

**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 Crichton 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>.

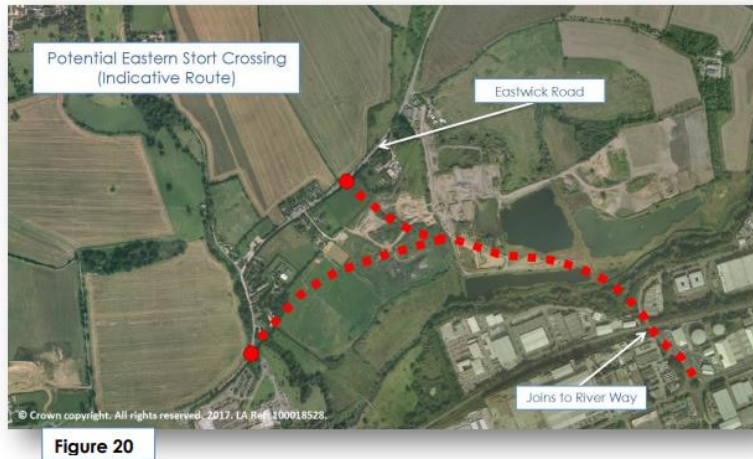
- 9.12 Paragraphs 11.4.1 to 11.4.4 of the East Herts District Plan explain that the CSC and ESC are necessary to meet the wider needs of the existing residents and businesses, and future growth. Paragraph 11.3.1 states that the A414 corridor is already under significant pressure from existing development 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 stort 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

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<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 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 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 forthe 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

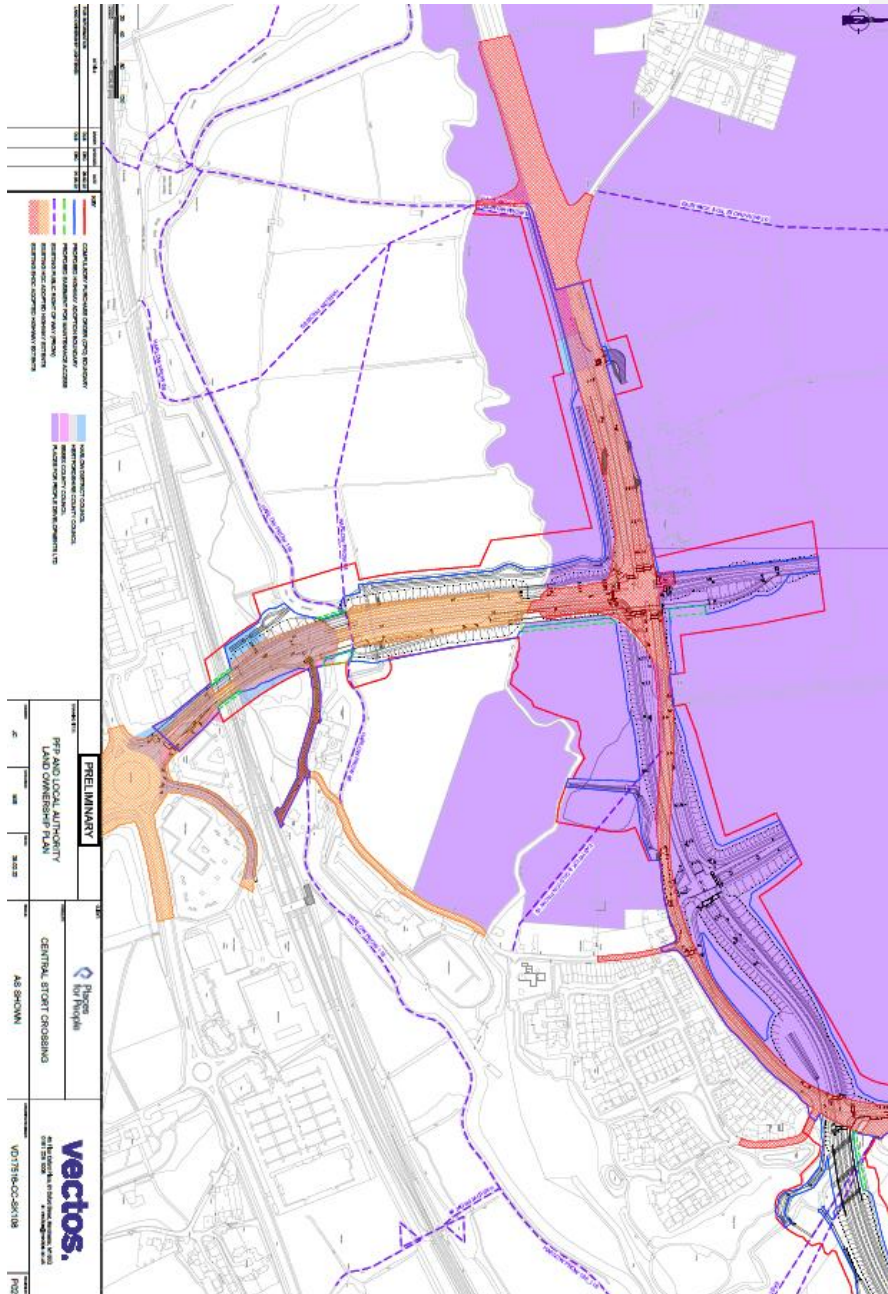
	<b>Document</b>
7.	EHDC Development Management Committee Minutes for CSC and ESC applications on 22 February
8.	HDC Development Management Committee Minutes for CSC and ESC applications on 23 February
9.	Development Management Committee Report for CSC
10.	Development Management Committee Report for ESC
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 are available to view separately on-line at <a href="http://Simple Search (eastherts.gov.uk)"><u>Simple Search (eastherts.gov.uk)</u></a>
35.	Documents and supporting information for planning application 3/19/1051/ are available to view on-line at <a href="http://Simple Search (eastherts.gov.uk)"><u>Simple Search (eastherts.gov.uk)</u></a>
	<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

