



**THE HERTFORDSHIRE COUNTY COUNCIL (A120 BYPASS (LITTLE HADHAM))  
COMPULSORY PURCHASE ORDER 2017**

**and**

**THE HERTFORDSHIRE COUNTY COUNCIL (A120 (LITTLE HADHAM) BYPASS  
CLASSIFIED ROAD) (SIDE ROADS) ORDER 2017**



**STATEMENT OF REASONS**



## **HIGHWAYS ACT 1980**

### **ACQUISITION OF LAND ACT 1981**

#### **THE HERTFORDSHIRE COUNTY COUNCIL (A120 BYPASS (LITTLE HADHAM))**

#### **COMPULSORY PURCHASE ORDER 2017**

**and**

#### **THE HERTFORDSHIRE COUNTY COUNCIL (A120 (LITTLE HADHAM) BYPASS**

#### **CLASSIFIED ROAD) (SIDE ROADS) ORDER 2017**

### **STATEMENT OF REASONS OF HERTFORDSHIRE COUNTY COUNCIL**

#### **Introduction**

Hertfordshire County Council (“HCC”) is the highway authority for the administrative area of Hertfordshire. On 24 March 2014, the Cabinet of HCC approved the initiation of a compulsory purchase order to acquire land described below required to construct the A120 Bypass (Little Hadham) (“the Bypass Scheme”). HCC has powers under the Highways Act 1980 to acquire land, and rights over land, for the purposes of construction, improvement etc. of highway.

The Cabinet of HCC, on 24 March 2014, also authorised the initiation of Side Roads Orders to enable the delivery of the A120 Little Hadham Bypass. HCC has powers under the Highways Act 1980 to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the classified road.

This purpose of this Statement is to describe the proposals for the Bypass Scheme and to explain the reasons for making The Hertfordshire County Council (A120 Bypass (Little Hadham)) Compulsory Purchase Order 2017 (“the Order”) and The Hertfordshire County Council (A120 (Little Hadham) Bypass Classified Road) (Side Roads) Order 2017 (“the Side Roads Order”).

This is a non-statutory statement of reasons provided in compliance with the Department for Communities and Local Government ‘Guidance on Compulsory purchase process and The Criche Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion’ (“the Guidance”).

Paragraph 21 of the Guidance advises that a Statement of Reasons should be as comprehensive as possible. In preparing the Statement, HCC has endeavoured to provide sufficient information in relation to each of the items identified in Section 11 of the Guidance so that its reasons for making the Order can be properly understood.

This statement of reasons, as recommended under the Local Authority Circular 1/97 (Department of Transport), is also prepared to explain the proposals in terms easily understood by the public.

The purpose of the Order is to enable HCC to acquire land and rights required for the construction of the Bypass Scheme which will provide a single carriageway bypass to the village of Little Hadham, Hertfordshire. Little Hadham lies within the East Herts District Council area, and incorporates land from parishes of Albury and Little Hadham.

The purpose of the Side Roads Order is to alter highways that cross or enter the route of the classified road, or are otherwise affected by the construction or improvement of the classified road. A Side Roads Order can authorise the construction of a highway for temporary purposes and provision can be made in the Side Roads Order for such a highway to be closed after a specified period. The Side Roads Order can stop up private means of access to premises and to provide new private means of access to premises.

HCC has been working in partnership with the Environment Agency (“the EA”) to incorporate a Flood Alleviation Scheme (“Flood Alleviation Scheme”) within the Bypass Scheme and this combined project is known as A120 Bypass (Little Hadham) and Flood Alleviation Scheme (“the Project”).

Working in partnership means that the Environment Agency and Hertfordshire County Council can pool resources to make the combined project cost efficient and affordable. Reference is made to the Statement of Reasons accompanying the Environment Agency (Little Hadham Flood Alleviation Scheme) compulsory Purchase Order 2017 which sets out the options considered by the Environment Agency.

In this Statement based on the Guidance:

Section (i) a brief description of the order land and its location, topographical features and present use

Section (ii) an explanation of the use of the particular enabling power

Section (iii) an outline of the authority’s purpose in seeking to acquire the land

Section (iv): a statement of the authority’s justification for compulsory purchase, with regard to Article 1 of the First Protocol of the European Convention on Human Rights, and Article 8 if appropriate

Section (v): a description of the proposals for the use or development of the land

Section (vi) a statement about the planning position of the order site. See also Section 1: advice on Section 226 of the Town and County Planning Act 1990 for planning orders

Section (vii) information required in the light of government policy statements where orders are made in certain circumstances

Section (viii) any special considerations affecting the order site, E.g. ancient monument, listed building, conservation area, special category land, consecrated land, renewal area, etc

Section (ix) if the mining code has been included, reasons for doing so

Section (x) details of how the acquiring authority seeks to overcome any obstacle or prior consent needed before the order scheme can be implemented, E.g. need for a waste management licence

Section (xi) details of any views which may have been expressed by a government department about the proposed development

Section (xii) what steps the authority has taken to negotiate for the acquisition of the land by agreement

Section (xiii) any other information which would be of interest to persons affected by the order, E.g. proposals for rehousing displaced residents or for relocation of businesses

Section (xiv) details of any related order, application or appeal which may require a co-ordinated decision by the confirming minister, E.g. an order made under other powers, a planning appeal/application, road closure, listed building

Section (xv) if, in the event of an inquiry, the authority would intend to refer to or put in evidence any documents, including maps and plans, it would be helpful if the authority could provide a list of such documents, or at least a notice to explain that documents may be inspected at a stated time and place

**1. Section (i) a brief description of the order land and its location, topographical features and present use**

**1.1. Site Description**

- 1.1.1. The A120 is an important east-west link in Hertfordshire's primary road network. The road runs from the A10 at Puckeridge eastwards to join the M11 near Bishop's Stortford and Stansted Airport, before continuing through Essex, past Braintree and Colchester, to the port of Harwich. The A120 is also used as part of an official signed emergency diversion route for the M11 and M25.
- 1.1.2. The Bypass Scheme straddles the boundary between the parishes of Little Hadham (population of 2,468) and Albury (population of 592). Both are located in East Hertfordshire, Hertfordshire, England, approximately 5km west of the centre of Bishop's Stortford.
- 1.1.3. The parishes are predominantly made up of arable agricultural land, with small settlements scattered throughout. One of the largest clusters is The Ash, located at the junction between the A120 (traveling east to west) and Albury Road (traveling north to south). The confluence of the River Ash, the Albury Tributary and the Lloyd Taylor Drain are also located in this vicinity.
- 1.1.4. The A120 currently experiences severe congestion and delays, as a result of a signal controlled junction at the junction between the A120 and Albury Road that allows traffic from one of the four arms through at a time only. This area is known locally as The Ash traffic lights.
- 1.1.5. The Ash and The Ford, in the parish of Little Hadham are at risk of flooding from the River Ash and its tributaries. Both have suffered from flooding from rivers on several occasions, most recently in February 2014.
- 1.1.6. Flood modelling indicates that currently, 72 properties in The Ash and The Ford are assessed as having a 1 in 100 (1%) or greater annual probability of river flooding.

**1.2. Site Context**

- 1.2.1. The Bypass Scheme comprises mostly agricultural land and is semi-rural in nature. The River Ash flows north to south across the order land. The crossing point is located approximately 1 km north east of Little Hadham.
- 1.2.2. The Bypass Scheme lies entirely within the single National Character Area (NCA) known as No.86 the South Suffolk and North Essex Clayland. The Local Landscape Character Assessment by East Herts Council (EHC) identifies that the Bypass Scheme passes through or is adjacent to five Landscape Character Areas (LCAs) including; Perry Green Uplands, Wareside / Braughing Uplands, Hadhams Valley, Upper Ash Valley and Hadham Plateau.
- 1.2.3. The landscape is characterised by strongly undulating river valley slopes in the west with a flat valley floor. Steeper, undulating slopes define the valley sides, some of which are densely vegetated others wide and open. Arable fields are

irregular in shape but generally medium/large in scale and bounded with managed hedgerows; there is little pasture.

- 1.2.4. Little Hadham is a Conservation Area in which there are several Listed Buildings. Mill Mound is a Scheduled Monument. Hadham Hall to the east of Little Hadham formed the centre of a 14th century estate that included 980 acres of farmland. St Cecilia Church, Hadham Park, Church Farm and extensive farm buildings and barns are located between the existing and proposed A120 alignments. Public Rights of Way (PRoW) footpaths and bridleways cross the study area including the Hertfordshire Way Long Distance footpath.
- 1.2.5. Hadham Plateau local character area characterises the eastern half of the site. Gentle undulations and gentle slopes towards the River Ash valley floor characterise this landscape. Large, agglomerated, arable geometric fields bounded with managed hedgerows and interspersed with occasional woodland blocks distinguish the landscape pattern.

## **2. Section (ii) an explanation of the use of the particular enabling power**

- 2.1. Hertfordshire County Council (“HCC”) is the highway authority for the administrative area of Hertfordshire. On 24 March 2014, the Cabinet of HCC approved the initiation of a compulsory purchase order (the ‘Order’) to acquire land described below required to construct the Bypass Scheme
- 2.2. The Cabinet of HCC, on 24 March 2014, also authorised the initiation of Side Roads Orders to enable the delivery of the A120 Bypass (Little Hadham). HCC has powers under the Highways Act 1980 to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the classified road. The Order includes land necessary to construct and improve highways which cross or enter, or are otherwise affected by, the classified road, including the provision of new means of access to premises,
- 2.3. HCC is a public body and proposes to make the Order under the Acquisition of Land Act 1981 through its powers as highway authority under the Highways Act 1980 to acquire land, and rights over land, for the purposes of construction, improvement etc. of highway.
- 2.4. The Bypass Scheme requires the acquisition of land and rights for the construction of a public highway which is to be a highway maintainable at public expense. Therefore, the powers to make the Order in relation to the Order Land are under sections 239, 240, 246, 250 and 260 of the Highways Act 1980.
- 2.5. The relevant procedures for the making; confirming and progressing the Order are contained within the Acquisition of Land Act 1981, the Highways Act 1980, the Local Government (Miscellaneous Provisions) Act 1976 and the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004.
- 2.6. The powers to make the Side Roads Order, in relation to the Order Land, are under sections 14 and 125 of the Highways Act 1980.
- 2.7. Reference is made to the Statement of Reasons accompanying the Environment Agency (Little Hadham Flood Alleviation Scheme) compulsory Purchase Order 2017 which explains the Environment Agency powers and duties.

