's Brook but it will not affect the right to access the remaining

<sup>6</sup> relevance defined as being likely to trigger a differential or disproportionate effect from land acquisition

Title No	LRS Plot reference	Address	Current use of the land	Title Absolute	Relevant Protected characteristic of Qualifying Persons <sup>6</sup>
					<p>land at Terlings Park at the south of the residential development</p> <p>Residents of Terlings Park may be affected by this loss of amenity land, and it may differentially affect people with disabilities who are less able to travel to other green and amenity space, and children, however, the majority of the parkland will remain in use including space that is accessible to adjacent homes and including the children's play area.</p> <p>A process of Land Exchange will take place whereby suitable alternative land is provided.</p>
<b>HD146507</b>	84, 85, 86	land on the south west side of High Wych Road, High Wych, Sawbridgeworth	Agricultural land plus part lake	Mary Blanche Pope Roger James Beaumont	none currently identified
<b>EX530834</b>	119, 120, 122, 123, 124	1-6 Printers Way, Harlow, CM20 2SD	Industrial estate land and one industrial unit	Richard and Elaine Smith City Trustees Limited (as trustees of the Lionheart Trust)	none currently identified

Title No	LRS Plot reference	Address	Current use of the land	Title Absolute	Relevant Protected characteristic of Qualifying Persons <sup>6</sup>
<b>HD441060</b>	90, 91, 92, 93	land at Redricks Farm, Redricks Lane, Sawbridgeworth	Scrubland plus part of a lake.	Richard Lumley Green-Wilkinson Christopher Edward Langford	<p>Redricks Lake and Redricks farm are currently used for recreational swimming and camping respectively.</p> <p>No information is known about the demographics of the swimmers.</p> <p>The swimming activity takes place at the other end of the lake to the land within the Order Limits and it is likely that swimming will still be able to continue. Some amenity impacts (noise and visual) are likely to be experienced as a result of the construction and operation of the ESC which may make this a relatively less popular swimming location for some people although there is no evidence that this would be a disproportionate effect.</p>
<b>HD136879</b>		Land on the north side of Eastwick Road, Eastwick	Agricultural and verge land	Places for People Developments Limited	none

<b>Title No</b>	<b>LRS Plot reference</b>	<b>Address</b>	<b>Current use of the land</b>	<b>Title Absolute</b>	<b>Relevant Protected characteristic of Qualifying Persons<sup>6</sup></b>
<b>HD127528</b>		Land at Gilston Park Estate	Agricultural land	Places for People Developments Limited	none
<b>EX311710</b>	142	1-3 Edinburgh Place, Harlow, CM20 2DJ	Verge land. Industrial parking land	Terrence James Hill	none
<b>EX232475</b>	104, 105	Land and buildings at Templefields, Harlow	Scrubland and parkland	The Prudential Assurance Company Limited	none currently identified

## Baseline for indirect effects of the Eastern and Central Stort Crossings enabled by the CPO

### Geographic Scope

- 4.4 Based on the location of the crossings and the identification of effects in the ES chapters for noise and air quality or transport and access, the most relevant settlements for baseline consideration are Terlings Park, Pye Corner and South Lodge.
- 4.5 The CRSC and the ESC (and the surrounding existing routes that will be affected either temporarily or permanently) will form part of a network of roads that serve a wide catchment area including residents of Harlow and beyond. So, in addition to the immediate neighbourhood of the crossings (where effects are more likely to occur) changes to these routes could affect anyone using them.
- 4.6 For the purposes of the Socio-Economic Chapter of the Environmental Statement in support of the Planning Applications, an Inner Impact Area was identified which covered the eighteen wards that cover the extent of the proposed Harlow and Gilston Garden Town. This geographical area is referred to where relevant, as is the HGGT Area, EHDC and HDC as a whole (a plan is include at Appendix 1).
- 4.7 The CRSC will be an integral part of the network of Sustainable Transport Corridors that integrate the neighbourhoods of the HGGT with rapid transit/dedicated bus lanes which will “provide attractive and enjoyable transport choices which are accessible to all ages and abilities” and this would be a beneficial effect in the context of the HGGT as a whole, which may differentially benefit some residents of across the HGGT, including those with disabilities or young people who are unable to drive.
- 4.8 Referring to the Noise Monitoring and Sensitive Receptor Locations (ES Figure 11.1, appended at Appendix 1) the relevant receptor locations are R3, R4, R5 and R6. Referring to the Air Quality Sensitive Receptor Locations (ES Figure 10.1) the relevant locations are 43, 44, 29, 46, 47 and 48. Referring to the Transport Link Locations (ES figure 9.1) 37, 38 and 39 are most relevant, although the wider network and impacts more generally on road amenity, access and safety are also relevant.
- 4.9 There is a possibility of some very limited permanent residential mooring of canal boats on the Stort Navigation and at Moorhen Marina but none are within the CPO boundary and the legal status of any permanent moorings (to the extent any could be said to be permanent) is in doubt from discussions with the Canal and River Trust. The Stort Valley (the river, navigation, towpath and surrounds) are used for recreation. Referring to the Noise Monitoring and Sensitive Receptor Locations (ES Figure 11.1, appended at Appendix 1) the relevant receptor location is R24.
- 4.10 At the northern end of the proposed CRSC crossing to the north-west of the junction is the Eastwick Lodge Farm complex which comprises retail units, workshops and a veterinary practice. Places for People is the freeholder of this land, the tenant is on a short lease and it is not within the Order limits.

- 4.11 The former Eastwick Lodge Farm House has been converted into a number of apartments, located approximately 75 metres from the proposed junction with the A414/Eastwick Road. To the north-east lies a single residential property, South Lodge, some 115 metres from the junction. The homes will remain.
- 4.12 Temples Fields/Printers Way is a non-residential area so only impacts on the working population and businesses are considered. This area has not been identified as being a sensitive receptor for noise. Relevant air quality receptor locations are 39 and 40.
- 4.13 At the southern end of the CRSC crossing, immediately west of the proposed new carriageway lies the Burnt Mill Industrial Estate. Uses comprise light and heavy industry and informal uses such as car washing utilising otherwise vacant unit space. There is an approved scheme for the redevelopment of this site as part office, part residential uses. The lower floors will be for office use with residential above. There is not envisaged to be any negative noise impact on these residential properties given their distance from the proposed highway so they are not considered any further in this baseline.
- 4.14 Further south, and on the other side of Fifth Avenue are residential and commercial uses such as Goodman House. The relevant noise receptor location is R25. The air quality receptor location is 4.
- 4.15 Significant effects that could lead to a disproportionate or differential effect on people or groups with protected characteristics are unlikely outside of these areas.
- 4.16 There is no publicly available data on protected characteristics at a household level. However, baseline information is available for Hunsdon Ward (which covers an area extending across large parts of the future Gilston Park Estate, most of which is in agricultural use), with figures put into the context of EHDC and HDC.
- 4.17 Where stakeholders have formally responded to the public consultation for the applications for the Crossings and for Gilston Park Estate, and those responses include evidence relevant to this statement, this information has been included but referred to in general terms. A formal process of engagement has taken place, and will continue to take place, with the Qualifying Persons.

### *Population*

- 4.18 There are approximately 270 dwellings in Terlings Park<sup>7</sup>, and another approximately 75 in Pye Corner<sup>8</sup>, which are understood to be almost exclusively houses (as opposed to flats). Based on occupancy ratings for houses in Hunsdon ward, the average occupancy rating is 2.5 people per household. Therefore, it is estimated that approximately 680 people live in Terlings Park, and another 190 people live in Pye Corner.
- 4.19 Data from the 2011 Census indicates a total resident population of 104,350 within the HGGT Area. This does not include the planned additional 16,000 homes.

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<sup>7</sup> Based on the number of proposed dwellings for the area as set out in the outline planning application 3/11/0554/OP

<sup>8</sup> Based on property information for postcode CM20 2RD. This should be seen as an indication only.



## Age

- 4.20 Under the 2010 Act, a reference to an age group is a reference to a group of persons defined by reference to age, whether by reference to a particular age or to a range of ages.
- 4.21 Data from the 2019 mid-year population estimates (ONS, 2020) indicates that the age structure in Hunsdon Ward is in line with that of EHDC and East of England as a whole, with 20% of the population aged 0-15, 61% aged 16-64 and 19% aged 65+.
- 4.22 The age structures in Terlings Park and Pye Corner are not expected to diverge significantly from these averages, and it is therefore not expected that there will be a disproportionately large group of either elderly people or children in either of the areas.
- 4.23 The population of over 75s in the HGGT Area significantly increased (29%) in the ten years from 2001, compared to 17% across Hertfordshire and Harlow.

## Disability

- 4.24 Under the Act, a person has a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.
- 4.25 According to the 2011 Census, approximately 14% in Hunsdon ward have a long-term health problem or disability which impacted their day-to-day activities either a little or a lot. This is broadly in line with EHDC as a whole, but lower than Harlow and the East of England region. This statistic is self-reported.
- 4.26 The Annual Population Survey 2019/20 estimated the percentage of people to who are “Equality Act Core Disabled” in EHDC to be approximately 17.8%<sup>9</sup> and in HDC to be lower at 13.6%. Equality Act Core Disabled includes those who have a long-term disability which substantially limits their day-to-day activities. This statistic is also self-reported.
- 4.27 Levels of disability in Terlings Park and Pye Corner are not expected to diverge significantly from these averages, so it is anticipated that between approximately 14% - 18% in Terlings Park and Pye Corner have a long-term illness or disability which limits their day-to-day activities. This could amount to approximately 95 – 120 people in Terlings Park and 25 – 35 people in Pye Corner, although it could diverge from the average.

## Maternity and Pregnancy

- 4.28 There are no detailed statistics on the number of local people who are pregnant at any one time, but Public Health England publishes General Fertility Rates (GFR) at the regional level. This is the number live births per 1,000 women of reproductive age, 15 to 44, in a population, per year. The latest available data shows that in 2019 the general fertility rate in the East of England region was 60.7.
- 4.29 By calculating the number of women aged 15-44 as a proportion of the population (using the 2019 population estimates), it is possible to estimate the number of women of reproductive

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<sup>9</sup> ONS, 2020. Annual Population Survey.

age. By then applying the East of England GFR, it is estimated that there are approximately seven births (and therefore pregnancies) in Terlings Park annually, and approximately two in Pye Corner.

### *Race*

4.30 Under the Act, Race includes—

- (a) colour;
- (b) nationality;
- (c) ethnic or national origins.

4.31 A reference to a person who has a particular protected characteristic is a reference to a person of a particular racial group.