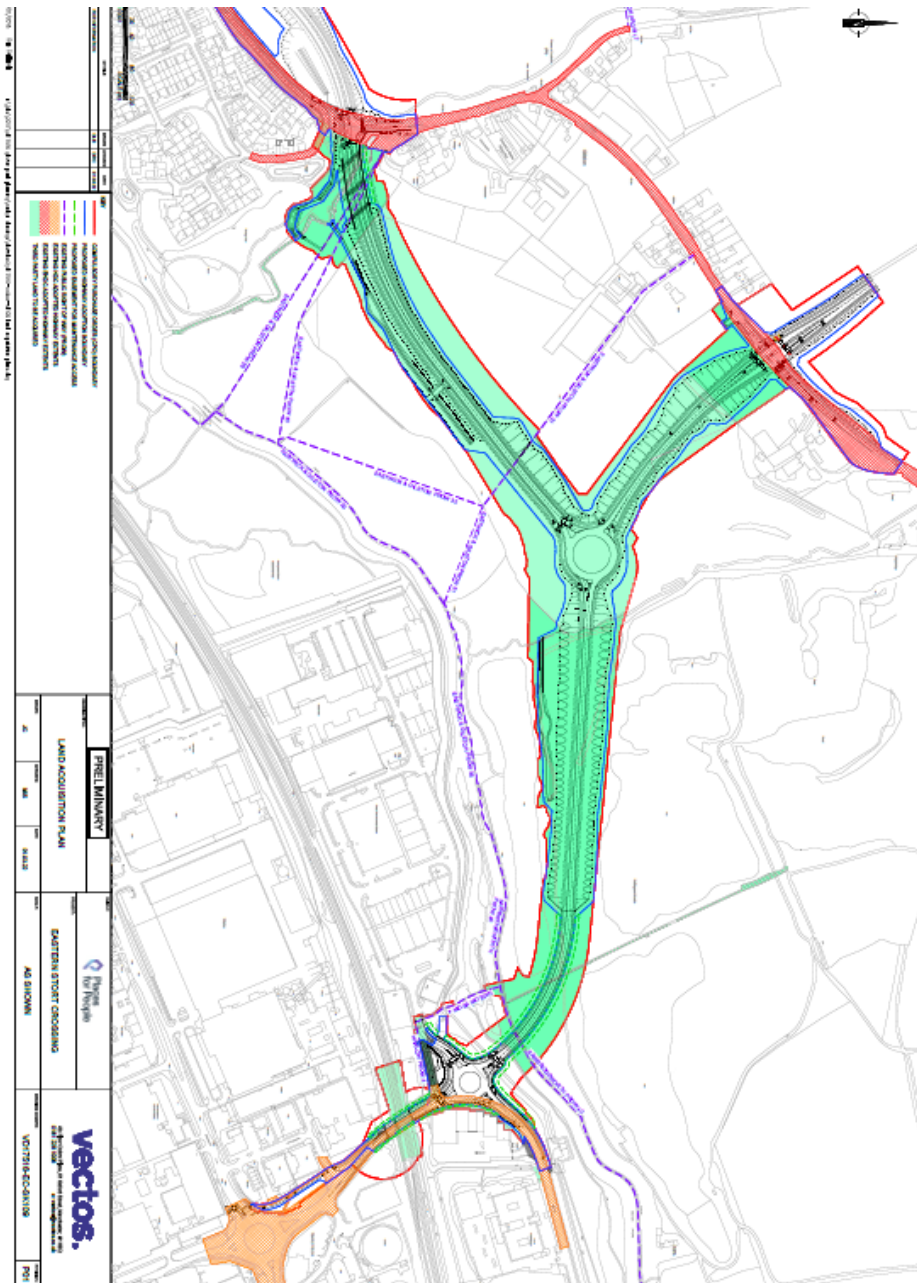
	Document
46.	Department for Levelling Up, Housing & Communities Guidance on Compulsory Purchase and the Criche Down Rules (updates previous version published in February 2018)