### **3. Section (iii) an outline of the authority's purpose in seeking to acquire the land**

#### **3.1. The Purpose of the Proposed Bypass Scheme**

3.1.1. HCC is currently progressing plans for a bypass of Little Hadham, along the A120 to cut journey times between Bishop's Stortford and the A10 and to create a more reliable route. As part of the proposed Bypass Scheme, the Environment Agency is also planning an associated Flood Alleviation Scheme on the River Ash, the Albury Tributary and Lloyd Taylor Drain which will reduce flood risk in Little Hadham and downstream communities.

3.1.2. The purpose of the Proposed Bypass Scheme is to:

- Reduce the majority of through traffic which creates congestion, thereby improving the environment for residents along the current route through Little Hadham village; and
- Decrease journey times and improve time reliability along the A120 between Bishop's Stortford and the A10 and in doing so, provide an improved transport network to support the East of England region by 2020.

3.1.3. The purpose of the Proposed Flood Alleviation Scheme is to:

- Reduce the risk of flooding in the village and surrounding communities downstream as part of the delivery of the bypass

#### **3.2. The Need for the Proposed Bypass Scheme**

3.2.1. The A120 is an important east-west link in Hertfordshire's primary road network. The road runs from the A10 at Puckeridge eastwards to join the M11 near Stansted Airport and then through Essex, past Braintree and Colchester, to the port of Harwich. The road is also used as part of an official signed emergency diversion route for the M11 and M25. A single carriageway bypass carries the A120 around Bishop's Stortford but at Little Hadham the road goes through the village and is constrained by a signalised junction in the centre. Increasingly severe delays to traffic have occurred on a daily basis in the centre of the village since the 1970s and this congestion is forecast to increase with future development growth in the area.

3.2.2. A Bypass Scheme has been developed over a number of years and consideration was given to alternative transport solutions and alternative bypass routes before selecting the preferred option. With the bypass in place, congestion would be removed in the village and journey times along the A120 would be reduced, improving the quality of life for residents, particularly as it presents the opportunity to provide enhancements to the village street scape, which are planned as a complementary project..

3.2.3. Furthermore, a Flood Alleviation Scheme for the River Ash, its tributaries, and the Lloyd Taylor Drain, can be brought forward as part of the Project to help reduce the risk of flooding to Little Hadham and communities south of the bypass route. This is supported by the Environment Agency.



- 3.2.4. Currently, the one-way working signal controlled junction in the centre of Little Hadham causes severe congestion and delays, especially at peak hours. This situation is likely to deteriorate considering the major housing development of 2,200 dwellings in Bishop's Stortford and the projected growth of London Stansted Airport.
- 3.2.5. The forecasted growth in the surrounding area would be likely to increase traffic flows along the A120 and have a negative impact on the area causing higher congestion levels and detrimental impacts on the community and environment. With the bypass in place, congestion would be alleviated in the village and journey times along the A120 would be reduced, improving the quality of life for residents and supporting the local economy.
- 3.2.6. The 2011 Government Transport White Paper provides key objectives for future transport investment: to create growth in the economy and to tackle climate change by cutting carbon emissions. The White Paper also aims to tackle places where congestion causes slow and unreliable journeys with significant impacts on the economy and environment. It highlights that public transport does not represent a viable alternative to the private car for all journeys, particularly in rural areas and for some longer or multi-leg journeys. The A120 Bypass supports these objectives by encouraging economic growth and reducing congestion within a rural area.
- 3.2.7. The A120 Bypass is also identified as strategic infrastructure required to support development identified in the emerging East Hertfordshire District Plan. The bypass would be included in an Infrastructure Delivery Plan to be prepared as part of the emerging plan, which would address the co-ordinated phasing of infrastructure and development.
- 3.2.8. In 2012, the Department for Transport (DfT) announced its intention to devolve funding for local major transport schemes to Local Transport Bodies (LTBs) from 2015. LTBs are voluntary partnerships between local authorities, Local Enterprise Partnerships (LEPs) and other organisations. Their primary role is to prioritise investments, to review and approve individual business cases for those investments, and to ensure effective delivery of the programme.
- 3.2.9. In March 2013, the government, in its response to a report by Lord Heseltine commissioned to look at all aspects of government policy that affect economic growth, announced the creation of a Single Local Growth Fund to be made available through LEPs. The fund is an amalgam of other funding streams including the local major transport scheme funding devolved to LTBs. LTBs and promoting local authorities were instructed to continue developing proposals in order to be ready for 2015.
- 3.2.10. In Hertfordshire, an initial priority list of schemes was identified by the county council and recommended by the LTB Shadow Board in March 2013. These schemes were then taken forward to develop a programme of expenditure for 2015-2019. The Hertfordshire priority list submission, in July 2013, to enable the DfT to be able to determine LTB allocations, comprised three transport schemes

identified as high priorities for the county. Subsequent to the submission of the priority schemes, indicative funding of £18.5m was announced for the Hertfordshire LTB with a profile of funding to be finalised by autumn 2013.

- 3.2.11. The LEPs produced Strategic Economic Plans for bidding to the Local Growth Fund. The government's position is that as LTB plans should have been developed in close collaboration with LEPs, the LEP Strategic Economic Plans should include schemes identified in the prioritised list and the government will confirm a guaranteed minimum allocation for this element of the Local Growth Fund in line with the indicative funding allocation. The county council's Framework Consultants were consequently commissioned to prepare business cases for schemes on the prioritised list for consideration by the LTB.

### 3.3. **The Case for the A120 Bypass Scheme**

- 3.3.1. A proposed bypass for Little Hadham has been considered since the 1970s. The existing traffic signals have been upgraded several times over the years but there is no further scope for improvement in reducing congestion.
- 3.3.2. The current Proposed Bypass Scheme was originally developed in 2006-2008 with a preliminary route which was refined further to form the Preferred Route. The A120 Bypass (Little Hadham) provides a northern 3.9 km bypass to the village of Little Hadham, which currently experiences congestion and delays as a result of a one-way working signal controlled junction in the centre of the village. This junction acts as a bottle neck for vehicles travelling through the village. An increase in current traffic would cause the existing A120 to be operating over capacity if the route is not improved, or if no alternative route is provided. This would further delays to journey times.
- 3.3.3. The traffic congestion and delays in Little Hadham originate from the constraints imposed by a narrow "S" bend on the A120 as it passes east to west in the centre of the village. Two minor side roads, from Albury to the north and Much Hadham to the south, join the main road at this location, forming a staggered crossroad. The roads and footways are very constricted by adjacent historic buildings and a bridge over the River Ash.
- 3.3.4. The width restrictions mean that only one-way working is possible, with only one arm at green at any one time. The two junctions lie at the bottom of a shallow dip with the A120 climbing away in both directions. This junction acts as a bottle neck for vehicles travelling through the village and an increase in current traffic would cause the existing A120 to be operating further over capacity if the route is not improved, or if no alternative route is provided. This would further delay journey times.
- 3.3.5. The current situation results in delays to road users as a result of the capacity restraints and traffic signals in the village of Little Hadham. Long queues occur at the traffic signals, particularly during peak hours. The traffic signal cycle at the junction can be as long as five minutes, which can result in a long delay for road users in both directions even when the traffic volume is low, should they arrive shortly after the signal turns red.

- 3.3.6. The existing traffic signals have been upgraded on a number of occasions. However, there are no further options for widening or improving the junction due to the proximity of Grade II listed buildings.
- 3.3.7. Flooding, particularly from the River Ash and associated tributaries is an issue in Little Hadham. The Environment Agency carried out the River Ash Flood Risk Management Strategy following flooding in Little Hadham in 2001 in order to assess solutions to reduce flood risk in the area. The Project did not go ahead due to a lack of government funding. More recent Environment Agency modelling of the river indicates that 72 properties in Little Hadham and Hadham Ford are at risk from at least a 1 in 100 (1%) chance of flooding in any year and there has been a number of flooding incidents in the area between 2001 and 2015. The proposed Flood Alleviation Scheme will reduce flood risk to Little Hadham.
- 3.4. **The Benefits of the Bypass Scheme**
- 3.4.1. The Bypass Scheme will remove congestion from the village of Little Hadham, resulting in large journey time savings. This will improve the travelling experience, provide more consistent journey times and improve air quality in the centre of the village.
- 3.4.2. The removal of traffic from the village centre will improve the environmental quality and setting of the Conservation Area and listed buildings. There will be a beneficial impact on historical heritage as noise and vibration will be reduced in the centre of Little Hadham. A reduction in passing traffic will help prolong the life of the listed buildings in the centre of the village.
- 3.4.3. For the residents of Little Hadham the levels of noise will greatly reduce as the majority of traffic will displace to the bypass. The removal of large queues of stationary/slow moving traffic through Little Hadham will greatly enhance the air quality for residents and motorists.
- 3.4.4. Community severance within the village will be reduced with the reduction in traffic, thereby providing a safer environment for pedestrians and cyclists. The removal of long queues of stationary traffic will allow Little Hadham to become a quite rural village again. The removal of traffic from Little Hadham would result in a more cycle and pedestrian friendly environment.
- 3.4.5. The Bypass Scheme has been designed to integrate with the existing landform and landscape as far as possible. The loss of existing vegetation and trees would be minimised and compensatory planting and habitat provided.
- 3.4.6. Providing the bypass will help improve the strategic east/west link network which the A120 provides between the A10 and M11. It will result in savings in travel time and vehicle operating costs. The transport modelling undertaken has shown that the majority of user benefits will be generated by business trips.
- 3.4.7. Journey times for commercial vehicles will be shortened and the bypass will also improve the reliability of trips to and from areas of business (particularly Stansted airport) and industrial premises. Public transport operators will benefit from more

reliable journey times through Little Hadham, and will have the opportunity to use the bypass to provide additional bus services with improved journey time and reliability.