4.32 The most recent, comprehensive data covering these topics is the 2011 Census. Hunsdon Ward is predominantly White British. 94% of residents of Hunsdon and 90% of residents of EHDC reported themselves as being White British in 2011. The remainder of the population was diverse, with small percentages of people from a wide variety of other ethnicities. 87% of Hunsdon residents identified as being English, Welsh, Scottish or Northern Irish or British, 84% in HDC and 83% across EHDC. 72% specifically identified as English. 95% of residents reported their place of birth as within the UK (92% in EHDC and 88% in Harlow) and 98% of people lived in a household where English was the main language spoken by all adults. The rate is lower in Harlow at 90%.

### *Religion or belief*

4.33 65% of people across both Hunsdon and EHDC reported having a religion, which is higher than the rate in Harlow at 59%. Out of these, almost all were Christian. There are very small percentages (each less than 1% of the resident population) of Buddhist, Hindu, Jewish, Muslim and Sikh residents. In Harlow, a higher rate of population identified as Muslim – at 4%. 35% of residents across Hunsdon and EHDC had no religion or did not wish to state it. The rate was slightly higher for Harlow at 41%.

4.34 Data from the Annual Population Survey at district level (the year to June 2021) indicates that there has not been a significant change in this profile since 2011.

4.35 Based on the available neighbourhood level information, this profile is unlikely to be significantly different at Pye Corner and Terlings Park compared to the general resident population.

### *Other characteristics: sex, sexual orientation, gender reassignment, marriage and civil partnership*

4.36 There is no publicly available evidence to suggest that rates of any of these protected characteristics are significantly different in any affected area compared to the general resident populations in EHDC or HDC, or that the effects of CPO and construction and operation of the crossings would differentially or disproportionately affect any residents with one or more of these protected characteristics at any spatial scale.

### *Cross cutting themes – health and education, employment and economic activity*

- 4.37 There are two cross cutting themes which are not protected characteristics, but which can be closely linked to protected characteristics, in some ways through a causal relationship. These are health and employment. For example, race (specifically being from black and other minority ethnic groups) has been linked to poorer health outcomes in the UK, and discrimination against people with any protected characteristic can affect their employment and economic outcomes.
- 4.38 The links between socio-economic inequality, poor health and Protected Characteristics are complex and causation is, in many cases, not direct or clear. However, there is sufficient spatial overlap between deprived areas and areas with high proportions of people with certain Protected Characteristics, particularly BAME residents, for effects on health and socio-economic inequality to be relevant to the consideration of differential or disproportionate effects on people with those characteristics.

### *Health*

- 4.39 The Marmot Review (10 Years On) (2020)<sup>10</sup> sets out that evidence shows stalling of life expectancy gains and a widening of the gap in health and wider societal inequalities. For example, it states that, “Intersections between socioeconomic status, ethnicity and racism intensify inequalities in health for ethnic groups. Some groups, notably individuals identifying as Gypsy or Irish Traveller, and to a lesser extent those identifying as Bangladeshi, Pakistani or Irish, stand out as having poor health across a range of indicator.”
- 4.40 Life expectancy in Hunsdon ward is 81.1 for men and 85.1 for women, which is broadly in line with EHDC but higher than England as a whole. This indicates that the overall health can be assumed to be very good also in Terlings Park and Pye Corner. As for Harlow, the life expectancy is lower for both men and women, at 78.5 and 82.3 respectively.
- 4.41 Given this is an infrastructure project likely to affect air quality, it is however worth noting that the Standard Mortality Rate (SMR) for deaths from respiratory diseases was much higher in Hunsdon Ward (100.1) than in EHDC as a whole (89.4), however 100.1 indicates that it is around the national average. The rate for deaths from respiratory diseases in Harlow was significantly higher at 113.5 than all spatial scales.

### *Education, employment and economic activity*

- 4.42 People with some protected characteristics are typically disproportionately represented in terms of barriers to accessing work, skills and qualifications, due to issues including racial discrimination, language or cultural factors, family requirements and the need for flexible and/or part-time work. Young people, older people, family carers and ethnic minorities tend to have disproportionate challenges accessing employment because of such issues.
- 4.43 Claimant count is a useful statistic to understand the extent to which the population of an area are claiming benefits. The Claimant count, using January 2020 data to avoid including potentially short-term effects from the Covid-19 pandemic (although it is acknowledged that these effects may have effected people with protected characteristics) was 1.1% in Hunsdon Ward, which was in line with EHDC and lower than the East of England (2.3%). The rate in

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<sup>10</sup> Marmot, M., Allen, J., Boyce, T., Goldblatt, P., Morrison, J. (2020). Health Equity in England: The Marmot Review 10 Years On. Institute of Health Equality.

Harlow was higher at 3.6. Comparing these figures with claimant count data from January 2021, it also showed that Hunsdon ward and Harlow fared well compared to both EHDC and the East of England. The percentage point increase in claimants in Hunsdon ward was 2.3 compared to 2.7 in EHDC and 3.0 in East of England. For Harlow, the increase was slightly lower than Hunsdon at 2.1.

## Commercial Activity

- 4.44 This section focusses on the immediate neighbourhood within and around the Order Limits. There are multiple businesses across HDC and EHDC who may be affected where their business relies on access routes (for goods, staff or customers) that are subject to change either temporarily or permanently. These changes will mainly include improvements, especially from improved access to and from the town centre on public transport, via the Sustainable Transport Corridor.
- 4.45 Pye Corner and Terlings Park are largely residential.
- 4.46 Subject to final land referencing, in the immediate neighbourhood of the CRSC and the ESC, commercial activity is located at:
- Plume of Feathers pub (Pye Corner)
  - Dusty Miller Pub (Terlings Park)
  - Templefields/Printers Way
  - Eastwick Lodge, including vet
  - Redricks Farm swimming lake, Aqua Splash and campsite.
  - Essex Outdoors (The Lock, Harlow Centre for Outdoor Learning) (also listed under recreation).
- 4.47 One of the tenants at Eastwick Lodge is a specialist veterinary services for service animals (for example, guide dogs). This land is outside the CPO limits and will not be affected by the CPO.
- 4.48 Essex Outdoors provides individuals, corporate groups and school groups with indoor climbing, water sports, team building and other outdoor activities. The site also has conferencing facilities.
- 4.49 Templefields is a large industrial area at the northern edge of Harlow. Using BRES data shows that there are approximately 10,500 jobs in the two LSOAs (Harlow 002B and Harlow 002E) which broadly covers Temple Fields.
- 4.50 The largest proportion of jobs are within business administration and support services (17%); manufacturing (15%) and retail (12%). A further 31% of jobs are within construction; motor trades; wholesale; and transport and storage.
- 4.51 There are no publicly available statistics on the protected characteristics of workers at a local level. All workers will hold some protected characteristics. It should be assumed, for example, that some workers will have a disability, some workers will be pregnant or have recently given birth and some workers will be from a BAME background and/or hold a religion or belief.

4.52 There is no publicly available evidence to suggest that any of these rates of these protected characteristics are significantly different at any of these sites compared to the general working population in EHDC or HDC.

#### Recreational uses

4.53 The Stort Valley and surrounds are used for recreation. The towpath, and some routes connecting to it, are Public Rights of Way. Redricks Lake and Farm are used for swimming and camping on a fee-charge basis. Essex Outdoors provides the services outlined above.

4.54 There are five plots within the Order Limits that are designated as Open Space. A plan is included in Appendix 1:

- HDC Location 1 (adjoining the Central Stort Crossing)
- HDC Location 2 (adjoining the Eastern Stort Crossing)
- HDC Location 3 (adjoining the road leading to the Eastern Stort Crossing)
- EHDC Terlings Park
- EHDC Fiddlers Brook / Lowland Fens

4.55 The Order Limits include portions of designated Public Rights of Way: Eastwick and Gilston 31; Eastwick and Gilston 29; Eastwick and Gilston 18; Eastwick and Gilston 19, Eastwick and Gilston 30; Sawbridgeworth 40, Harlow 4, Harlow 68 and Harlow 119.

4.56 There is no available data on the characteristics of people who use these facilities. All visitors will hold some Protected Characteristics. It should be assumed, for example, that some visitors will have a disability.

4.57 The majority of visitors to Aqua Splash and Essex Outdoors are likely to be children. Apart from this, there is no publicly available evidence to suggest that rates of specific protected characteristics would be significantly different at any of these sites compared to the general population in EHDC or HDC.

#### Agricultural uses

4.58 There are active agricultural tenancies on land impacted by the CPO. Some of this activity may be able to continue but other activity will be required to cease under the agreed terms of acquisition.

4.59 There is no available evidence to suggest that people associated with this agricultural activity will be disproportionately or differentially impacted because of a protected characteristic that they hold.

#### Local facilities

4.60 Eastwick Lodge includes a veterinary surgery that provides specialist services for disability service animals. This surgery has other branches in the Epping/Woodford area providing the same services/facilities, and there are several other veterinary surgeries in Harlow likely to provide similar services.

4.61        Reviews of other local facilities with ties to specific protected characteristics that may be disproportionately or differentially impacted by a CPO, including care homes, nurseries, schools, have been undertaken to understand if any particular protected characteristics are likely to be more present in the local area. The review found that no relevant local facilities were identified that are likely to be significantly impacted.

## 5 Equality Statement

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- 5.1 This section sets out the equality considerations for the CPO.
- 5.2 It sets out how matters that may be relevant to equality considerations (such as noise) influenced scheme selection and design; how consultation was used to make decisions on these matters; and how the direct and indirect effects of the CPO could give rise to equality impacts.
- 5.3 This information was drawn from the Environmental Statement (ES) and from the Officer's Reports to Committee for the CRSC and the ESC. The Officer's Reports to Committee provide a thorough summary of the proposals and their likely impacts and provide a good reference point from which to navigate the ES (which is a technical document not easily accessible to a non-technical audience). The ES also has a Non-Technical Summary.
- 5.4 Where potential effects have been identified, the statement reports the nature of these and the proposed mitigation to address potential adverse effects.
- 5.5 To reiterate as set out in the introduction, the Public Sector Equality Duty cannot be delegated, therefore this section does not in itself discharge the Authorities' duties, although it should provide relevant information that will help them to do so.

### Consultation and Scheme Selection

- 5.6 Chapter 5 of the Environmental Statement (ES) and Chapter 5 of the Environmental Statement Addendum (Addendum) provides a detailed explanation of all of the crossings options that have been considered and the reasons the current proposals are preferred.
- 5.7 As set out in the Gilston Park Estate Statement of Community Involvement (2019), the Applicant and the Authorities have sought to engage with communities from the outset of Places for People taking ownership of the Gilston Park Estate site (in 2009)..
- 5.8 There were several years of engagement by Places for People prior to the introduction of local and national policy mandating engagement with local stakeholders. In partnership with the Authorities, they have continued to maintain and exceeded these consultation requirements following the introduction of these policies and will continue to do so through the development of detailed masterplans and other planning processes associated with development.
- 5.9 Specific methods and types of events/media were used to widen participation, and improve access to information. These included:
- A residents' survey (with 407 responses). Specific questions referred to facilities for the over 60s; schools/children's facilities and access/transport issues
  - Digital engagement, social media campaigns, online surveys and virtual events
  - Direct leaflet dropping in key neighbourhoods

- Direct commissioning of professional support for the community to draft their consultation responses (Urban Silence)
- Engagement directly with young people (and their educators) through school and college programmes, including Harlow College and Passmores Academy
- Consultation bus and consultation events directly in affected communities i.e. going to the community rather than expecting them to travel to events. Events were held on a mixture of weekdays, weekends, evenings and during the day.
- Direct engagement with community representatives through environmental groups, sports clubs and religious groups.