- 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)**



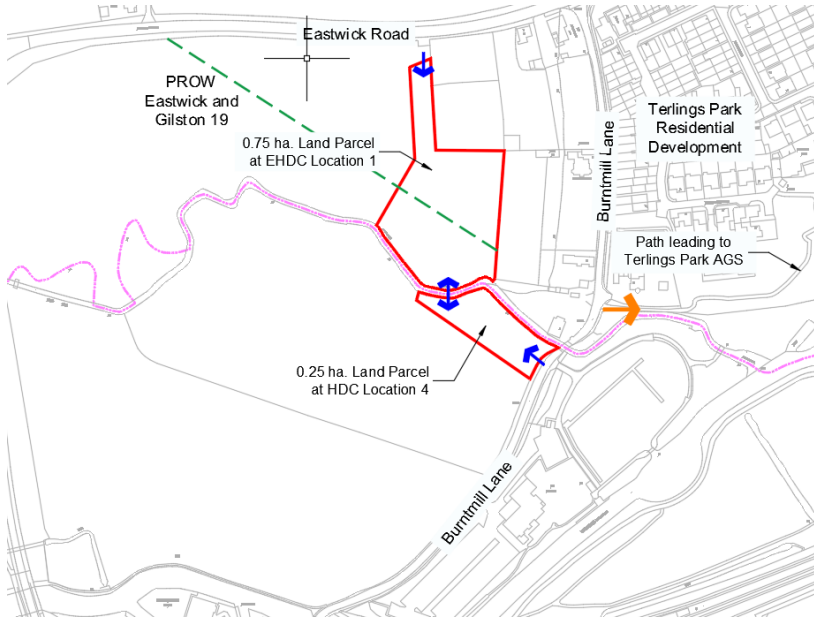
## Annex B – ESC Land that still needs to be acquired (coloured)