- 3.4.8. The bypass could help unlock and future-proof planned development along the A120 corridor, especially in and around Bishop's Stortford. The A120 network with the bypass will have sufficient capacity to meet any increasing demand from additional dwellings and commercial developments proposed for the area.
- 3.4.9. In addition, a key benefit is the opportunity for flood alleviation afforded by the Project. At present, many properties within Little Hadham are at risk of flooding. With the implementation of the Project, the risk to property would be substantially reduced, with associated long term environmental, social and economic benefits.
- 3.4.10. The Bypass Scheme is identified in Hertfordshire County Council's Local Transport Plan and is fully compliant with its policies and vision to promote sustainable transport, address climate change and support economic growth.
- 3.4.11. The bypass will help provide quicker journey times on this section of the A120. Commuters may be encouraged to use the A120 rather than avoiding the area due to existing delays at the Little Hadham signalised junction. The reductions in congestion at the junction and improved journey times will improve the reliability of journeys. The bypass will help reduce traffic volumes parallel and around the A120 as existing 'rat-runs' will no longer be used. The Project will deliver a sustainable scheme, with the multiple benefits of transport improvement, flood alleviation and climate change mitigation. Similarly, the Project complies with the policies of the adopted development plan for the area and with the emerging policies of the East Herts District Plan.
- 3.4.12. The Project was supported by the local community during pre-application consultation, with the majority of respondents supporting the proposed location, layout and format of the Project.
- 3.4.13. In conclusion, the Project accords with the objectives of national and local planning and transport policy, providing a significant improvement to the travel experience within and surrounding Little Hadham and essential flood alleviation works.
- 3.5. **The Case for the associated Flood Alleviation scheme promoted by the EA**
  - 3.5.1. The Ash and The Ford, Little Hadham, are at risk of flooding from the River Ash and its tributaries. There have been six extensive flooding events between 1947 and 2014, with one severe flooding event experienced in the village in 2001. The Environment Agency carried out the River Ash Flood Risk Management Strategy following flooding in Little Hadham in 2001 in order to assess solutions to reduce flood risk in the area. No solutions were implemented at the time due to a lack of funding. More recent Environment Agency modelling of the river indicates that 72 properties in Little Hadham and Hadham Ford are at risk from a 1 in 100 (1%) chance of flooding in any year.

### 3.6. **The Benefits of the associated Flood Alleviation scheme**

3.6.1. With the proposed bypass, flood storage areas would help reduce the risk of flooding to The Ash and The Ford. Where the road is above existing ground levels, embankments would be designed to hold back flood water in flood storage areas. Using the flood model to assess the benefit of the Flood Alleviation Scheme, it is estimated that all 72 properties would have a reduced risk of flooding, of which 69 would no longer be at risk from a 1 in 100 (1%) or greater annual probability of river flooding. While a small number of properties would still be at risk of flooding from the rivers, these properties would have a reduced risk.

### 3.7. **The Environmental Requirement for the Project**

3.7.1. Reference is made to the Statement of Reasons accompanying the Environment Agency (Little Hadham Flood Alleviation Scheme) Compulsory Purchase Order 2017 which sets out the Environment Agency requirements for the Flood Alleviation Scheme.

3.7.2. Historically, flooding has occurred in the River Ash catchment on several occasions in the last 30 years, affecting properties in Much Hadham, Little Hadham, Hadham Ford, Wareside, Widford and surrounding villages. Flooding occurs mainly from overbank flow at pinch points in the river caused by bridges, culverts or proximity of buildings restricting flood flow, and when storms are large enough to cause a general over-topping of the river banks.

3.7.3. The Environment Agency carried out a study to consider Flood Risk Management if the River Ash catchment in a strategic approach rather than protecting individual communities with stand-alone schemes. In the study, the Environment Agency considered various options to manage the flood risk but concluded that financial justification was insufficient for the Environment Agency to proceed with any engineering/structural options. The opportunity arose for the Agency to provide an engineered Flood Alleviation Scheme for communities affected by flooding as an integral part of the HCC Bypass Scheme.

3.7.4. The highway embankments which carry the Bypass Scheme are designed to act as flood water retaining banks forming flood water storage areas upstream.

### 3.8. **Bypass Scheme - Alternatives Considered**

3.8.1. In 2004, a number of studies were carried out to examine the options for improving the A120. This was a broad 'corridor' assessment, which considered environmental, engineering, traffic and economic constraints and opportunities. The range of options included improvements to the junction in the centre of Little Hadham, a local by-pass to Little Hadham, upgrading the A120 between the A10 and M11 and alternative east-west routes.

3.8.2. There were five levels of option (as summarised in A-E1 below), all involving road construction and traffic management, with each leading to very different benefits and disadvantages. In addition there is a railway option (E2) and a range of passenger transport solutions (F).

A. Local improvements in the centre of the village of Little Hadham;

- B. A local bypass to Little Hadham;
- C. Upgrading the A120 between the A10 and M11 to local standard;
- D. Upgrading the A120 between the A10 and M11 to strategic standard (i.e. dual carriageway);
- E1. Alternative east-west highway routes for strategic traffic movements;
- E2. Alternative east-west rail routes; and
- F. A range of Passenger Transport Solutions.

- 3.8.3. It was clear from the assessment that the maximum benefits for the A120 would be derived through the implementation of Option C, the local bypass to both Little Hadham and Standon. It scored higher than a bypass to Little Hadham due to the benefits that can be gained in accident reduction between the two villages, and in forming a good quality link between the A10 and M11.
- 3.8.4. It was considered feasible to implement Option C in a staged approach with bypasses for Little Hadham and later Standon being linked by on-line improvements. In this way Option C provides a whole route strategy for the A120 from the A10 to Bishop's Stortford.
- 3.8.5. The studies therefore recommended that the following strategy should be adopted for the A120 corridor between A10 and Bishop's Stortford:
- To recognise the important role of the A120 between A10 and Bishop's Stortford as a Primary Route, by bringing the route up to modern safety standards and providing appropriate capacity, whilst minimising adverse environmental impacts;
  - To make future improvements within the corridor 'on-line' where possible, but to promote local bypasses for Standon and Little Hadham; and
  - The local bypasses for Standon and Little Hadham should be of single carriageway standard.
- 3.8.6. In accordance with the Local Transport Plan priorities for major projects a bypass for Little Hadham was identified to be promoted as the first phase of the strategy.
- 3.8.7. To progress the strategy further HCC consulted with Standon residents in 2016 on options to improve the A120 at Standon including a bypass options, HCC concluded that improvements to the existing road would be the best option. The decision was made on the basis that there was no clear support shown for a bypass due to a number of local environmental issues. The approach was agreed at the HCC Environment Planning and Transportation Panel in June 2016. A separate scheme for Standon is now being progressed,

### 3.9. **Bypass Route Selection**

- 3.9.1. Six route options, plus a 'Do Minimum' option of minor improvement works within the village were identified for further assessment:
- Option 1 - Minor local improvements / safety schemes.

- Option 2 - Construction of a bypass to the north of Little Hadham.  
This option would require a new junction on the existing A120 approximately 350 m to the west of the village. It would then pass to the north, across Albury Road and the River Ash valley on an embankment. Finally passing through a cutting between Hadham Hall and Mill Mound to another new junction on the existing A120 close to the road to Cradle End.
- Option 3 - Construction of a bypass to the north of the A120.  
It would require a new junction on the A120 approximately 1 km to the west of the village, to the west of the veterinary hospital. It would then pass to the north of Tilekiln Farm, across the Albury Road and then follow the line of Option 2.
- Option 4 - Construction of a bypass to the north of the A120.  
It would require a new junction on the A120 approximately 350 m west of the village. It would then pass to the north, across Albury Road, across the River Ash valley on an embankment and through a cutting to the north of Mill Mound. It would then pass to the north of Hadham Park and re-join the existing A120 in the vicinity of the roundabout on the A120 Bishop's Stortford northern bypass.
- Option 5 - Construction of a bypass to the north of the A120.  
It would involve a new junction on the A120 approximately 1 km west of the village, to the west of the veterinary hospital. It would then pass to the north of Tilekiln Farm, across the Albury Road, across the River Ash valley on an embankment and through a cutting to the north of Mill Mound. It would then pass to the north of Hadham Park and re-join the existing A120 in the vicinity of the roundabout on the A120 Bishop's Stortford northern bypass.
- Option 6 - Construction of a bypass to the south of the A120.  
It would require a new junction on the A120 approximately 200 m west of the village. The bypass would then pass to the south of the village, between The Smithy and Halfway House, on an embankment approximately 7 metres high. A viaduct would then take the bypass over the Much Hadham Road and the River Ash floodplain, to re-join the existing A120 at another new junction approximately opposite Hadham Hall.
- Option 7 - Construction of a bypass to the south of the A120.  
It would require a new junction on the existing A120 approximately 1 km to the west of the village, to the west of the veterinary hospital. The bypass would then pass to the south of Little Hadham Place in a cutting, and cross between Halfway House and Hadham Ford. It would then be taken on a viaduct over the Much Hadham Road and the River Ash floodplain to re-join the A120

3.9.2. Public Consultation found that generally the public were pleased that all northern options for the Bypass Scheme could potentially provide the opportunity to construct flood alleviation measures to protect the village.

- 3.9.3. Overall Option 5 was considered to be the best performing route gaining support of the East Herts Council and Little Hadham Parish Council. The Environment Agency also welcomed any Bypass Scheme which has the potential to provide flood attenuation to Little Hadham and the villages downstream.
- 3.9.4. During 2008 further detailed investigation and design of Option 5 (the preferred bypass route) was undertaken to determine the preferred alignment at each end of the bypass route, seeking in particular to minimise the impact on local farms, the village of Albury and the environment.
- 3.9.5. As a result of analysis it was recommended to amend the tie-in at the western end of the Bypass Scheme and provide a new roundabout at the eastern end.
- 3.9.6. The recommendations were adopted in the Bypass Scheme and overall result in less land take and severance of farm land. They also offer greater overall environmental benefits than the original preferred route.