5.10 One of the key issues raised throughout consultation, has been the overall access arrangements for the GPE site, namely the ESC and CRSC.

5.11 Residents in Gilston and Terlings Park had previously raised concerns about the impact of additional traffic on their neighbourhood. They were presented with various options and approaches in a series of workshops in 2018 and 2019. Full details are set out in the Statement of Community Involvement Chapter 4.

5.12 The Applicant committed to exploring further options and solutions in response to issues raised and held a targeted workshop for Gilston, Terlings Park, Gilston Park House and Pye Corner residents (who received hand-delivered invites). The event was well-attended, with around 80 local residents attending, giving attendees an opportunity to ask the project team questions and annotate transport plans with their comments. To ensure that the community was able to participate fully in this further workshop, the Applicant commissioned an independent facilitator, Christina Norton from Soundings, to chair the workshop and produce a report to be shared with them and Gilston Area Steering Group to ensure that actions would be implemented.

5.13 These amendments along with additional environmental information submitted by the Applicants were subject to consultation between November 2020 and January 2021.

5.14 All feedback received during the consultations was taken into account, in particular transport (and associated noise, air quality and safety) concerns raised about the proposed connection to ESC and the entrance of Terlings Park. The potential vulnerability of children and old people were highlighted.

5.15 Through the consultation, concerns were raised about (among other things):

- noise and vibration impacts
- air quality impacts, including those on the health of children
- mental health impacts from environmental and stress factors
- quality of life effects
- public transport accessibility
- safety for pedestrians (especially children and older people) and other non-vehicle road users include horse riders



- safety concerns about entrance and exit into Terlings Park for children and older people.
- concerns over the likely increase in HGVs being routed along the ESC
- the need to close Eastwick Road to through traffic
- criticisms that too much focus was placed on sustainable transport measures
- Redricks Lake used for fishing and swimming could be affected by traffic noise, pollution and visual impact.

- 5.16 There were mixed responses to the five transport options developed following the earlier workshops.
- 5.17 In designing the proposed crossings, engagement also took place with local, regional and national stakeholders including the Environment Agency, the Canal and Rivers Trust, the Stort Catchment Partnership, HCC, ECC, the Environmental Agency, EHDC, HDC, Network Rail and Natural England.
- 5.18 This engagement has resulted in a range of design amendments and enhancements to the proposals.
- 5.19 The proposed crossing was reviewed by the Garden Town Quality Review Panel in February 2019 and again in April 2020 which resulted in a comprehensive review of the pedestrian and cyclist experience and landscaping proposals.
- 5.20 The Panel supported the joint work undertaken by the Applicant's team and the Local Planning Authorities in bringing forward the Stort River Crossings, concurrently with the Gilston Area scheme. The Panel strongly supported the planning authority's work to ensure the design of the crossings (CRSC in particular) support active healthy sustainable travel from the outset.
- 5.21 The Applicant was able to consider this Panel feedback prior to the submission of their planning applications and make amendments accordingly.

### CRSC

- 5.22 As submitted, the application proposed a single access in to the GA1 area Village 1, comprising a continuation of the CRSC northwards into the village. As a result of consultation and engagement on the applications, the proposals were amended with the principal change being a restriction to the use of the direct Village 1 access to sustainable modes only.
- 5.23 This was complemented by the addition of a proposed further all-modes access to Village 1, which will be located to the east of the Eastwick Junction. This will take the form of a new cross-road style junction with access to Village 1 to the north and access to Terlings Park and Burnt Mill Lane to the south.
- 5.24 These amendments result in the shift to the north of the current Eastwick Road to enable the retention of the access to Terlings Park on its current alignment, with a new junction.
- 5.25 EHDC Planning Officers are in agreement with the views of the Quality Review Panel that the amendments to the Terlings Park and Pye Corner accesses comprise improvements to the overall scheme, by reducing the proposals for road space and enhancing permeability between the Terlings Park and the existing Gilston village and new development to the north. The

amended access arrangements to Village 1 have been subject to the consultation process with the Highway and partner authorities and, likewise, are considered to comprise positive amendments to the scheme.

### ESC

- 5.26 The alterations to the alignment from that originally submitted proposals for the ESC moved the route further away from existing residential properties at Terlings Park and provide the necessary noise attenuation features alongside enhanced landscaping areas, as well as continuing to deliver substantial public realm improvements to Gilston Village.

### Direct impacts of the CPO

- 5.27 The process undertaken by the Applicant to negotiate with the existing land owners and acquire the land and rights without recourse to CPO is outlined in the Statement of Reasons.

- 5.28 The nature of land acquisition negotiations is more direct and individual than wider consultation, which has enabled specific protected characteristics to be considered individually. Effects are more likely where a CPO relates to acquisition of a dwelling and there the occupant of that dwelling (as owner or not) has specific needs that mean additional compensation may be required to meet their needs in a new home. There is only dwelling within the Order Limits (High View, Pye Corner, Gilston, CM20 2RB).

- 5.29 Land owned by Bloor Homes (soon to be/recently transferred to the Terlings Park Management Vehicle) does not have dwellings on it, but the portion of this land that is within the Order Limits is part of the open space for the adjacent homes.

- 5.30 There are four other locations where the Order Limits include portions of open space, which may be in use for public recreation (although their use by the public is not yet confirmed). These are not formal parks and their use by the public is most likely (if used at all) to be for walking or running. In some cases only temporary rights (including air rights) will be needed. Where rights over existing open space would be permanently taken, exchange land will be required i.e. alternative appropriate open space sites will be provided. Further details of this are set out in the draft '*Application for Certificates in Respect of Compulsory Acquisition of Open Space and Rights over Open Space pursuant to Section 19(1)(a) and Paragraph 6(1)(a) of Schedule 3 – Land Acquisition Act 1981*'.

- 5.31 All Public Rights of Way will be retained or redirected under condition of the Planning Permissions.

- 5.32 The design retains existing Public Rights of Way (PRoWs) through the Stort Valley and provides new opportunities for active movement,

- 5.33 Further Qualifying Persons may still be identified up to the point at which the CPO is made, and further engagement with all Qualifying Persons will take place between now and the making of the Order. Qualifying Persons are given support to engage in the process which ensures they have a full opportunity to highlight and explain the ways in which they personally may be affected by the acquisition process.

- 5.34 Through this process, no affected persons within the Order Limits have been identified for whom protected characteristics differentially affect their ability to understand or engage in the land acquisition process, or how they will be affected by it. Engagement will continue throughout the land referencing process to monitor the needs of Qualifying Persons as they relate to the Equality Act.
- 5.35 The nature of any equality effects from land and rights acquisition, if they arise, is likely to mean mitigation and compensation through the CPO process will be possible.
- 5.36 As well as impacts on landowners, there are potential impacts on occupiers and users. These include users of the park, canal, roads, and other land and buildings. These are assessed within the Indirect Effects section below.

### Indirect effects of the Eastern and Central Stort Crossings enabled by the CPO

- 5.37 Table 3.1 (above) sets out the pathways through which indirect effects might give rise to equality impacts during either the construction or operational phases. These include:
- Road safety
  - Active travel
  - Accessibility and severance
  - Access to work and training
  - Noise
  - Air quality
  - Land uses outside the Order Limits.
- 5.38 Amenity impacts are set out in detail in the Environmental Statement (ES) (and the subsequent ES addendum), specifically Chapter 6 on Construction, Chapter 8 on Human Health, Chapter 9 on Transport, Chapter 10 on Air Quality, Chapter 11 on Noise and Vibration and Chapter 21 on Cumulative Effects. These effects may become relevant to consideration of equality where they affect people with protected characteristics in a differential or disproportionate way. These are referenced in this section where relevant. A summary of the proposals and their effects is presented in the Officer's Reports to Committee prepared for the Crossings Applications. Information included in those reports is presented here alongside evidence from the ES Chapters.
- 5.39 This section sets out where such impacts could arise during both the construction and operational phases. It aims to describe the potential impacts in plain, non-technical language. For the full technical assessments, refer to the ES. The Officer's Reports to Committee provide a thorough summary of the proposals and their likely impacts and provide a good reference point from which to navigate the ES.
- 5.40 The ES deals with the entire GPE Development, including the crossings. Some of the communities closest to the crossings will be affected by other elements of the GPE Development. Where possible this statement focuses only on the impacts of the crossings, but in some cases these are not identified or distinguishable separately from wider scheme effects.

## Construction Phase

- 5.41 Construction works have the potential to impact on residents and workers due to, for example, severance, noise, vibration, and dust.

### *Traffic and Access Effects*

- 5.42 Severance and rerouting can reduce access to services, recreation and employment opportunities.
- 5.43 This may particularly affect less mobile people and those travelling on foot such as older people, young children and parents with children in pushchairs, and people with disabilities for whom different/longer journey times may be particularly challenging. Older or younger people may find walking for longer distances more difficult or who may be less comfortable navigating streets where the surroundings are unfamiliar. Older people are also more likely to experience some form of impairment which can affect their travel.
- 5.44 The road network and its supporting infrastructure will be used by current and future residents, workers and visitors travelling to and from Harlow, Harlow Town Station, the wider HGGT area and beyond. The experience (including amenity, safety and journey times) of these users is a relevant consideration in this EqS. However, as set out in more detail below, likely adverse effects of the crossings (where they arise) will generally be localised to the areas immediately around them and those users who would interact with them on foot or cycle. This could include people who live outside the immediate area but commute to or from Harlow and need to use these routes to reach their final destination.
- 5.45 There are no likely road safety risks that have been identified for any users. Pedestrian and cyclist impacts are addressed in more detail below. If there are minor delays or temporary amenity effects to those in motorised transport connecting with the wider road network (as a result of closures/diversions for example), this is unlikely to have any disproportionate or differential effect on any person or group linked to their Protected Characteristics.
- 5.46 There may be potential beneficial effects of the new infrastructure on the functioning and user experience of the wider road network which may benefit those who cannot drive, such as people with disabilities or young people) differentially.
- 5.47 The Environmental Statement (ES) assesses the impact on each part (link) of the highway network directly and indirectly affected by the proposed Crossings and as such there are different levels of impact depending upon which part (link) of the road network one focuses on. Full details of the effects at each receptor are presented in the ES.
- 5.48 The potential effects during construction are summarised below.