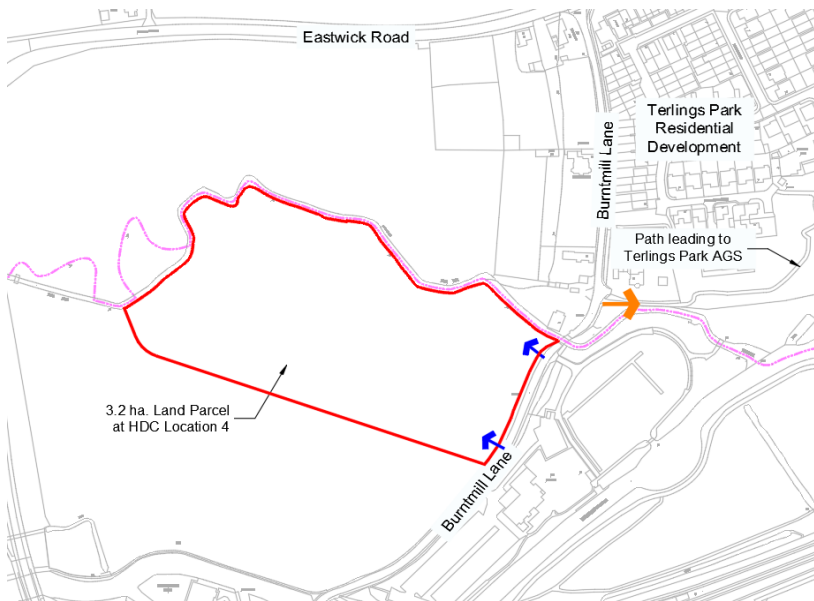


## ANNEX C – POTENTIAL EXCHANGE LAND SITES

### Option 1

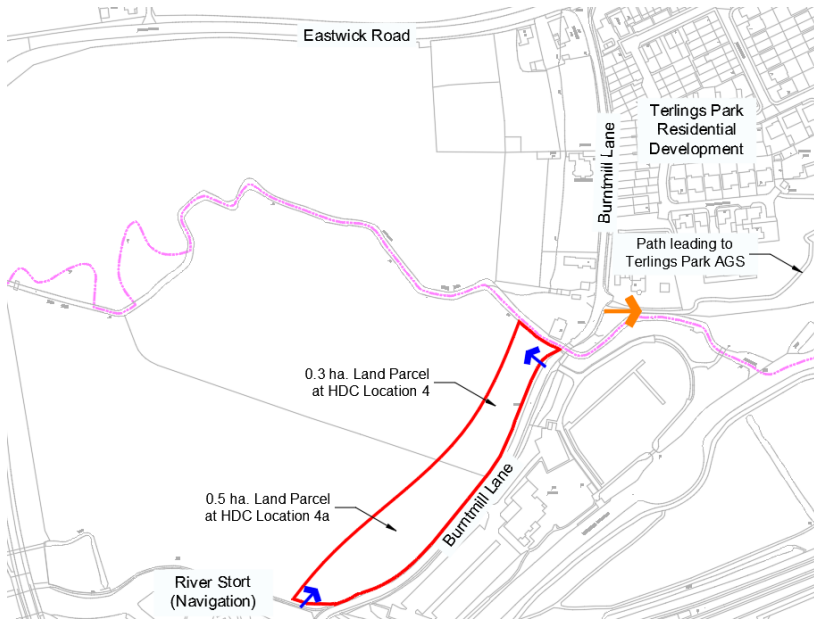


### Option 2





**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?

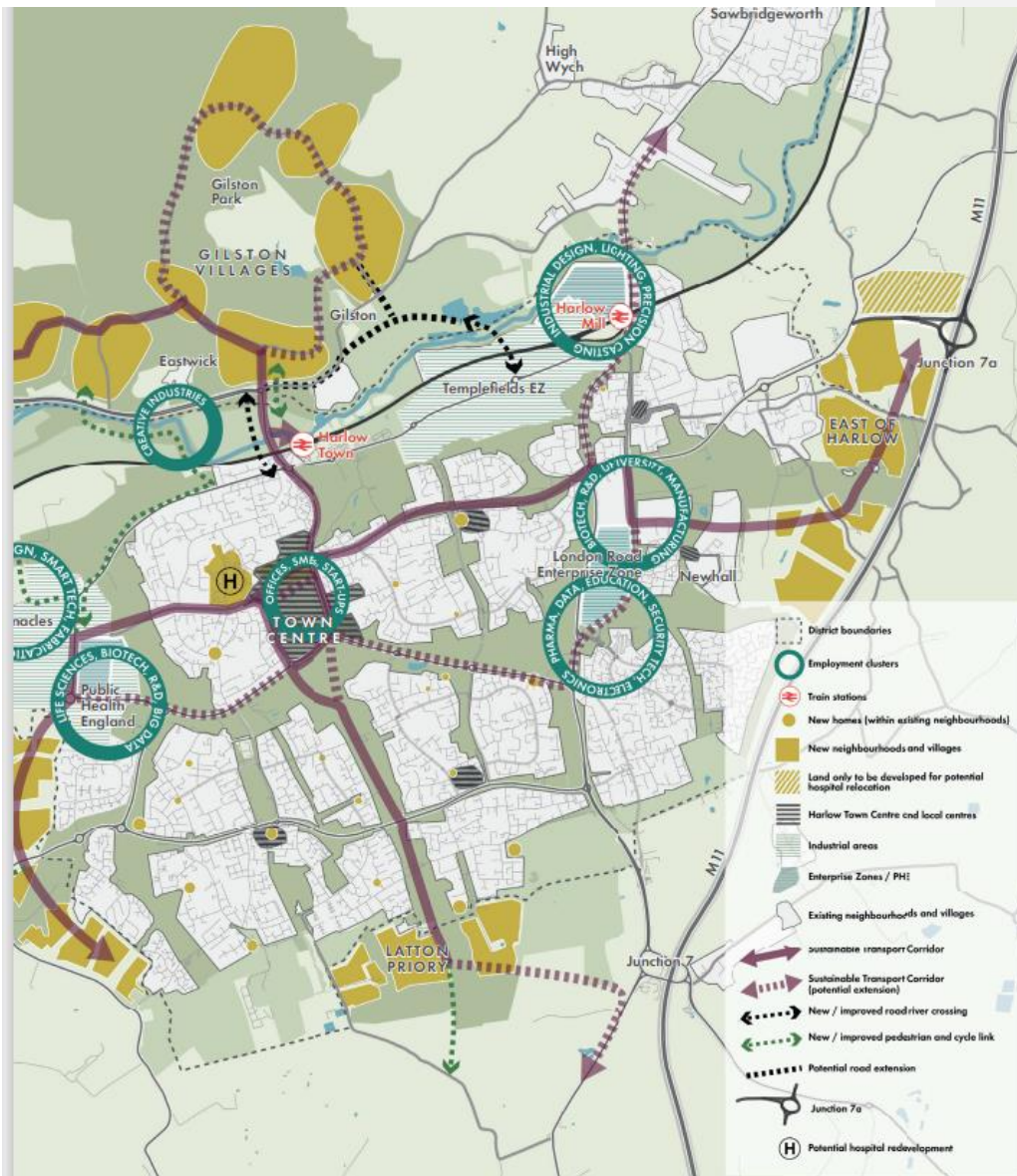
LPA Area	Description	Title Absolute	Voluntary acquisition Status
HDC	Verge land. Industrial parking land	Terrence James Hill	<p>Negotiations on-going. Hill will not agree to HoTs unless the land at the end of Edinburgh Place, which is currently used for fly tipping, is offered in exchange. That land 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 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> Mar 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 SIW
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 highway corridor.	UKPN asset maps were received on the 17 <sup>th</sup> Mar 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 SIW
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 Networks 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 Street Works 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.