- 4. Section (iv): a statement of the authority’s justification for compulsory purchase, with regard to Article 1 of the First Protocol of the European Convention on Human Rights, and Article 8 if appropriate**
- 4.1. The Human Rights Act 1998 requires (amongst other things) that every public authority must act in a manner which is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”).
- 4.2. Relevant parts of Article 1 of First Protocol of the Convention provide:  
*“Every natural or legal person is entitled to peaceful enjoyment of his possessions” and “ no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law ...”*
- 4.3. Relevant parts of Article 8 of the Convention provide:  
*“(1) Everyone has the right to respect for his private and family life, his home and his correspondence.*  
*(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of ...the economic well-being of the country...”*
- 4.4. The European Court of Human Rights has recognised, in the context of Articles 1 and 8, that regard must be had to the fair balance which has to be struck between the competing interests of the individual and the community as a whole. In this case, HCC has carefully considered the benefits the Bypass Scheme will bring to the village of Little Hadham and users of the existing A120. In particular, residents who live in the village and the community surrounding Little Hadham will benefit from the removal of traffic congestion and the risk of flooding, and the users of the highway will benefit from improved journey times. These benefits could not be achieved otherwise, in the context of the interference with the existing rights and interests of the existing landowners, and has concluded that any interference with Convention rights has been minimised by careful design and is proportionate, justified and necessary in the public interest to secure the objectives of the Bypass Scheme.
- 4.5. Relevant parts of Article 6 provide that:  
*“In determining his civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”*
- 4.6. The proposals have been extensively publicised and persons likely to be affected by them will have had an opportunity to make representations in relation to the planning application. So far as the Order is concerned, any owner, lessee or occupier of land included in the Order will have the opportunity to make an objection and to appear before a person appointed by the Secretary of State before a decision is made whether or not the Order should be confirmed.

- 4.7. If the Secretary of State agrees with HCC that there is a compelling case in the public interest, he may confirm the Order. If the Order is confirmed, compensation may be claimed by persons whose interests in land have been acquired or whose possession of land has been disturbed. In the circumstances, if the Order is confirmed, the compulsory acquisition of the Order Land will not conflict with Article 1 of the First Protocol or Article 8 of the Convention.
- 4.8. The Equality Act 2006 requires the promotion of understanding of the importance of equality and diversity, and the encouragement of good practice in relation thereto. An Equality Impact Assessment has been developed for the Bypass Scheme.
- 4.9. In the promotion of this Order, HCC has been mindful of the need to properly discharge its obligations under the provisions of this legislation, with particular regard to the locations and accessibility of the places selected for the deposit of documents relevant to the Bypass Scheme (see Section (xv) below).
- 4.10. The land being acquired for the Bypass Scheme lies to the north and south of the existing A120 road. It is the arable land surrounding the village of Little Hadham to the west and the north, land to the north of Church End and land to the north and east of Hadham Park, all in East Hertfordshire.
- 4.11. HCC has established the interests and ownership for the majority of the land for the Bypass Scheme through Land Registry records and responses to notices issued under Section 16 of the Local Government (Miscellaneous Provisions) Act. The Land Registry does not hold any records for an area to the eastern end of the Bypass Scheme, south of the A120, Notices under Section 16 were posted on site. The Land Registry does not hold records for some areas of the existing highway affected by the Bypass Scheme. Where no landowner has been identified, an 'unknown' interest has been included in the Compulsory Purchase Order schedule.
- 4.12. The EA has established the interests and ownership for the land for the Flood Alleviation Scheme through Land Registry records and responses to notices issued under Section 5A of the Acquisition of Land Act 1981.
- 4.13. The Order Land is described in some detail in the Schedule to the Order but in summary the Order Land comprises:
- a) Land and a right in land needed on a permanent basis and;
  - b) Land needed for construction purposes. Where land included in the compulsory purchase order is not needed permanently, HCC will discuss with the owner the acquisition by agreement of temporary rights which may make a permanent acquisition of such land unnecessary. HCC anticipate that temporary rights will be achieved in each case and that the affected land will be reinstated before its return.
- 4.14. HCC is satisfied that all the land scheduled in the Order is necessary for the Bypass Scheme, and its construction, and that no extra land has been included.

**5. Section (v): a description of the proposals for the use or development of the land**

- 5.1. The proposed new road alignment is situated to the north of Little Hadham parish, along the boundary of Albury parish. The combined site area of the new bypass and flood alleviation areas is approximately 40 hectares.
- 5.2. The proposed bypass will consist of 3.9km of new single carriageway with a national speed limit. The typical carriageway width will be 9.3m (excluding verges), which will consist of two 3.65m wide lanes, with a 1m hard strip on either side of the carriageway. The Proposed Bypass Scheme will also include a Segregated Left Turn Lane taking eastbound traffic onto the bypass, a differential acceleration lane on the exit from the western roundabout, and a 1km eastbound climbing lane in the middle of the Proposed Bypass Scheme due to the gradient of the carriageway. In addition, the typical cross section would include 2.5m grass verges along both sides of the Proposed Bypass Scheme, increasing in width to accommodate forward visibility requirements and bridge piers as required. The proposed bypass, with the exceptions of the roundabouts, would not have road lighting.
- 5.3. With the majority of traffic diverted to the new bypass, congestion would be alleviated in Little Hadham reducing queuing and delays; access to the existing A120 between the bypass roundabouts would also become easier from the existing side roads. Priority of the signals at traffic lights at The Ash adjusts with demand, therefore with changed demand, the timing will automatically re-prioritise.
- 5.4. The Proposed Bypass Scheme includes new roundabouts to link the proposed bypass to the existing A120. These are located between Hadham Park and Hadham Lodge in the east, and between The Ash and Albury End Road junction in the west.
- 5.5. Albury Road would pass over the proposed bypass when it is in cutting via a new bridge. The crossing would be located slightly west of the existing road to allow for offline construction. No connection is proposed between Albury Road and the bypass.
- 5.6. North of Hadham Hall, to the south of the bypass, a noise bund to mitigate impact is proposed. This will be located at the beginning east of Mill Mound which will merge into the proposed embankment at the River Ash. A bridge is proposed to accommodate the public bridleway (Little Hadham Bridleway 035) and agricultural access.
- 5.7. The Proposed Bypass Scheme also includes a new underpass which will accommodate the public bridleway (Little Hadham Bridleway 036), provide agricultural access and provide a crossing point for bats under the proposed bypass.
- 5.8. There are two sections of the Project that would include flood storage infrastructure, these are:

- River Ash, approximately 1km north-east of The Ash traffic lights; and
  - Albury Tributary, approximately 600m north-west of The Ash traffic lights.
- 5.9. Flood storage helps to reduce the risk of flooding by collecting water and releasing it gradually when a storm has passed. The rate at which water is released is controlled by the outlet pipe through the bypass earthworks, which act as a flood storage embankment. In every day conditions the river would behave as it does now, with a small natural flow.
- 5.10. The Project also includes work to divert the Lloyd Taylor Drain to the south of the village to further contribute to reducing flood risk at The Ash and The Ford. The design has incorporated plans to reduce the potential impact on the landscape character and views where feasible. This is achieved through avoiding felling mature trees where possible.
- 5.11. The Project incorporates;
- a roundabout at the western end (at Tilekiln Farm) where it ties into the existing A120 carriageway;
  - an embankment, including flood alleviation structures, at Albury Tributary;
  - a bridge to carry Albury Road over the new bypass (Albury Road Bridge);
  - an embankment, including flood alleviation structures, at the River Ash;
  - a bridge to carry bridleway (Little Hadham Bridleway 035) and provide agricultural access over the bypass (Mill Mound Bridge);
  - culverts to carry the new bypass over Cradle End Brook;
  - an underpass to carry the new bypass over a diverted bridleway (Little Hadham Bridleway 036) and provide an agricultural access under the bypass, (Hadham Park Underpass);
  - a roundabout to the eastern end (Plantings Cottages) where it ties into the existing A120 carriageway;
  - other local diversions of footpaths (Little Hadham 057, Little Hadham 058, Little Hadham 034);
  - environmental mitigation throughout the Project, including an area of planting at the eastern end as part of the bat mitigation works.
- 5.12. The Project also incorporates;
- a culvert below the existing carriageway The Ford to carry the diverted Lloyd Taylor Drain;
  - highway changes to Upwick Green Road.
- 5.13. The Project affects a number of existing highways;
- Footpath Little Hadham FP057: route to be stopped up and re-provided on a new alignment to the north of the western roundabout.

- Footpath Little Hadham FP057: route to be stopped up and re-provided on a new alignment over the new embankment at Albury Tributary. (A secondary permissive pedestrian route will be provided through the Albury Tributary spillway.)
- Footpath Little Hadham FP058: route to be stopped up and re-provided on a new alignment to the north of the embankment at Albury Tributary.
- Albury Road C15: road to be realigned over a new bridge over the new bypass
- Bridleway Little Hadham BR037: route to be improved at its junction with C15 Albury Road.
- Bridleway Little Hadham BR035: route to be improved over a new bridge over the new bypass;
- Bridleway Little Hadham BR036: route to be stopped up and re-provided on a new alignment to the west of the bypass, connecting via an underpass (Hadham Park Underpass) to a new alignment Bridleway Bishop's Stortford BR009;
- Footpath Little Hadham FP034: route to be stopped up and re-provided on a new alignment around the eastern roundabout:
- Bridleway Bishop's Stortford BR009: route to be stopped up and re-provided on a new alignment east of the bypass.