### *CRSC*

- 5.49 There will be anticipated delays to all forms of movement during the construction period due to the need for temporary road/ lane closures or diversions, but impacts are anticipated to be less on those walking and cycling, either because routes will remain unaffected, or because suitable alternatives will be available.

- 5.50 During construction the following specific effects were reported:
- slight adverse effects for driver delay, severance and cyclist amenity;
  - neutral effect for pedestrian delay, cyclist delay, and accidents and road safety ;
  - slight beneficial effects for public transport.
- 5.51 There are a number of routes available that will remain useable during construction of the CRSC for pedestrians and cyclists using the routes that link Gilston, Terlings Park and Eastwick Lodge via the existing Fifth Avenue Crossing and Burnt Mill Lane from or to key destinations such as the Harlow Town Station. Such users are therefore not expected to be significantly inconvenienced. This is because most of the work on the new crossing and the pedestrian and cycle bridge will occur independently of the existing crossing or following completion of the northbound carriageway and footpath on the western side.
- 5.52 It is currently anticipated that construction will be occurring on the early phases of the residential development simultaneously with the construction of the CRSC, and therefore access must also be maintained for early occupants in order to enable and encourage movements by sustainable means. The early delivery of off-site improvements to routes such as Burnt Mill Lane will provide alternative options for pedestrian and cycling movements during the construction of the new bridge, with delivery secured via conditions and or the legal agreement associated with the residential development. Notwithstanding this, during the construction phases the Applicant has proposed interim arrangements to maintain a pedestrian route, and to add a cycle route along the existing Fifth Avenue Crossing. The interim provision will be altered to maintain safety through the construction period but will maintain a direct connection from Eastwick junction to Harlow and these routes will be considerably safer than current crossing arrangements.
- ESC*
- 5.53 Highway impacts could occur for pedestrians and cyclists, particularly during construction periods. All road users, but pedestrians in particular could include people with protected characteristics that mean that changes to the public realm affect them differentially, especially older people, pregnant people or those with disabilities.
- 5.54 In the area around River Way, the land use is predominantly employment land – pedestrian movements for residential, retail or community facilities are likely to be limited (if at all). Employees are the main consideration (and this therefore excludes children and older people). The ES identifies Neutral to Slight Adverse effects with respect to severance and pedestrian/cyclist amenity on River Way South – which will be temporary over the two years of construction (note that construction will be delivered in phases so impacts in any one location may not extend for the full two years).
- 5.55 During the construction of the new bridge, in order to maintain pedestrian and cycle (dismounted) access, a temporary structure will be erected over the railway line. This will be subject to a separate planning application for temporary works to Harlow District Council. It is proposed that these improvements are completed prior to the operational use of Road 3 from

River Way. Indicative plans have been discussed with and have been agreed in principle by the Highway Authority (Essex County Council), with all works to occur in the highway boundary.

- 5.56 There will also be an effect on some PROWs due to construction activities. In particular the Stort Valley Way will be affected by construction activities including the Central Crossing works. When temporary closure of the PROW is required then alternative diverted routes will be provided with appropriate signing.
- 5.57 There are a number of routes available that will remain useable during construction of the ESC for pedestrians and cyclists to travel between Pye Corner and Terlings Park through the Terlings Park estate to or from key destinations such as the Harlow Town Station, and are therefore not expected to be significantly inconvenienced.
- 5.58 It is normal practice to retain access to Public Rights of Way throughout construction where possible and this will be controlled by condition.
- 5.59 It is proposed that crossing points and temporary footpaths around the Pye Corner junction will be operational before the existing PROWs need to be temporarily closed to construct the bridge deck, thereby retaining access through this corridor.

#### *Summary Potential Equality Considerations*

- 5.60 There will be significant changes in the road layout during construction of both crossings, including potential for temporary closures of rights of way and routes. This may have temporary adverse effects on people who struggle with wayfinding due to age, illness or disability. There is no available evidence to indicate that there is a disproportionate number of people with these conditions that could be affected.
- 5.61 Avoiding severance for those without a car is critical to reducing potential equality effects associated with transport and access. The priority throughout the design of the mitigation process for both crossings has been to ensure that safe walking routes, especially to shops, services and recreation opportunities, are retained which limits the likelihood of a differential impact on certain residents.
- 5.62 Users of motorised transport passing through the areas affected and (for example by rerouting or closure) are not likely to experience any disproportionate or differential effects linked to Protected Characteristics.

#### *Access to Work and Training*

- 5.63 People with certain protected characteristics, as set out in the baseline, may disproportionately experience barriers to accessing work, skills and qualifications and therefore may benefit from new opportunities.
- 5.64 The construction phase will generate construction jobs and may provide opportunities for entry-level training and employment for local people.
- 5.65 Public transport routes, and walking and cycling connections to those routes, will be retained throughout. There may be some disruptions to routes, already discussed under transport and access.

### *Summary Potential Equality Considerations*

- 5.66 There may be positive equality impacts arising from construction jobs created by the development of the crossings.

#### *Noise and vibration*

- 5.67 Effects from noise and vibration may result in an increase or decrease in annoyance levels, levels of sleep disturbance an increase or decrease in a range of pre-existing mental and physical conditions.
- 5.68 Vibration effects are not assessed separately for the impact of the crossings specifically, although effects are assessed as negligible across all existing receptors except R3 (South Lodge, Eastwick Road), which is assessed as minor adverse.
- 5.69 Construction traffic noise effects are not assessed separately for the impact of the crossings, although assessed as negligible across all roads except Haydens Road, which is assessed as minor adverse.

#### *CRSC and ESC*

- 5.70 In order to consider the impact of construction noise and vibration on sensitive receptors and buildings, a comprehensive noise assessment has been undertaken, which can be found in the ES.
- 5.71 As with any form of construction project there will be temporary impacts on nearby uses from the noise and disturbance caused by vehicles and construction activities. Properties nearest to the construction will be those most affected, and the magnitude of that effect will depend upon how long the construction nearest to those properties continues. The CRSC as a whole is expected to take around two and a half years including enabling works, but will be constructed in phases, so construction activity will only be in a certain location for a proportion (perhaps a very small proportion in some cases) of that time.
- 5.72 In relation to Central Stort Crossing, moderate adverse effects (significant) on R3 (South Lodge, Eastwick Road) and R24 (public rights of way and River Stort towpath), and minor adverse effects are assessed for R25 (Harlow receptors near Central Stort Crossing). There is also potential for adverse effects on introduced receptors (i.e. new residents) in Village 1 and Village 2 (R26-R27) depending on phasing.
- 5.73 In relation to the ESC, predicted worst case construction noise levels are assessed as moderate adverse (significant) for R6 (Pye Corner receptors – east of Plume of Feathers pub) and R24 (public rights of way and River Stort towpath) and minor adverse for R4 and R5 (Eastwick Road receptors south of Pye Corner and Pye Corner receptors south of Plume of Feathers Pub).
- 5.74 A series of options and alignments were analysed as part of the plan making processes for East Herts and Harlow, as part of the integrated working through the HGGT, and as part of the application process. The proposals were modified post submission in November 2020 to respond to consultation comments. The alterations to the alignment from that originally submitted moved the route further away from existing residential properties at Terlings Park

and provides the necessary noise attenuation features alongside enhanced landscaping areas, as well as continuing to deliver substantial public realm improvements to the heart of Gilston Village.

- 5.75 The Code of Construction Practice proposes that all construction works will occur during normal working hours as far as is reasonably practicable, with restrictions on construction works outside of these hours. However, there may be instances where larger vehicles are needed to transport materials such as long structural beams for example, and for the benefit of highway safety it is often better that these deliveries occur outside of peak travel periods. Officers anticipate that there will need to be night time construction activities and temporary road closures when the new and existing carriageways are tied in and the new bridge decks and parapets are installed. In order to minimise such disruption, these activities are normally undertaken over a very short time period and residents and properties will be notified of these periods in advance.
- 5.76 This time restriction will be beneficial to residents as it will reduce disturbance during evenings and prior to 8 o'clock in the morning, with few instances of night time sleep disturbance. From an equality point of view, it should be considered that some people, including the ill, elderly or young children and their carers will be at home during the day.
- 5.77 There may be some amenity effects for users of the Stort Crossing for recreation, when construction is closest to those points, although these are not expected have disproportionate or differential effects on people or groups with a Protected Characteristic.
- 5.78 Internal acoustic standards are different for business uses compared to residential uses, so apart from the relatively short period of time required to construct the northbound carriageway from Burnt Mill Roundabout, levels of amenity will be retained for workers.

#### *Summary Potential Equality Considerations*

- 5.79 There will be noise effects on some homes during construction which could differentially affect people with vulnerabilities due to their Protected Characteristics. Some residents including older people, young children, or those with limiting disabilities or illness may spend longer at home and are therefore could be disproportionately affected by day-time noise disturbance. People with certain disabilities (for example Autism and Asperger's Syndrome) may also be more sensitive to noise effects. There is no available evidence to indicate that there is a disproportionate number of people with these conditions that could be affected.
- 5.80 Effects on recreational users are not likely to give rise to equality effects. Effects on workers are not significant.
- 5.81 Mitigation will be in place from the start, with commitment to the S61 of the Control of Pollution Act to minimise noise as far as reasonably practicable, and a communications strategy and liaison with occupiers of sensitive receptors who may be adversely impacted.
- 5.82 Details of the mitigation, including mechanisms for enforcing time limits on construction and routes for construction vehicles will be secured in writing prior to commencement of the development in the Code of Construction Practice, the Construction Environmental Management Plan and the Construction Traffic Management Plan.



## *Air Quality*

- 5.83 People with some protected characteristics may experience differential or disproportionate health impacts from environmental effects such as changes in air quality. Public Health England (2018)<sup>11</sup> specifies that air pollution particularly affects people who are pregnant, children (through, for example, slower development of lung function), people with some types of long-term conditions (such as asthma), and elderly people (through, for example, accelerated decline of lung function). Changes in air quality can alter the risk of cardiovascular conditions such as myocardial infarction and an increase or decrease in a range of conditions including asthma, other respiratory and circulatory diseases.