- 6. Section (vi) a statement about the planning position of the order site. See also Section 1: advice on Section 226 of the Town and County Planning Act 1990 for planning orders**
- 6.1. An application for full planning consent was submitted to HCC's Spatial and Land Use Planning Unit on 18th November 2015 on behalf of Hertfordshire County Council and the Environment Agency. The application process was paused to allow a review of the application in light of consultee comments relating to protected species and a recent change in government mitigation guidance.
- 6.2. In October 2016 additional information was submitted to the planning authority and the application was considered at the December 2016 HCC Development Control Committee where it voted unanimously to support planning permission. As part of the Bypass Scheme lies within Green Belt the matter was referred to the Secretary of State for consideration.
- 6.3. A Decision Notice under the Town and Country Planning Act 1990 (as amended) was issued on the 19<sup>th</sup> January 2017, granting permission, subject to 43 conditions.

## **7. Section (vii) information required in the light of government policy statements where orders are made in certain circumstances.**

### **7.1. National Planning Policy Framework**

7.1.1. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

#### **7.1.2. Sustainable Development**

The NPPF confirms, in Paragraph 6, that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development has three dimensions: economic, social and environmental.

Paragraph 14 of the NPPF states that sustainable development is at the heart of NPPF and should be seen as a golden thread running through both plan-making and decision taking. For decision taking, Paragraph 14 also states that,

*“approving development proposals that accord with the development plan without delay; and*

*where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted”.

#### **7.1.3. Core Planning Principles**

Paragraph 17 of the NPPF refers to 12 core planning principles. In particular, it notes that planning should “encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production).” In this case, the Project will provide multiple benefits of improving transport connectivity, alleviating congestion and delivering flood risk storage for the area.

#### **7.1.4. Promoting Sustainable Transport**

With regard to transport, the NPPF notes in Paragraph 29 that transport policies have an important role to play in facilitating sustainable development and in contributing to wider sustainability and health objectives. Encouragement should also be given to solutions which support reductions in greenhouse gas emissions (Paragraph 30). The Bypass Scheme will substantially reduce congestion through the centre of Little Hadham by diverting traffic onto the bypass.

Residential receptors in Little Hadham next to the existing A120 will experience an improvement in air quality. The largest improvements would be seen close to the junction, where traffic congestion is expected to reduce to give a moderate beneficial effect on air quality.

#### 7.1.5. Requiring Good Design

The NPPF requires good design and the Government attaches great importance to the design of the built environment. It states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (Paragraph 56). Paragraph 65 notes that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design. In this case, the Project has been subject to design evolution and public consultation, with mitigation measures incorporated in the preferred design. Visual receptors (such as residential properties and users of public rights of way) will be exposed to permanent significant adverse effects, ranging from moderate, to very large adverse on existing rural rights of way, as a result of their views of the Project in a previously rural setting. These impacts have been reduced as far as reasonably possible by the inclusion of screening planting within the Project, which will mature over time.

#### 7.1.6. Climate Change and Flooding

Paragraph 93 of the NPPF notes that planning plays a key role in helping to shape places, including minimising vulnerability and providing resilience to the impacts of climate change. Paragraph 94 further requires local planning authorities to adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. The provision of flood storage areas as part of the Project will reduce flood risk in Little Hadham and downstream communities.

#### 7.1.7. Conserving and Enhancing the Natural Environment

Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by, amongst other things:

- protecting and enhancing valued landscapes, and soils;
- minimising impacts on biodiversity and providing net gains to biodiversity; and
- preventing both new and existing developments from being put at unacceptable risk from unacceptable levels of soil, air, water or noise pollution.

Further guidance on conserving and enhancing biodiversity is provided in Paragraph 118. An Environmental Impact Assessment of the Project has been undertaken. Where potential impacts were identified, mitigation and enhancement measures will be provided as part of the Project. The incorporation of mitigation measures will result in no significant adverse impacts on nature conservation, with beneficial impacts predicted as a result of the provision of new hedgerows. In addition, the Project will be undertaken in accordance with a Construction Environmental Management Plan (CEMP).



In order to conserve the natural environment and avoid significant harm, the design includes lower physical mass and footprint for bridges in order to be less visually intrusive. Positioning Albury Road Bridge to the west of the existing alignment rather than east also reduced the amount of earthworks required and retained more vegetation in the view for receptors to the east. Where adverse impacts could not be avoided, proposed native species planting and maturing of vegetation will provide more visual integration of the Project within the landscape.

In order to mitigate these effects, semi-mature native tree standards of at least 3m in height would be planted on slightly raised bunds to encourage bats and birds to fly higher reducing the risk of collisions with fast moving vehicles. Lighting will be designed to be directional so as to avoid illumination of the hedgerows and habitat features close to the Bypass Scheme. A bridge and culvert will allow for safe passage of animals and prevent fragmentation of the foraging habit mammals. Mesh fencing will be included in order to exclude fallow deer and badgers from the proposed road thereby reducing the risk of vehicle collisions and human fatalities/injuries

Paragraph 112 of the NPPF refers to agricultural land. It states that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The Project will involve the permanent change of use of approximately 40 hectares of agricultural land. The land is a mix of good quality land in Subgrade 3a and moderate quality land in Subgrade 3b. The areas proposed for flood storage are currently predominantly classified as Subgrade 3a land. It has been concluded that agricultural land quality will be unaffected in the flood storage areas, and that the existing land uses will be able to continue as at present in these areas

To prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location, including the cumulative effects of pollution (Paragraph 120). There is low potential for contaminated material to be generated from the site as a result of the rural nature of the area. Best practice, such as the adoption of a CEMP throughout construction would ensure human health and environment incidents are avoided.

Paragraph 123 and 124 refer to noise and air quality. With regard to noise, adverse noise impacts have been identified at some residential properties including some at Albury End, Albury Lodge, properties along Albury Road, Church End and Hadham Industrial Estate, Hadham Hall and Hadham Park. However, noise levels at these locations remain below given limits and significant effects are not predicted. A potential significant adverse effect has been identified on the community of Hadham Ford. This is a result of indirect increases in traffic predicted in the village causing increased traffic noise. Mitigation measures have been considered in this area but are not considered practical in this location. Significant beneficial effects on noise are predicted around the properties in the

vicinity of the junction in Little Hadham and those in the vicinity of Green Street and Cradle End, due to the predicted reduction in traffic.

With regard to air quality, residential receptors in Little Hadham will experience an improvement in air quality as a result of reduction in pollutant concentrations in the area. Construction activities and the introduction of new man made infrastructure will change the tranquillity and views of the rural landscape. In order to counteract these impacts, the Project will provide mitigation planting, using native species, to screen views and integrate the Project into the rural landscape

#### 7.1.8. Conserving and Enhancing the Historic Environment

Guidance on the historic environment is set out in Paragraphs 126 to 141 of the NPPF and requires the significance of heritage assets affected by a proposal to be assessed. It has been concluded that the setting of listed buildings and the Scheduled Monument, Mill Mound, will not be significantly affected during construction due to the temporary nature of works. Little Hadham is a Conservation Area in which there are a number of Listed Buildings. The reduction of traffic in the village is considered to have a moderate beneficial effect on the setting of many of these heritage assets. The effect on the setting of other listed buildings in the wider area is not predicted to be significant or result in substantial harm. The combined operational effect of visual and noise impacts upon the rural setting of Mill Mound is considered to represent a moderate adverse effect. The visual impact of the Project has been minimised by planting where practicable.

#### 7.1.9. Pre-application Engagement

The NPPF advocates early engagement to enable improved outcomes for the community and better coordination of resources (Paragraph 188). Extensive pre-application engagement was undertaken for the Project, dating back to 2007. In addition, discussion was undertaken with the local planning authority, to establish requirements for the planning application, including application for EIA screening and scoping opinions, in accordance with the Regulations and Paragraph 192 of the NPPF.

### 7.2. **Local Transport Plans**

#### 7.2.1. Hertfordshire County Council Local Transport Plan (2011-2031)

The HCC Local Transport Plan (LTP) sets out the County Council's vision and strategy for the long term development of transport in the county. Its vision is to provide a safe, efficient and resilient transport system that serves the needs of business and residents across Hertfordshire and minimises its impact on the environment.

The improvement of highways is a core strategy of HCC, which supports economic growth; enhances and maintains the natural environment; improves the connection between neighbourhoods; and addresses design infrastructure in light of future constraints. The Project is shown as an identified scheme on the LTP Transport Schemes Map.

The Local Transport Plan advocates for reducing the level of stop-start conditions through traffic management and to construct, maintain, and operate all infrastructure as part of its response to climate change adaptation. Currently, the one-way working signal controlled junction in the centre of Little Hadham causes severe congestion and delays, especially at peak hours. The new A120 Bypass Scheme would accommodate this existing demand and divert traffic away from the village centre, which would reduce the amount of idle time and stop-start conditions from waiting in long queues for the traffic lights and improve traffic flows and congestion.

The LTP also aims to improve the quality of life of individuals and manage the environmental impacts by enhancing the natural environment, improving connections between neighbourhoods and reducing the impact of transport noise and greenhouse gas emissions. Through emissions and transport noise displacement and reduced congestion, the quality of life for residents within Little Hadham would improve by improving the permeability of the village centre. Driver stress would also be improved by decreasing east west journey times and reducing delays and queuing.

In summary, the Project is set in the LTP as an identified project and the Project complies with the policies and objectives of the LTP.

#### 7.2.2. Eastern Herts Transport Plan (2007)

The Eastern Herts Transport Plan covers the major settlements of Bishop's Stortford and Sawbridgeworth, and includes the surrounding rural area approximately bounded by the A10 in the west, the A120 to the north, and the county boundary to the south and east.

The Transport Plan is the long term framework which will provide a focus for transportation improvements over the next 15 to 20 years. It provides a base to deliver a more sustainable, integrated transport system for the towns and surrounding rural areas.

The Transport Plan vision states:

*“To provide a safe, efficient and affordable transport system that allows access for all to everyday facilities. Everyone will have the opportunity and information to choose the most appropriate form of transport and time of travel. By maximising the capacity of the network we will work towards a transport system that balances economic prosperity with personal health and environmental wellbeing”*

Ten objectives are identified within the plan, they complement the central and local government transportation and land use policies and reflect the transport issues raised by the consultation process. These objectives are:

- School Traffic
- Parking
- Safety

- Pedestrian and Cycle Facilities
- Maintenance
- Access to Facilities
- Passenger Transport
- Congestion/Ease of Movement
- Street Scene
- Future Developments

The Transport Plan recognises the importance role of the A120 between A10 and Bishop's Stortford as a Primary Route. It recognises the need for improvements on the existing road and new bypasses for Standon and Little Hadham.

### 7.3. **Local Planning Policy (East Herts District Council)**

#### 7.3.1. The Development Plan

The application site is located within East Herts District Council. The Development Plan for the area comprises the Saved Policies from the East Herts Local Plan Second Review (April 2007) and relevant Supplementary Planning Documents (SPD). The Proposals Map indicates that the application site is not designated for any particular land use. The strategy diagram for the Local Plan identifies the application as lying within the rural area beyond the Green Belt.

East Herts District Council is currently preparing the new East Herts District Plan. Saved Policies from the East Herts Local Plan Second Review will continue to form part of the statutory Development Plan until they are replaced by policies as part of the emerging East Herts District Plan.

#### 7.3.2. Local Plan Saved Policies

Below is an overview of the saved policies, which are relevant to the land required for the Project.

- **GBC14 Landscape Character**  
Landscape Character Assessment prepared in accordance with an agreed methodology will be used to assess development proposals which will be required to improve and conserve local landscape character. Where damage is unavoidable, appropriate mitigation measures will be sought.
- **ENV1 Design and Environmental Quality**  
All development proposals will be expected to be of a high standard of design and reflect local distinctiveness. Proposals will be expected to demonstrate compatibility (where relevant) with the surrounding area, relate well to the surrounding townscape, respect the amenity of occupiers of neighbouring buildings and future occupants, incorporate sustainable initiatives, consider the impact of any loss of open land, minimise loss or damage of important landscape features and provide landscape, recreation or amenity features, and where appropriate habitat creation.

- **ENV2 Landscaping**  
Development proposals will be expected to retain and enhance existing landscape features. Where losses are unavoidable compensatory planting or habitat creation will be sought.  
Detailed surveys of landscape features will be required to be submitted.  
Proposals on prominent sites will be required to give special consideration to landscape treatment.  
Landscaping proposals should include a statement setting out how they will meet the targets set in the Hertfordshire Local Biodiversity Action Plan.
- **ENV11 Protection of Existing Hedgerows and Trees**  
In considering development proposals, including new roads, the Council will endeavour to ensure maximum retention of existing hedgerows and trees, and their reinforcement by new planting of native broad-leaved species.  
Where removal is unavoidable, replacement planting of native broad-leaved species will be expected.
- **ENV16 Protected Species**  
Development and other land use changes which may have an adverse effect on badgers and other species protected by Schedules 1, 5, and 8 of the Wildlife and Countryside Act 1981, as amended, and the Nature Conservation (Natural Habitats, &c.) Regulations 1994 will only be permitted where harm to the species can be avoided.
- **ENV17 Wildlife Habitats**  
The district Council will support work to achieve targets contained within the Hertfordshire Local Biodiversity Action Plan, seek to realise opportunities for habitat creation and seek to improve nature conservation wherever possible.
- **ENV 18 Water Environment**  
Development or change of use of land will be required to preserve and enhance the water environment.
- **ENV19 Development in Areas Liable to Flood**  
Proposals for development including raising of land in the flood plains and washlands will not be permitted if they would materially impede the flow of flood water, increase the risk of flooding elsewhere, reduce the capacity of floodplains, or increase risk to people or property.
- **ENV20 Groundwater Protection**  
Development which may cause the contamination of, or otherwise prejudice, groundwater will not be permitted. Development proposals in areas of known groundwater importance will be required to submit a detailed assessment of the impact the development proposals will have on groundwater resource, including measures to mitigate any potential threat to the groundwater.

- ENV21 Surface Water Drainage  
Where appropriate and relevant, all development proposals will be expected to take into consideration Best Management Practices to surface water drainage, as advocated by the Environment Agency.
- ENV24 Noise Generating Development  
The Council will expect noise generating development to be designed and operated in a way that minimises the impact of noise nuisance on the environment.

### 7.3.3. The emerging East Herts District Plan

The emerging East Herts District Plan is at the preferred options stage. It has been subject to public consultation, but due to the early stage of preparation, it carries only limited weight. However, the Key Diagram does identify the A120 Bypass of Little Hadham as a road improvement and it is listed as a strategic infrastructure requirement (Policy DPS5). Below is an overview of the emerging policies, which are relevant to the land required for the Project.

- DPS5 Infrastructure Requirements  
East Herts Council will prepare an Infrastructure Delivery Plan to address the co-ordinated phasing of infrastructure and development of items of strategic and local infrastructure. Little Hadham Bypass is highlighted as item f) of this policy.
- TRA1 Sustainable Transport  
Proposals should comply with the provisions of the Local Transport Plan, ensure that a range of alternative options are available to users, priorities the provision of modes of transport other than the car, allow for the early implementation of sustainable travel infrastructure, protect existing rights of way, cycling and equestrian routes, and ensure provision is made for long term maintenance.
- NE2 Species and Habitats  
Development proposals which may impact on Species and Habitats of Principal Importance included in the England Biodiversity List under section 41 of the Natural Environment and Rural Communities Act 2006 will only be permitted where harm to the species can be avoided.  
Locally important biodiversity sites and other notable ecological features of conservation value will be protected and enhanced.  
Developments which would result in the loss or significant damage to trees, hedgerows or ancient woodland sites will not be permitted. The Council will seek their reinforcement by additional native species planting where appropriate.
- NE3 Green Infrastructure  
A diverse network of accessible, multi-functional green infrastructure across the district will be protected and enhanced for its biodiversity, recreational, accessibility, health and landscape value and for the contribution it makes towards combating climate change.

Development proposals should avoid the loss, fragmentation or impairment to the functionality of the green infrastructure network, and opportunities should be maximised in accordance with the Council's Green Infrastructure Plan, its Parks and Open Spaces Strategy, the Hertfordshire Biodiversity Action Plan, Living Landscape Schemes, locally identified Nature Improvement Areas and any future relevant plans and programmes as appropriate.

- LAN1 Landscape Character

Development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape. A Landscape and Visual Impact Assessment should be provided to ensure that impacts, mitigation and enhancement opportunities are appropriately addressed.

In exceptional circumstances, where damage to landscape character is unavoidable and justified by other material considerations, appropriate mitigation measures will be sought.

Where an area is identified in the Council's Landscape Character Assessment this will be used to inform consideration of development proposals.

- LAN2 Landscaping

Development proposals must demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value.

In exceptional circumstances, where losses are unavoidable and justified by other material considerations, compensatory planting or habitat creation will be sought either within or outside the development site.

- HA1 Heritage Assets

Development proposals should protect and enhance the historic environment. Proposals that would harm the significance of a designated heritage asset will not be permitted unless it can be demonstrated that it is necessary to achieve substantial public benefits which outweigh the harm or loss.

- WAT1 Flood Risk Management

The functional floodplain will be protected from development and where possible developed flood plain should be returned to Greenfield status with an enhanced level of biodiversity.

Development proposals should neither increase the likelihood, intensity or risk to people, property, crops or livestock from flooding.

- WAT2 Water Quality and the Water Environment

Development proposals will be required to preserve and enhance the water environment, ensuring improvements in surface water quality and the ecological value of watercourses and their margins.

- **WAT4 Sustainable Drainage**  
Development must utilise the most sustainable forms of drainage systems in accordance with the SUDS hierarchy unless there are practical engineering reasons for not doing so.
- **EQ2 Noise Pollution**  
Development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment. Noise sensitive development should be located away from existing noise generating sources or programmed developments where possible to prevent prejudicing the continued existing operations. The use of design, layout, landscaping tools and construction methods should be employed to reduce the impact of surrounding noise sources.



**8. Section (viii) any special considerations affecting the order site, eg ancient monument, listed building, conservation area, special category land, consecrated land, renewal area, etc**

**8.1. Scheduled Ancient Monument**

8.1.1. The bypass will pass to the north of the scheduled monument, known as Mill Mound (List Entry No: 1005257). No land within the extents of the scheduled monument is included in the Order. The mound is currently surrounded by trees, and additional planting is proposed which will screen the bypass from the monument.

8.1.2. Little Hadham Bridleway BR035 lies to the east of Mill Mound scheduled monument. A new bridge will be constructed to carry the bridleway over the new bypass. To provide the new bridge construction works will be undertaken to the bridleway, within 15 m of the monument.

**8.2. Green Belt**

8.2.1. The eastern end of the bypass lies in Bishops Stortford Green Belt. The planning application was referred to the Secretary of State, as outlined in the Town and Country Planning (Consultation) (England) direction 2009.

8.2.2. The Secretary of State notified the planning authority to continue with their determination in the usual form.

8.2.3. A Decision Notice under the Town and Country Planning Act 1990 (as amended) was issued on the 19<sup>th</sup> January 2017, granting permission, subject to 43 conditions.

8.2.4. Green Belt land lies within the Order limits.

**8.3. Conservation Area**

8.3.1. Little Hadham village is a conservation area in which there are several listed buildings. The reduction of traffic in the village is considered to have a moderate beneficial effect on the setting of many of these heritage assets.

8.3.2. HCC propose to make other enhancements in the village after the construction of the bypass, which will enhance the setting and discourage ongoing through traffic.

8.3.3. No land within the extent of the Little Hadham conservation area is included in the Order land.

**8.4. Listed Buildings**

8.4.1. There are numerous listed building identified in Little Hadham, Hadham Ford, Green Street and Cradle End, Hadham Hall, Hadham Park, Little Hadham Place, Albury End, Albury, Upwick Green, Walnuttree Green and Church End.