### *CSRC and ESC*

- 5.84 During the construction stage, The Hides, Velizy Avenue receptor location is predicted to experience a small increase in NO<sub>2</sub> levels and because of high existing NO<sub>2</sub> levels this is recorded as a major adverse effect. The high existing level is driven by bus routes (see the Officer's Report to Committee para 13.5.25. In order to mitigate this as far as possible, the Construction Traffic Management Plan will be required to set routes for construction vehicles that avoid this location; this will be secured by planning condition. The Officer's Report to Committee goes on to say, "Given the distance of residential properties from the site and the proposed management techniques included in the Code of Construction Practice submitted with the application, it is considered that potential risks are identified and can be mitigated appropriately."
- 5.85 All other receptor locations saw negligible changes for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> projections during construction. No other significant impacts are expected.
- 5.86 There will be some dust soiling on residential properties at Terlings Park and alongside Eastwick Road at Pye corner, Eastwick and various farms and properties from earthworks and construction. However, the air quality chapter concludes minor adverse effects of dust soiling on human health for people and properties within 50m of construction phase activities and this is not a significant effect in the ES.
- 5.87 During construction, there are a range of measures that can be employed to control dust and emissions generated thereby lessening the annoyance and human health impacts associated with dust and particulate matter. Effective site management is essential to ensure successful prevention and mitigation of construction dust emissions. All potential dust-generating activities will be identified prior to the commencement of each phase of construction and will be managed at source through appropriate handling techniques, good maintenance and good housekeeping. Conditions relating to construction environment management will ensure that appropriate standards are applied.

### *Summary Potential Equality Considerations*

- 5.88 Air quality effects could exacerbate the effects of disability, especially in the case of disability related to lung function (for example, asthma, Chronic Obstructive Pulmonary Disease). Effects from dust may affect people with disabilities or limiting illnesses differentially. There is

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<sup>11</sup> Public Health England / UK Government, 2018. Health Matters: Air pollution.  
<https://www.gov.uk/government/publications/health-matters-air-pollution/health-matters-air-pollution>

no available evidence to indicate that there is a disproportionate number of people with these conditions that could be affected.

- 5.89 Mitigation will be embedded from the start through the relevant management plans and real-time dust monitoring will be undertaken in proximity to residential properties and other dust-sensitive properties. Construction vehicles will be required to meet the latest Euro emissions standard, be regularly inspected and well maintained. The CEMP will set out a construction traffic routing.

#### *Land Uses outside of the Order Limits*

- 5.90 Construction of the Crossings will not stop or prevent any of the activity currently taking place (leisure or otherwise) on land outside the Order Limits.
- 5.91 Some amenity effects may be experienced by the users of Redricks Lake, however there is no evidence that this would have any differential or disproportionate equality effects.

### **Operational Phase**

- 5.92 As with construction, the likely adverse effects of the operation of the crossings will generally be localised to the areas immediately around them and those users who would interact with them on foot or cycle. There are no significant adverse effects identified for those using motorised transport.
- 5.93 Beneficial effects with respect to improved public transport networks are addressed below.

#### *Transport and Access Effects*

##### *CRSC*

- 5.94 A key feature of the CRSC proposal is the creation of good quality, dedicated segregated pedestrian and cycle facilities running parallel to the road on the eastern side of the existing carriageway. The other key feature is the dedicated bus route that links into Harlow as part of the Sustainable Transport Corridor. As this route is intended to provide for high volumes of pedestrian and cycle movements, the bridge needs to have gentle gradients to ensure accessibility standards are met, and should be constructed using materials that are robust. The proposed parameters for the pedestrian and cycle bridge design will ensure that appropriate gradients are used to enable safe, comfortable use for those in wheelchairs or pushing buggies and prams.
- 5.95 Those that do not wish to use the elevated structure will benefit from routes provided on either side of the bridge, comprising a mixture of shared and segregated paths for walking and cycling. In this way, the application meets the proposal ensures that no disadvantage is given to those with disabilities. Those using the at-grade option will can use the crossing points on each arm of the new junction.
- 5.96 The CRSC forms an integral part of the network of Sustainable Transport Corridors that integrate the neighbourhoods of the HGGT with rapid transit/dedicated bus lanes which will “provide attractive and enjoyable transport choices which are accessible to all ages and abilities [...] [and provide] a series of strategic corridors in the Garden Town providing high

quality public and active travel options, connecting neighbourhoods quickly with key destinations such as the town centre and rail station<sup>12</sup>. There would be a beneficial effect in the context of the HGGT as a whole, which may differentially benefit some residents including those with disabilities who are unable to drive.

- 5.97 The CRSC proposal also includes the spur of Burnt Mill Lane from the Fifth Avenue crossing towards Burnt Mill Close. Improvements are proposed to this existing route in order to ensure alternative walking and cycling routes options are available. These improvements comprise changing the status of Burnt Mill Lane and Burnt Mill Close to become a pedestrian and cycle quiet lane which may potentially include the provision of a shared surface and reduced speed limit with clear signs and surfacing. The detail of these changes will be submitted via a planning condition on this application, but the delivery of the improvements will be secured through either a legal agreement entered into by the applicant with the Highway Authority under section 278 of the Highways Act 1980, or via a S106 planning obligation associated with the Outline Villages 1-6 application.
- 5.98 This lane is an important route connecting Terlings Park and Burnt Mill Lane to Harlow Town Station via the Fifth Avenue Crossing in both directions, so vehicular movements from the south will be restricted to access only to serve the outdoor activity centre, Station House, and the public car park for the nature reserve.
- 5.99 Access northwards along Burnt Mill Lane will remain closed to vehicles due to the presence of a weak bridge. The temporary treatment to secure the closure of the bridge comprises the use of large concrete blocks.
- 5.100 The Applicant has committed to delivering public realm improvements at this location along with enhancements to the rest of Burnt Mill Lane in order to improve pedestrian and cycle access along its entire length (delivered via a legal agreement entered into by the applicant with the Highway Authority under section 278 of the Highways Act 1980) or through a s106 obligation associated with the Villages 1-6 outline application.
- 5.101 The details of the proposed improvements will be required to be submitted via a condition on the outline application, so whilst this is not material for this application, this paragraph provides the context of the wider package of mitigation associated with the development as a whole.

#### ESC

- 5.102 Operational (long term) changes to road layout will be particularly relevant to two settlements of Terlings Park and Pye Corner (Links 37 and 39). Severance at these points has been assessed to be minor adverse. The Officers' Report to Committee states that,

*In terms of connectivity and severance concerns, the amended layout and design of the ESC proposal in this particular location is considerably better than originally proposed. The reduction in carriageway width has enabled the creation of much*

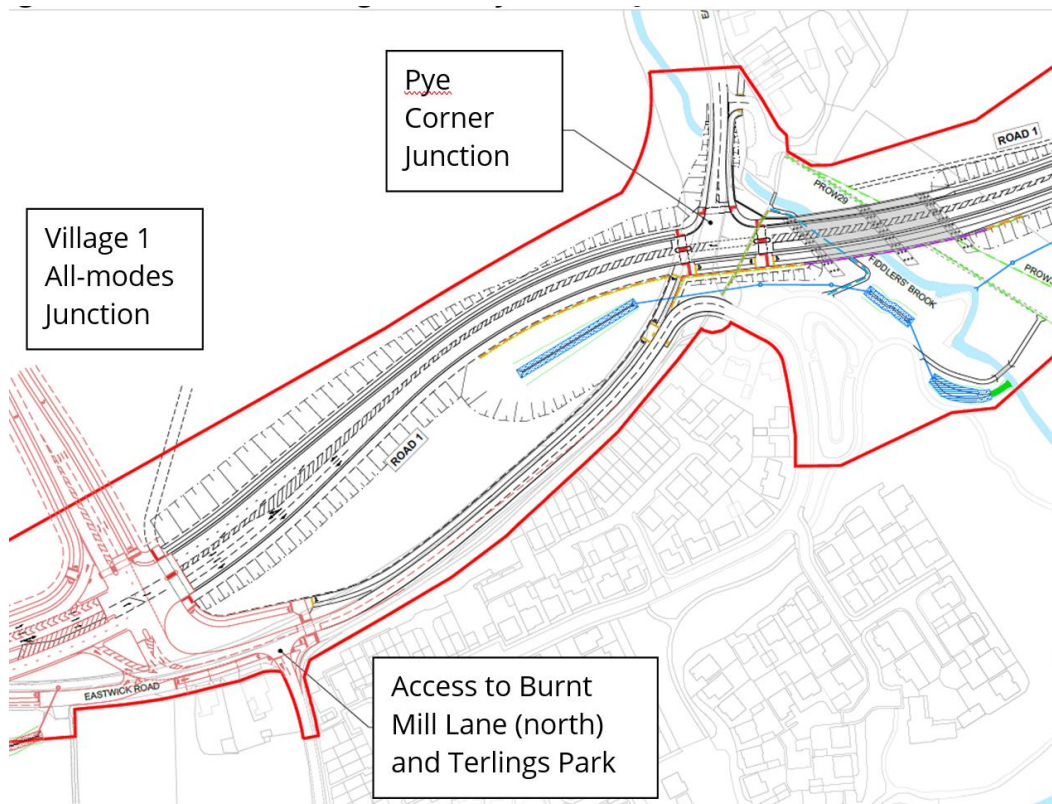
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<sup>12</sup> Harlow and Gilston Garden Town Vision, November 2018

*simpler and direct pedestrian and cycle crossing points without the need for staggered crossings with central islands, multiple sets of lights and waiting periods. [Para 13.2.18]*

- 5.103 Signal controlled pedestrian crossing opportunities will be provided at the new Eastern Stort Crossing / Pye Corner / Terlings Park access traffic signal junction, which provides a connection between Pye Corner and Terlings Park. A pedestrian route is also provided under the Eastern Stort Crossing structure to the east of the junction. However, pedestrian flow is likely to be low as there are many alternative walking routes to/from Harlow - for example, there will be direct access onto Burnt Mill Lane from Terlings Park tying in with improved pedestrian facilities on Burnt Mill Lane itself (approved as part of the application for the Terlings Park site). This would allow pedestrians to avoid Eastwick Road entirely – See Figure 8 below,
- 5.104 Following consultation the road alignment has been moved further from Terlings Park and Junction design amended, as a result of the additional options prepared for Pye Corner and Terlings Park in terms of access. The amendments are part of Option 3A which was selected as the Preferred option.
- 5.105 The design retains existing Public Rights of Way (PRoWs) through the Stort Valley and provides new opportunities for active movement, especially through the provision of dedicated walking and cycling routes, including a new 5m wide footway and cycleway adjacent to the carriageway which will increase connectivity across the valley without introducing new routes along the valley floor.
- 5.106 In addition, improvements along the retained Pye Corner, Eastwick Road and Burnt Mill Lane plus the two towpath bridges will provide safe and convenient routes, both for commuter and leisure purposes.

Figure 8: Amended Terling's Park/Pye Corner Junction



#### *Summary Potential Equality Considerations*

- 5.107 The design of the Crossings will assist road users in achieving sustainable mobility targets (including access to public transport) which are likely to be aligned with reduced effects on those with vulnerabilities associated with Protected Characteristics.
- 5.108 Changes to the road layout may have short term consequences for people who struggle with way finding and orientation and who are less comfortable navigating streets where the surroundings are unfamiliar, which could include older people and those with disabilities.

#### *Access to Work and Training*

- 5.109 Public transport routes, and walking and cycling connections to those routes, will be improved by the Crossings for both new and existing residents and other road users. No routes to work or training by any mode will be substantially impaired, and all route changes will be mitigated through alternative provision. There are unlikely to be equality effects associated with this, and if there are, these may be beneficial.

#### *Noise*

CRSC

- 5.110 The widened carriageway of the CRSC will bring the road closer to businesses and properties that are currently in construction (Goodman House). Noise levels are anticipated to be below 3dB, which is considered to be at worst, a slight adverse effect. The Officer's Report to Committee States,

*For example, on the eastern side of the crossing is Goodman House, a mixed occupancy office block and on the western side of the crossing is the proposed mixed use office and residential development as referred to above. Internal acoustic standards are different for business uses compared to residential uses, so apart from the relatively short period of time required to construct the northbound carriageway from Burnt Mill Roundabout, levels of amenity will be retained. [Para 13.5.19]*

- 5.111 Those walking or cycling along the CRSC will experience noise associated with the passing traffic, those walking or cycling along the canal towpath and along the Stort Navigation in the vicinity of the crossing will be protected from as much road noise as possible by proposed noise attention measures. Further detail on this is set out in the Officer's Report to Committee Paragraphs 13.5.21-22.

#### *ESC*

- 5.112 The ESC was designed to minimise the impact of road traffic noise where practicable. A number of design options for the ESC were assessed holistically to determine the most appropriate options. Option 3A – access to Terlings Park moved to Burnt Mill Lane – was taken forward as the preferred option. The road does not follow the original alignment of Eastwick Road but arcs to the north around Terlings Park.
- 5.113 This road alignment creates a buffer between properties at the north boundary of Terlings Park and the west spur of the Eastern Stort Crossing. Additionally, this section of road is located in a cutting, which provides partial screening of road traffic noise for Terlings Park receptors.
- 5.114 While the potential for significant effects was reduced for a number of receptors due to the design changes (compared to what was set out in the original ES, and following the preferred design option), 21 receptors (homes) in Terlings Park and 8 receptors (homes) in Pye Corner are predicted to experience significant (moderate adverse) noise effects due to traffic as a direct result of the ESC. The Officers' Report to Committee states the following:

*“while the number of residential receptors experiencing significant adverse effects has reduced, the models indicate that there will still be large adverse and moderate adverse noise impacts on 27 properties in Terlings Park and Pye Corner during the day time and 41 properties during the night time as a result of different parts of the ESC proposal after mitigation measures are taken. Of these 41, 12 properties are modelled to experience an increase in noise of 5dB or more and 29 experience an increase in noise of between 3dB and 5dB. It should be noted however, that the baseline measurements indicate that the majority of these receptors already experience noise levels above 50dB, i.e. the level at which noise is considered as having an observed adverse effect, and other facades of these buildings may experience significant beneficial reductions in noise. Notwithstanding this, these properties may be eligible for compensation under the Noise Insulation Regulations.” [Para 13.5.26]*

- 5.115 A 3m high noise barrier has been designed to the north of Terlings Park in order to screen noise from the ESC. The design is also planned to include low noise road surfaces to reduce noise created by the interaction between tyre and road.
- 5.116 It should also be noted that a number of receptors (including some at Terlings Park and Pye Corner) will also see beneficial effects.
- 5.117 The key benefit arising from the ESC proposal is that it creates a bypass of Pye Corner, and through the realignment of Eastwick Road, reduces noise and disturbance impacts on the majority of properties in Terlings Park, as set out in the Officer's Report to Committee Paragraph 13.3.28.

#### *Summary Potential Equality Considerations*

- 5.118 The primary consideration is the significant noise effects on Terlings Park and Pye Corner residents, where 29 homes will experience moderate adverse effects.
- 5.119 Extensive engagement with these residents has taken place and there were at least 47 individual consultation responses made to the three planning applications (GPE, CRSC and ESC) by residents of Terlings Park. 31 of these responses specifically refer to noise effects, although none specifically refer to a Protected Characteristic which would mean they were differentially affected.
- 5.120 If there are residents that are differentially affected by the noise, the absolute number will be small.
- 5.121 Beneficial effects on some homes may also improve quality of life for some vulnerable residents.
- 5.122 Mitigation measures have been designed to reduce the noise impact of the ESC as far as reasonably practicable. Affected receptors may also be eligible for compensation under the Noise Insulation Regulations.

#### *Air Quality*

##### *CRSC and ESC*

- 5.123 Air quality effects from the operation of the development (which has not, in the case of air quality, been assessed separately for the Crossings in isolation) will be negligible in almost all locations.
- 5.124 Receptors where the impact is not negligible include a commercial property in Printers Way, Harlow, a receptor location in Sawbridgeworth AQMA, one property in Eastwick Road and The Hides in Velizy Avenue, Harlow.
- 5.125 These receptor locations represent areas with the greatest impacts. However, concentrations at all of these locations will be within the air quality criteria for all pollutants. No significant effects are predicted due to the development being in operation.

- 5.126 The ES and ES addendum air quality chapter set out that at the operational stage, the largest predicted increase (representing a worst-case scenario) in annual mean NO<sub>2</sub> concentration due to the Development is 7.5µg/m<sup>3</sup> at Receptor 45 (1 Printers Way, Harlow, within the Temple Fields commercial area). This is due to the opening of the ESC, which is predicted to result in a large increase in traffic flow between the Development and the A414 via the new crossing and River Way. This corresponds to a moderate adverse impact.
- 5.127 Minor adverse impacts are also predicted at Receptor 63 (an isolated property immediately to the north of Eastwick Road east of the Central Stort Crossing). There are minor adverse impacts on another 23 receptors along London Road, Sawbridgeworth and South Lodge (Eastwick Road).

#### *Summary Potential Equality Considerations*

- 5.128 Any effects will be related to (typically) day-time working hours and relevant to the industries set out in the baseline assessment. As the majority of people on-site are expected to will be of working age (16-64), no equality effects (neither disproportionate nor differential) are expected on older people or children in this case.
- 5.129 However, differential effects could be felt among workers with certain types of disabilities (such as asthma) or pregnant women, and although the actual number of people potentially affected is very small this is a relevant consideration.
- 5.130 Isolated effects on residents at identified receptors should also be considered although absolute numbers are very small. Two residents of Terlings Park and one of Pye Corner responded to the consultation on the three planning applications (GPE, CRSC and ESC) citing asthma in their family as concern with respect to the Crossings. Several respondents highlighted the potential effects of pollution on children living at Terlings Park.

#### *Land Uses outside of the Order Limits*

- 5.131 Operation of the Crossings will not stop or prevent any of the activity currently taking place (leisure or otherwise) on land outside the Order Limits.
- 5.132 Some amenity effects may be experienced by the users of Redricks Lake, however there is no evidence that this would have any differential or disproportionate equality effects.



## 6 Conclusion

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- 6.1 When considering the acquisition of land or rights, the PSED requires the Authorities to consider how their decision making concerning the making of a CPO will affect people who are protected under the Equality Act 2010.
- 6.2 As is established good practice, this Equality Statement has presented the potential effects of the CPO (and the works it facilitates) that may differentially or disproportionately affect people with protected characteristics. In meeting its duty, the Authorities should give due regard to these equality considerations (and any others it considers relevant) and seek to advance equality of opportunity between people who share protected characteristics with those who do not.
- 6.3 Where it considers these are required, the Authorities should seek to secure appropriate mitigation to remove or minimise the potential adverse effects on people with protected characteristics. They should take the necessary steps to meet the needs of people with protected characteristics where those needs differ from those who do not share that characteristic.
- 6.4 As set out in the Introduction, some impacts may be unavoidable. Considerations, including the public benefit of the development that will be supported by the CPO, can outweigh the potential adverse effects. Under the Act, the Authorities are not required to take any specific course of action in response to any identified effects or potential effects, just to take due consideration of the effects in their decision making.

### Direct Effects of the CPO

- 6.5 No affected persons within the Order Limits have been identified for whom protected characteristics differentially affect their ability to understand or engage in the land acquisition process, or how they will be affected by it. Engagement will continue throughout the land referencing process to monitor the needs of Qualifying Persons as they relate to the Equality Act.
- 6.6 The full land referencing exercise is still to be completed and the table of Qualifying Persons will continue to be updated as this process takes place.
- 6.7 Engagement will continue throughout the land referencing process to monitor the needs of Qualifying Persons as they relate to the Equality Act.
- 6.8 The nature of any equality effects from land acquisition, if they arise, is likely to mean mitigation and compensation through the CPO process will be possible.

### Indirect effects

- 6.9 In this Statement, some potential adverse environmental effects have been identified (which constitute indirect effects of the CPO). An adverse environmental effect does not automatically constitute an equality effect and in the majority of cases it would not do so. Some of these effects are short term, and some are isolated affecting only a very small number of residents.

The scale and nature of these effects is not considered to amount to illegal discrimination as defined in the Act.

6.10 No disproportionate effects have been identified.

6.11 Some differential effects could potentially occur including:

- The road network and its supporting infrastructure will be used by current and future residents, workers and visitors travelling to and from Harlow, the wider HGGT area and the beyond. The experience (including amenity, safety and journey times) of these users is a relevant consideration in this EqS. However likely adverse effects of the crossings will generally be localised to the areas immediately around them and those users who would interact with them on foot or cycle. If there are minor delays or temporary amenity effects to those in motorised transport connecting with the wider road network (as a result of closures/diversions for example), this is unlikely to have any disproportionate or differential effect on any person or group linked to their Protected Characteristics.
- The CRSC forms an integral part of the network of Sustainable Transport Corridors that integrate the neighbourhoods of the HGGT with rapid transit/dedicated bus lanes which will “provide attractive and enjoyable transport choices which are accessible to all ages and abilities” and this would be a beneficial effect in the context of the HGGT as a whole, which may differentially benefit some residents including those with disabilities or young people who are unable to drive.
- The Residents of Terlings Park may be affected by the purchase of a small parcel of parkland in their ownership, and this may differentially affect people with disabilities who are less able to travel to other green space, and children. The majority of the parkland will remain in their ownership and in use as open space and **alternative land will be provided in an appropriate location.**
- There will be significant changes in the road layout during construction of both crossings, including potential for temporary closures of rights of way and routes. This may have temporary adverse effects on people who struggle with wayfinding due to illness or disability. There is no evidence to indicate that there is a disproportionate number of people with these conditions that could be affected.
- Throughout construction and during operation, proposed mitigation measures have prioritise keeping safe walking and cycling routes available for recreation and access to services and public transport. In operation, walking and cycling infrastructure will be significantly improved by the crossings for new and existing residents.
- The construction phase will generate construction jobs and may provide opportunities for entry-level training and employment for local people, and this may differentially benefit young people.
- There will be noise effects on some homes during construction which could potentially differentially affect people with vulnerabilities due to their Protected Characteristics. The total number of homes affected would be small. Mitigation is proposed in the form of management plans which will control the timings, methods of construction and routes for construction vehicles.
- There will be some air quality effects related to dust from earthworks and construction at Terlings Park, alongside Eastwick Road at Pye corner, Eastwick and various farms and

properties. Mitigation is proposed in the form of management plans which will control the timings, methods of construction and routes for construction vehicles.