8.4.2. The Order land does not include any listed buildings.

**9. Section (ix) if the mining code has been included, reasons for doing so**

9.1. The mining code has not been applied to the Order land.

- 10. Section (x) details of how the acquiring authority seeks to overcome any obstacle or prior consent needed before the order scheme can be implemented, eg need for a waste management licence**
- 10.1. HCC has considered the approvals and consents that are required for the implementation of the Bypass Scheme and considers that mechanisms are in place to secure necessary approval to progress. A summary of these is set out below;
- 10.2. **Political**
- 10.2.1. Approval to progress with the Bypass Scheme was granted by HCC at a series of Highways & Transport Panels and Cabinet meetings. These include endorsement to proceed with the consultation, approval to progress with the preferred option, and authority to seek any necessary Compulsory Purchase Order and Side Roads Order.
- 10.2.2. HCC and the EA agreed a Memorandum of Understanding in August 2014, and signed a Collaborative Agreement (relating to A120 Bypass (Little Hadham) and Flood Alleviation Scheme) on 1 February 2017. The Collaborative Agreement sets out the joint arrangements for the delivery of the Project.
- 10.3. **Funding**
- 10.3.1. The A120 Little Hadham Bypass Scheme is one of the Hertfordshire Local Transport Bodies prioritised major transport schemes. In 2014 the Bypass Scheme secured £27.4 million from the Hertfordshire Local Enterprise Partnership as part of a successful bid to the Governments Single Local Growth Fund. This completed a funding package for the project supported by the Environment Agency and Hertfordshire County Council. The scheme now forms part of the Department for Transport Retained Local Major Projects portfolio.
- 10.4. **Environment Agency**
- 10.4.1. The Environment Agency is implementing a Compulsory Purchase Order for their Flood Alleviation Scheme elements concurrently with this CPO. The EA CPO will be published in a similar timeframe to the HCC CPO.
- 10.4.2. HCC would welcome dual consideration of the Orders to support in the co-ordination of the delivery of the Project.
- 10.4.3. To ensure that HCC can construct any works on behalf of the EA, a Public Sector Co-operation Agreement will be entered into.
- 10.4.4. A Collaborative Agreement dated 1 February 2017 reflects the agreement between HCC and the EA in terms of joint working, including funding arrangements and mechanisms for approvals. The collaboration agreement formalises the relationship, which was agreed in principle by the memorandum of understanding dated 7 August 2014.
- 10.4.5. HCC and the EA have both included powers to acquire land at the embankments at the Albury Tributary and the River Ash. Where there is a duality of purpose in relation those parcels, the EA will exercise its CPO and undertake to give the

necessary rights to HCC to carry out the construction of the road and dedicate so much of the land as is required for highway purposes thereafter.

#### 10.5. **Side Roads Order**

- 10.5.1. A Side Roads Order for the Bypass Scheme will be made concurrently with this Hertfordshire County Council A120 Bypass (Little Hadham) Compulsory Purchase Order 2017.
- 10.5.2. The Hertfordshire County Council (A120 (Little Hadham) Bypass Classified Road (Side Road)) Order 2017 includes provision to make improvements of the highway, stopping up and construction of new highways, stopping up and provision of new means of access to premises, and the provision of temporary highways.
- 10.5.3. The highways affected by the Side Roads Order are;
- Footpath Little Hadham FP057
  - Footpath Little Hadham FP058
  - Albury Road C15
  - Bridleway Little Hadham BR037
  - Bridleway Little Hadham BR035
  - Bridleway Little Hadham BR036
  - Footpath Little Hadham FP034
  - Bridleway Bishop's Stortford BR009

#### 10.6. **Traffic Regulation Orders**

- 10.6.1. Traffic Regulation Orders will be required to amend the existing speed limits through Little Hadham village and shall be made during the detailed design phase of the Bypass Scheme. The amendment of any existing Traffic Regulation Orders does not directly affect the bypass, and would therefore not be considered an impediment to the delivery of the Bypass Scheme.

#### 10.7. **Road space booking**

- 10.7.1. In order to deliver the Project temporary closures of the existing A120 may be required. Any closures, and agreed diversion routes, would be carried out under the New Roads and Street Works Act 1991.

#### 10.8. **Declassification of existing A120**

- 10.8.1. HCC will progress the declassification of the existing A120, between the proposed new roundabouts at the eastern and western end of the bypass, following construction of the bypass. The declassification of the existing A120 does not impede the implementation of the bypass.

#### 10.9. **Environmental Licences**

- 10.9.1. HCC will seek the necessary environmental licences required for the delivery of the Project, as set out in the planning permission and any conditions applied thereto.
- 10.9.2. To date, HCC carried out a number of environmental surveys to determine which habitats and protected species are impacted by the Project. A series of measures have been included in the planning application to mitigate significant adverse impacts the Project may have on habitats and species. Discussions have been held with interested user groups including Hertfordshire and Middlesex Wildlife Trust, and Natural England were consulted on the planning application and raised no objection.
- 10.9.3. The planning application addendum submission (Section 8) sets out an explanation as to how the Project meets the three tests required for Natural England to grant a European Protected Species (EPS) licence for great crested newt (definitely required) and an EPS licence for bat species (potentially required, to be determined by ongoing survey work). The justification is provided in the following extract from the planning addendum:

In the absence of mitigation, the Proposed Bypass Scheme is predicted to result in significant adverse impacts to European Protected Species (EPS) protected under the Conservation of Habitats and Species Regulations 2010, namely bats (including barbastelle) and great crested newt.

The Regulations transpose the requirements of the Habitats Directive (92/43/EEC) into English law. The Regulations transpose certain prohibitions against activities affecting EPS. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal.

The Habitats Directive provides for the derogation from these prohibitions for specified reasons and providing certain conditions are met. Those derogations are transposed into the Regulations by way of a licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully. Natural England (NE) is the licensing authority for the purposes of this licensing regime. In determining whether or not to grant a licence NE must apply the three tests in Regulation 53(2)(e), 53(9)(a), 53(9)(b), which requires NE to satisfy itself that imperative reasons of overriding public interest exist to justify the impact to EPS, that there is no satisfactory alternative and that any action licensed will not be detrimental to the maintenance of the population of the species at favourable conservation status in its natural range.

The Regulations also provide that a competent authority, including a planning authority must, in the exercise of any of their functions, have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. It is this duty that was considered in the Supreme Court decision in *R (Vivienne Morge) v Hampshire County Council* (the

Morge case). In that case the Supreme Court stated that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development would (a) be likely to offend one of the prohibitions referred to above and (b) be unlikely to be licensed under the regime described:

*“The planning committee must grant or refuse planning permission in such a way that will ‘establish a system of strict protection for the animal species listed in Annex IV(a) in their natural range ...’ If in this case the committee is satisfied that the development will not offend art. 12(1)(b) or (d) it may grant permission. If satisfied that it will breach any part of article 12(1) it must then consider whether the appropriate authority, here Natural England, will permit a derogation and grant a licence under regulation 44. Natural England can only grant that licence if it concludes that (i) despite the breach of regulation 39 (and therefore of article 12) there is no satisfactory alternative; (ii) the development will not be detrimental to the maintenance of the population of bats at favourable conservation status; and (iii) the development should be permitted for imperative reasons of overriding public importance. If the planning committee conclude that Natural England will not grant a licence it must refuse planning permission. If on the other hand it is likely that it will grant the licence then the planning committee may grant conditional planning permission. If it is uncertain whether or not a licence will be granted, then it must refuse planning permission.”*

Therefore, it is clear that there will be circumstances in which planning authorities will be required to form a view on the likelihood of a licence being granted by NE, i.e. that the development would satisfy the three tests of Regulation 53.

In order to assist the planning authority with forming this view, the three tests are set out below together with information on how they are addressed by the Proposed Bypass Scheme:

**(1) Regulation 53(2)(e)** states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.

Section 3 of the Arup Planning Statement (Ref:235086-ARP-XX-XX-RP-YP-00001) dated November 2015, sets out the purpose and need for the Proposed Bypass Scheme in detail. This demonstrates that there are imperative reasons of overriding public interest in terms of:

- Improvements to the health, safety and environment of the residents of Little Hadham by reducing traffic congestion, associated pollution and reducing flood risk; and
- Supporting economic development by providing an improved transport network to support the East of England region through decreasing

journey times and improving time reliability along the A120 between Bishop's Stortford and the A10.

**(2) Regulation 53(9)(a)** states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.

Section 3 of the Arup Planning Statement sets out a full and detailed history of the consideration of alternative options to the Proposed Bypass Scheme and the development of the Preferred Route Option. Several of these potential routes would cause more damage to breeding sites of barbastelle bat and great crested newt than the Proposed Bypass Scheme.

**(3) Regulation 53(9)(b)** states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

The Ecology chapter of the Environmental Statement Addendum assesses the potential effects upon individual EPS in the absence of mitigation. Specific mitigation measures are described that would be implemented as part of the Proposed Bypass Scheme in order to avoid any significant adverse effect upon EPS.

The avoidance of a significant adverse effect on these species demonstrates that there would be no detrimental impact to the favourable conservation status of the local populations of these species.

The Natural England Bat Mitigation Guidelines<sup>3</sup> assist those involved with decision making regarding land-use planning and development operations where bats are known to occur. They set out guidance for designing bat mitigation in order to comply with the Habitats Regulations. In this document the term ‘mitigation’ is used in a broad sense to refer to all works required to comply with the legislation when developing areas occupied by protected species, including:

- Mitigation - which, in this strict sense, refers to practices which reduce or remove damage (e.g. by changing the layout of a scheme, or altering the timing of the work); and
- Compensation – which refers to works which offset the damage caused by the development (e.g. by the creation of new roosts).

The guidelines are clear that both of these elements should be considered when setting out mitigation for EPS, with the overall aim being to ensure that there will be no detriment to the conservation status.

The description of mitigation within the ES Addendum uses the term in the broad sense as per the guidelines issued by Natural England in their role as the statutory authority on EPS licensing.

- 10.9.4. In addition, the Project may require a licence from Natural England to damage or destroy badger setts, should any be in active use when construction is due to

commence. The threshold for obtaining a licence to impact a badger sett is lower than that for an EPS licence, and the rationale set out for the three tests above is sufficient to demonstrate that the Project would be eligible to obtain this licence as required.

- 10.9.5. HCC does not foresee any reason that the environmental licences would not be granted so does not consider that this will be an impediment to the delivery of the Bypass Scheme.