- The design of the Crossings will assist in the new and existing communities achieving sustainable mobility targets (including access to public transport) which are likely to be aligned with reduced effects on those with vulnerabilities associated with Protected Characteristics.
- There are expected to be significant noise effects on Terlings Park and Pye Corner residents, where 29 homes will experience moderate adverse effects. Some of these residents may potentially be differentially affected by the noise. Due to the small population affected, it is expected that the absolute number of people differentially affected (if any) will be small. Beneficial effects on some homes may also improve quality of life for some vulnerable residents. Mitigation measures have been designed to reduce the noise impact of the ESC as far as reasonably practicable. Affected receptors may also be eligible for compensation under the Noise Insulation Regulations.
- Operational air quality effects (which are minor or less) have been identified at some commercial and residential receptors. Differential effects could potentially be felt among workers with certain types of disabilities (such as asthma) or pregnant women, and the actual number of people potentially affected is very small. There may potentially be isolated air quality effects on residents at identified receptors although absolute numbers are very small. There are two households at Terlings Park and one at Pye Corner who have stated they have members with asthma (which could constitute a disability when it is severe). These areas have not been identified as receptors with a significant adverse effect on air quality.
- No routes to work or training by any mode will be substantially impaired during construction or operation, and all route changes will be mitigated through alternative provision. There are unlikely to be equality effects associated with this, and if there are, these may be beneficial.



# Appendix 1: Receptor Maps

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## Appendix 2: Baseline summary tables

Measure		Terlings Park	Pye Corner	Hunsdon Ward	East Hertfordshire District	East of England
Population (ONS, 2020)		13,788	16,137	3,470	149,750	6,236,000
Age Structure	0-15	-	-	20%	20%	19%
	16-64	-	-	61%	62%	61%
	65+	-	-	19%	18%	20%
Sex	Male	-	-	49%	49%	49%
	Female	-	-	51%	51%	51%
Health and Disability						
Long Term Health Problem or Disability	Day-to-day activities limited a lot	-	-	6%	5%	7%
	Day-to-day activities limited a little	-	-	8%	8%	9%

(Census, 2011)	Day-to-day activities not limited	-	-	86%	87%	83%
EA Core or work-limiting disabled (aged 16-64) (APS, 2020)		-	-	-	17.8%	19.5%
Life expectancy at birth (PHE, 2013-2017)	Males	-	-	81.1	81.6	79.5 (England)
	Females	-	-	85.1	85.3	83.1 (England)
Deaths from respiratory diseases, all ages (SMR) (PHE, 2013 – 2017)		-	-	100.1	89.4	-
<hr/>						
Pregnancy and Maternity						
Total fertility rate (live births per 1,000 women aged 15-44) (PHE, 2019)		-	-	-	-	60.7 (57.7 in England)
<hr/>						
Employment						
Claimant Count (January 2020)		-	-	1.1%	1.2%	2.3%
Claimant Count (January 2021)		-	-	3.4%	3.9%	5.3%

Sources: Census 2011; GLA 2016; Public Health England 2019; Annual Population Survey 2019; ONS 2017





## East Herts Council Report

### Executive

**Date of Meeting:** 19 April 2022

**Report by:** Councillor Geoff Williamson, Deputy Leader and Executive Member for Financial Sustainability

**Report title:** Quarterly Corporate Budget Monitor – Quarter 3 December 2021

**Ward(s) affected:** All

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### Summary

- To provide a report on financial monitoring for East Herts Council for 2021/22 as at 31<sup>st</sup> December 2021.
- The net revenue budget for 2021/22 is £11.056m as set out in table 1, this is funded by Council Tax. The forecast outturn as at 31<sup>st</sup> December 2021 predicts an overspend of £95k at the year end.
- The revised capital budget for 2021/22 is £56.656m, with a forecast underspend of £27.669m, of which £27.603m will be carried forward to 2022/23.

### RECOMMENDATIONS FOR EXECUTIVE:

- (A) The net revenue budget forecast overspend of £95k in 2021/22 be noted (table 1);**
- (B) That the revised capital budget of £56.676m for 2021/22, has a forecast underspend of £27.669m, of which £27.603m will be carried forward to 2022/23 (appendix A) be noted.**

## 1.0 Proposal(s)

1.1 Not applicable

## 2.0 Background

2.1 This report sets out the financial position for the financial year 2021/22 to date and provides forecasts for the outturn position.

2.2 The Council's revenue budget is made up of 5 areas; these are shown in table 1. The report that follows provides details of the forecast outturn position against these areas.

Table 1 – 2021/22 Revenue Forecast Outturn

	<b>Original Budget 2021/22</b>	<b>Forecast outturn</b>	<b>Variance</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Net Cost of Services	16,787	16,677	(110)
Corporate Budgets	(16)	(66)	(50)
Net Use of Reserves	2,485	2,446	(39)
Funding	(8,200)	(7,906)	294
<b>Net Revenue Spend</b>	<b>11,056</b>	<b>11,151</b>	<b>95</b>
Funded by Council Tax	(11,056)	(11,056)	-
<b>Overspend / (Underspend)</b>	<b>-</b>	<b>95</b>	<b>95</b>

2.3 The report contains the following sections and Appendices:

Background Report Sections	
2.4	Net Cost of Services
2.18	Corporate budgets
3.0	Reserves
4.0	Funding

5.0	Capital budgets
6.0	Debtors

Appendices	
A	Capital
B	Debtors

#### 2.4 Net Cost of Services

2.5 The Councils net cost of services budget for 2021/22 is £16.787m, which includes carry forwards from previous year's budget of £414k of which £404k is for Shared Business and Technology and £10k for Housing and Health.

2.6 An underspend of £110k is forecast in 2021/22. Table 2 overleaf shows this current forecast outturn position broken down by service area.

2.7 As reported previously, the Councils income and expenditure continues to be impacted by the Covid-19 pandemic. This report contains estimates of the Covid-19 income loss scheme funding from the government to support the loss of fees and charges income and also Local Authority support grant.

2.8 For the first quarter of 2021-22, the sales, fees and charges compensation grant scheme operated on the same basis as last year's scheme which involves a 5% deductible rate, whereby councils will absorb losses up to 5% of their budgeted sales, fees and charges income, with the government compensating them for 75p in every pound of relevant loss thereafter. This will then allow the budgets for the remaining quarters to be better profiled to reflect seasonal changes in budgeted income.

Table 2 – Net Cost of Services

	<b>Original Budget 2021/22</b>	<b>Forecast outturn</b>	<b>Grant funding</b>	<b>Revised outturn</b>	<b>Variance</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Chief Executive & Directors	401	385	-	385	(16)
Communications, Strategy & Policy	1,386	1,366	-	1,366	(20)
HR & Organisational Development	578	522	-	522	(56)
Strategic Finance & Property	2,653	2,732	-	2,732	79
Housing & Health	2,581	2,599	(25)	2,574	(7)
Democratic and Legal	1,426	1,417	-	1,417	(9)
Planning & Building Control	1,202	1,336	(129)	1,207	5
Operations	3,057	3,358	(144)	3,214	157
Shared Revenues & Benefits Service	1,725	1,713	-	1,713	(12)
Revenues & benefits retained costs	(465)	(654)	-	(654)	(189)
Housing Benefit Subsidy	(550)	(491)	-	(491)	59
Shared Business & Technology Services	2,555	2,454	-	2,454	(101)
CERA	238	238	-	238	-
<b>Total Net Cost of Services</b>	<b>16,787</b>	<b>16,975</b>	<b>(298)</b>	<b>16,677</b>	<b>(110)</b>

2.9 The use of reserves to fund Net Cost of Services expenditure is included in section 3.0.

2.10 Communications, Strategy and Policy

A forecast underspend of £20k is reported against this service.

This is mostly driven by salary underspends for posts which no longer exist and will be deleted for the 2022/23 budget

#### 2.11 HR and Organisational Development

A forecast underspend of £55k is reported against this service. £36k relates to an underspend on salary budgets due to no further recruitment of apprentices this year. £18k relates to salary saving due to vacant admin post.

#### 2.12 Strategic Finance and Property

A forecast overspend of £79k is reported, this relates to:

- £92k reduced rental income from Charrington's House due to redevelopment of site.
- £20k reduction in rental income from Wallfields old building due to termination of Citizens Advice Bureau's contract. This vacant space is being utilised as storage for items from Hertford Theatre which would have incurred a cost if stored elsewhere
- £39k additional rental income following rent reviews on some of the Councils rental properties

#### 2.13 Operations

An overspend of £157k is forecasted against this service. Pay and Display receipts have been below budget in 2021/22. For the first quarter grant income of £144k (as detailed in paragraph 2.8) has been claimed to offset losses caused by government restrictions. Pay and display income levels continue to be impacted across the district, especially in Hertford. This may be due in part to reduced numbers of businesses in the town and also the closure of Hertford Theatre. An underachievement of parking income of £130k is forecast.

#### 2.14 Revenues and Benefits Retained Costs

The revenues and benefits retained costs budget is forecast to overachieve by £189k. This consists of additional central

government new burdens funding received as a result of the pandemic, net of expenses.

### 2.15 Shared Business and Technology Services

A forecast underspend of £101k is reported against this service. As reported at Q2, most of this relates to savings identified on licence costs to date and slippage of IT projects. Additionally, there are some salary savings identified due to vacant post. As mentioned previously, £404k unspent from 2020/21 budgets has been carried forward into this financial year, this will be spent in 2021/22.

### 2.16 Corporate Budgets

Corporate budgets are costs and income received by the Council that are not service specific; these include income from the Council's investments and pension deficit contributions. Table 3 shows the forecast outturn position against the corporate budgets.

Table 3 – Corporate budgets 2021/22 forecast outturn

	<b>Original Budget 2021/22</b>	<b>Forecast outturn</b>	<b>Variance</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Interest and Investment Income	(750)	(800)	(50)
Pension Fund Deficit contribution	734	734	-
<b>Corporate Budget Total</b>	<b>(16)</b>	<b>(66)</b>	<b>(50)</b>

2.17 The interest and investment income budget is forecasted to overachieve by £50k. This is due to returns being higher than anticipated

### 3.0 Reserves

3.1.1 The Council holds earmarked reserves to fund unpredictable

financial pressures and to smooth the effect of known spending over time. Table 4 reflects the forecast outturn position as at 31<sup>st</sup> December 2021.

Table 4: Use of reserves 2021/22

	<b>2021/22 Budget</b>	<b>2021/22 Forecast Outturn</b>	<b>Variance</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Contributions to reserves	3,369	3,146	(223)
Contributions from reserves	(769)	(585)	184
Use of General reserve	(414)	(414)	-
Contribution to Priority spend Reserve	299	299	-
<b>Use of Reserves:</b>	<b>2,485</b>	<b>2,446</b>	<b>(39)</b>

- 3.1.2 It is forecast that there will be a contribution from reserves of £585k in 2021/22, this is £184k less than budgeted for. At this time services have either secured additional funding or reduced costs, which lessens the requirement to utilise reserves.
- 3.1.3 It is forecast that contribution to reserves will be £223k lower than budgeted for. This is due to government grant received in year being spent in year rather than transferred to reserve.
- 3.1.4 As mentioned in paragraph 2.5 and in addition to above, £414k will be utilised from the General reserve. This consists of carry forwards from unspent budgets in the previous year with £404k for Shared Business and Technology service and £10k for Housing and Health service.

## 4.0 Funding

These income budgets are general and non-service specific income sources. The table below shows the value and source of these funding streams as at 31<sup>st</sup> December 2021.

Table 5: 2021/22 funding

	<b>Original Budget 2021/22</b>	<b>Forecast Funding 2021/22</b>	<b>Variance</b>
Business Rates	(2,721)	(2,721)	-
(Surplus)/Deficit on collection fund	2,455	2,455	-
Gov. support grant	(874)	(652)	222
Section 31 grants	(4,666)	(4,666)	
Capital salaries	(150)	(78)	72
New Homes Bonus	(2,244)	(2,244)	-
<b>Total Funding</b>	<b>(8,200)</b>	<b>(7,906)</b>	<b>294</b>

- 4.1.1 The impact on collection rates for both Council Tax and Business Rates as a result of Covid-19 is being closely monitored by officers.
- 4.1.2 A variance of £222k is reported against the Government support grant in the table above. This is due to grant income accounted for within the net cost of services.
- 4.1.3 Additionally, a variance of £72k is reported against the Capital salaries budget in the table above. This is due to funding lower number of posts through capital than anticipated.

## 5.0 Capital Programme

- 5.1.1 The revised capital budget for 2021/22 is £56,656m, with a forecast underspend of £27.669m, mainly resulting from



delayed major project spend, of which £27.603m will be carried forward to 2022/23.

5.1.2 The revised budget has reduced by £404k, due to both Buntingford depot projects moving to the 'Approved But Not Yet Committed' table.

5.1.3 Appendix A provides a breakdown of the 2021/22 revised capital budget against the forecast outturn and 2022/23 carry forward.

5.1.4 There have been a number of increases to the carry forward figures due to delays.

## 6.0 Debtors

6.1.1 The total outstanding debt as at 31<sup>st</sup> December 2021 is £2.2m, a reduction of £1.6m since reported at Q2. Of the £2.2 m outstanding as at Q3, several large invoices amounting to £1.4m have since been paid.

6.1.2 The outstanding debt over 120 days totals £1.4m, an increase of £147k from the position reported at Q2. Officers are actively pursuing this debt.

6.1.3 As mentioned previously, an exercise to write off old debts due to bankruptcy etc. is still under way and will be reported to Executive for approval.

6.1.4 Appendix B analyses the profile of aged debtors.

## 7.0 **Reason(s)**

7.1 Section 28 of the Local Government Act 2003 requires the Council to monitor the budget and monitor and assess the adequacy of reserves and balances during the year. East Herts Council's financial management framework requires quarterly reports to Audit and Governance Committee and the Executive

with expenditure forecasts to the year end.

- 7.2 The Executive must consider the budget forecasts and ensure that action is taken in relation to any expenditure over spends or any underachievement of income so that the Council's financial resources are not exceeded.

## **8.0 Options**

- 8.1 Not applicable

## **9.0 Risks**

- 9.1 Costs may increase and income may decrease due to the pandemic if a vaccine resistant variant should emerge resulting in the resumption of lockdowns.

## **10.0 Implications/Consultations**

Consultation was undertaken with budget managers/finance contacts to assist in writing this report.

### **Community Safety**

No

### **Data Protection**

No

### **Equalities**

No

### **Environmental Sustainability**

No

### **Financial**

All financial implications are included in this report.

## **Health and Safety**

No

## **Human Resources**

No

## **Human Rights**

No

## **Legal**

Section 28 of the Local Government Act 2003 requires the Council to monitor the budget and monitor and assess the adequacy of reserves and balances during the year. East Herts Council's financial management framework requires quarterly reports to Audit and Governance Committee and the Executive with expenditure forecasts to the year end.

The Executive considers the budget forecasts and ensures that action is taken in relation to any expenditure over spends or any underachievement of income so that the Council's financial resources are not exceeded.

## **Specific Wards**

None

## **11.0 Background papers, appendices and other relevant material**

**Appendix A:** Capital

**Appendix B:** Debtors

**Contact Member**

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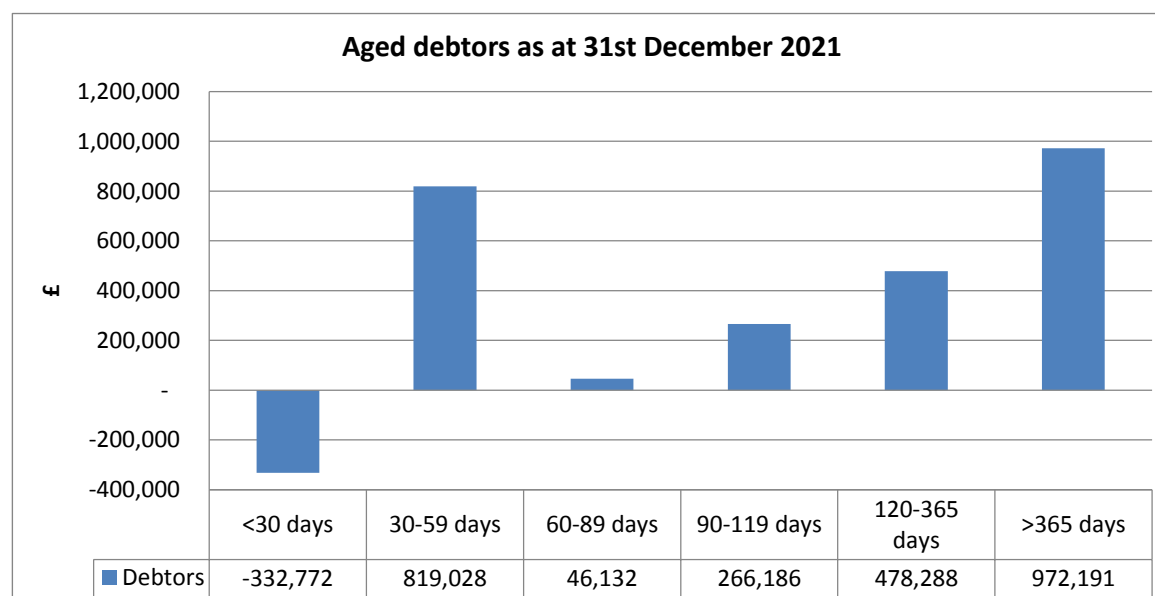
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Capital Forecast Outturn Quarter 3 December 2021				
	Revised Budget 2021/22 £'000	Forecast Outturn 2021/22 £'000	Variance 2020/21 £'000	Carry Forward to 2022/23 £'000
<b>Land and Buildings</b>				
Investment in operational assets	209	209	0	0
Grange Paddocks Leisure Centre	10,872	9,861	(1,011)	1,011
Hartham Leisure Centre	10,101	3,278	(6,823)	6,823
Ward Freman Leisure Centre	610	0	(610)	610
Hertford Theatre	9,700	1,500	(8,200)	8,200
Car Park Resurfing	585	291	(294)	294
Old River Lane and Arts Centre	8,387	448	(7,939)	7,939
Northgate End	12,000	12,000	0	0
New Hostel	514	514	0	0
<b>Vehicles and Equipment</b>				
Rolling programme to be utilised on ICT projects subject to ITSG review	1,235	300	(935)	935
LED Lighting Upgrades	253	160	(93)	93
Hostels - Fencing	11	11	0	0
Hostels - CCTV and associated works	233	0	(233)	233
<b>Community Assets</b>				
Folly View, Herford - Open Space Improvements	15	0	(15)	0
Replacement play equipment across the district (in response to the Condition Audit to be reviewed in 2018/19)	50	0	(50)	0
Play Area and other projects, Hartham Common, Hertford	106	105	(1)	0
Castle Park - HLF	1,433	15	(1,418)	1,418
Trinity Close - Open Space Project	57	57	0	0
<b>Revenue Expenditure Funded as Capital Under Statute (REFCUS)</b>				
Home Improvement Loans	20	20	0	0
Improve & renew structures along rivers and watercourses	48	48	0	0
Land Management Asset Register & Associated Works	50	50	0	0
Green Deal Loans	20	20	0	0
Historic Building Loans	20	20	0	0
Community Capital Grants	127	80	(47)	47
<b>Current Capital Programme Budget Total</b>	<b>56,656</b>	<b>28,987</b>	<b>(27,669)</b>	<b>27,603</b>

<b>Approved But Not Yet Committed</b>	
Buntingford Depot site works for Residual Waste	127
Heat Detection Unit at Buntingford Depot	277
Solar Panels - Wallfields	45
Home Improvement and Green Deal Loans	100
Transformation Programme	1,000
Financial Sustainability Committee	6,000
Capital Contingency - Major Projects	2,500
<b>Current Capital Programme Budget Total</b>	<b>9,645</b>

The following graph shows the age of the £2.249m of debts outstanding as at 31st December 2021



The table below shows the aged debt by department

	<b>As at 31/12/2021</b>
Asset Management	473,584.94
Bed & breakfast	140,421.66
Unallocated cash	- 45,198.92
Community Safety & Health	113,831.07
Waste	2,408.09
Environmental Health	97,539.51
Finance	133,689.05
Grounds Maintenance	6,677.66
Housing Other	164,841.03
Launchpad	5,378.78
Operations Miscellaneous	347,788.47
Parking	98,364.21
Pest control	318.10
PIA	10.00
Planning	266,808.78
Hertford Theatre	2,834.64
Trade Refuse	435,061.61
Trade Waste Miscellaneous	4,694.33
<b>Total</b>	<b>2,249,053.01</b>

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