#### 10.10. **Technical Approvals**

- 10.10.1. The Bypass Scheme will be designed to the relevant highways design standards (or any agreed departure from standards). All designs will be subject to design review and certification, including Road Safety Audits.
- 10.10.2. Design of the flood attenuation structures and embankments will be subject to review of the Reservoir Construction Engineer, on behalf of the EA.
- 10.10.3. Under the Environmental Permitting (England and Wales) Regulations 2016 (SI 2016 No 1154) (the Regulations) a flood risk activity requires an environmental permit. Erecting any structure (temporary or permanent) over a main river is considered a flood risk activity. The construction of the embankments over the River Ash and the Albury Tributary, both built over a main river, requires HCC to have an environmental permit. A permit for erecting any structure designed to contain or divert floodwaters of a main river is required.

An impoundment licence will also be required under the Water Resources Act 1991 for the impoundments at the Albury Tributary and the River Ash.

- 10.10.4. Approval for drainage will include discharge consents from the EA, where outfalls discharge into main rivers. HCC, as flood authority, will also review designs and consent to discharge into ordinary watercourses and connections to existing highway drainage, where necessary.
- 10.10.5. A number of utility services will need to be diverted to accommodate the Project. These diversions have been agreed with the utility companies and will, where possible, be completed in advance of the commencement of the main works, subject to agreements being in place. Otherwise, the necessary utility works will be programmed to be completed within the main works.
- 10.10.6. HCC does not foresee that the granting of the required technical approvals will be an impediment to the delivery of the Project.
- 10.10.7. Planning Permission for the Project has been granted, by Decision Notice dated 19 January 2017, subject to 43 conditions. Several planning conditions must be fulfilled before construction can start.



**11. Section (xi) details of any views which may have been expressed by a government department about the proposed development**

- 11.1. The Hertfordshire Local Transport Body (LTB), a partnership between Hertfordshire County Council, Hertfordshire's Local Economic Partnership (LEP) and the Hertfordshire Local Infrastructure Planning Partnership, prioritised the Project as one of the LTB's major transport schemes.
- 11.2. Following this the Project was promoted as part of the Hertfordshire LEP Strategic Economic Plan bid which secured funding from Government via the Single Local Growth fund in 2014. This bid process required the submission of an outline business case that was reviewed by the Department for Transport (DfT) and the Department of Business Innovation and Skills.
- 11.3. The scheme now forms part of the Department for Transport Retained Local Major Projects portfolio.

**12. Section (xii) what steps the authority has taken to negotiate for the acquisition of the land by agreement**

- 12.1. The Bypass Scheme affects land in eight land parcels where landowners, tenants and other interests have been identified through the records held at Land Registry or response provided under the service of notice under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976,
- 12.2. The Bypass Scheme also affects land where an owner has not been identified, as no record is held in Land Registry. Notice under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 was erected on site,
- 12.3. The EA has carried out similar investigation to identify land interests through Land Registry records and through the service of notice under Section 5A of the Acquisition of Land Act 1981.
- 12.4. Due to the amount of land interests impacted by the Project and to secure all the land in an acceptable timeframe to successfully deliver the Project, HCC and the EA recognise that acquisition through respective compulsory purchase powers is considered necessary.
- 12.5. Hertfordshire County Council and the Environment Agency have been in discussion with known land interests along the Project. To date, landowners have been accommodating to meetings. Heads of Terms setting out the proposed land acquisitions were initially issued in draft form in early November 2016. Landowners have expressed concerns about the bypass and the impact that this may have on their property and on their business operations. Where possible, features have been included within the design to mitigate the adverse impact the Bypass Scheme may have on farming operations. Mill Mound bridge, and Hadham Park Underpass have been designed to accommodate (farm) vehicles that service normal farming operations. Accesses to fields are to be provided and where necessary access points have been improved. It is acknowledged that some fields will suffer from severance as a result of the bypass. Where this has occurred and, where appropriate, payment will be considered under the Compensation Code.
- 12.6. Since planning permission was granted in January 2017, subject to conditions, further meetings have been arranged with land interests and their agents, and those discussions are ongoing. Other accommodation works are being considered to mitigate those impacts identified by land interests.
- 12.7. HCC is committed to reaching agreement to acquire land in advance of the exercise of statutory powers, and to making early advance payments of compensation to support landowner in planning for any changes in business operations as a result of the Bypass scheme.

**13. Section (xiii) any other information which would be of interest to persons affected by the order, eg proposals for rehousing displaced residents or for relocation of businesses.**

- 13.1. HCC believes that no residents or businesses are severely affected by the Bypass Scheme, such as to warrant rehousing or relocation. Much of the land required for the Bypass Scheme is in agricultural use and remote to dwellings and business premises.
- 13.2. An Environmental Statement was produced as part of the Planning Application, which considered the impact of the construction and operation of the Bypass on the environment, including that of noise and vibration on residential properties in the environs of the Scheme, using industry standard methodologies for predicting impact, backed with sample measurements on site.
- 13.3. The Environmental Statement concluded that, for the construction period, direct impacts to residential and non-residential properties and to the local community from construction noise were determined not to be significant due to the temporary nature of impacts and the low number of properties affected.
- 13.4. Indirect effects of construction noise were also found not to be significant due to the relatively small proportion of construction-related HGVs expected to use the existing A120.
- 13.5. Some potential for minor construction vibration impacts were predicted at residential properties at the eastern end of the Bypass, but again due to the short duration of works and implementation of appropriate construction methods, no significant effect was predicted in the Environmental Statement. Where the potential for major construction vibration impacts was identified at these properties this was deemed avoidable through the use of lower vibration compaction plant and static rollers, in turn incurring no significant effect.
- 13.6. Noise and vibrations will be monitored throughout the construction works and, where possible, measures taken to reduce any impact on adjacent properties.
- 13.7. Once the Bypass is in operation, the Environmental Statement predicts that no individual residential dwellings will experience noise levels higher than the noise insulation trigger levels defined in Noise Insulation Regulations, and no vibration effects were predicted as a result of the operation of the Bypass.
- 13.8. Although it is predicted that no residential properties will suffer significant adverse impact from noise once the Bypass is open, it is acknowledged that some properties may experience changes in the noise environment.
- 13.9. HCC will produce the appropriate Noise Information and Noise Map to meet its obligations under the Noise Insulation Regulations 1975 in due course, and will engage with any landowners who consider their property should have a claim for noise insulation. Any property owners whose land is not needed for the scheme, but who consider that the value of their property has been adversely affected by environmental factors may be able to make a claim under Part 1 of the Land

Compensation Act 1973, and HCC will consider all such claims at the appropriate time.

- 14. Section (xiv) details of any related order, application or appeal which may require a co-ordinated decision by the confirming minister, E.g. an order made under other powers, a planning appeal/application, road closure, listed building:**
- 14.1. As set out in (x) above, the Bypass Scheme will require a Side Road Order to make improvements of the highway, stopping up and construction of new highways, stopping up and provision of new means of access to premises and temporary diversion of highways. If required, HCC would welcome consideration of the Side Roads Order in a similar timeframe to the Order or, if the Secretary of State is minded to do so, call for a joint Inquiry.
- 14.2. As set out in (x) above, the Project is delivered with the support of the EA. The EA will seek to secure any land it requires for the flood attenuation elements of the Project and will made the Environment Agency (A120 Bypass (Little Hadham) Flood Alleviation Compulsory Purchase Order 2017 (the "EA Order") to secure necessary land interest required to deliver the Flood Alleviation Scheme, which include rights to flood area north of the Bypass Scheme. The EA Order will also secure necessary land interest to construct the Lloyd Taylor Drain.
- 14.3. HCC would welcome consideration of the HCC and EA Compulsory Purchase Orders collectively to support co-ordination of the Project or, if the Secretary of State is minded to do so, call for a joint inquiry.
- 14.4. In the event that the Order is confirmed, HCC will implement the Hertfordshire County Council (A120 Bypass (Little Hadham) Compulsory Purchase Order 2017 by means of Notices to Treat and Notice to Enter or General Vesting Declaration. Where necessary, easements and private rights over land will be overridden (subject to compensation) in so far as they would otherwise interfere with the construction or operation of the Scheme.
- 14.5. Mortgages and rent charges are to be dealt with in accordance with section 14 to 18 of the Compulsory Purchase Act 1965.

**15. Section (xv) if, in the event of an inquiry, the authority would intend to refer to or put in evidence any documents, including maps and plans, it would be helpful if the authority could provide a list of such documents, or at least a notice to explain that documents may be inspected at a stated time and place.**

15.1. The documents in the following paragraph are available for public inspection during normal office hours at:-

- Hertfordshire County Council, County Hall, Pegs Lane, Hertford, Hertfordshire SG13 8DN.
- East Herts Council office, Charrington House, Bishop's Stortford, Hertfordshire CM23 2EN
- Environment Agency office, Apollo Court, 2 Bishops Square Business Park, St Albans Road West, Hatfield, Hertfordshire, AL10 9EX

15.2. The documents can also be viewed online at <http://www.hertfordshire.gov.uk>

15.3. The documents are:-

- The Hertfordshire County Council (A120 Bypass (Little Hadham)) Compulsory Purchase Order 2017, including Order maps and Schedule
- The Hertfordshire County Council (A120 (Little Hadham) Bypass Classified Road) (Side Roads) Order 2017, including maps and Schedule
- The Hertfordshire County Council (A120 Bypass (Little Hadham)) Compulsory Purchase Order 2017 and The Hertfordshire County Council (A120 (Little Hadham) Bypass Classified Road) (Side Roads) Order 2017 Statement of Reasons
- The Environment Agency (A120 Bypass (Little Hadham) Flood Alleviation Scheme) Compulsory Purchase Order 2017, including Order maps and Schedule
- The Environment Agency (A120 Bypass (Little Hadham) Flood Alleviation Scheme) Compulsory Purchase Order 2017 Statement of Reasons
- The Proposed 3.9km northern bypass of the A120 and Flood Alleviation Scheme, comprising a new 9.3m wide single carriageway road, verges, roundabout junctions (including lighting), bridges, embankments, drainage, landscaping and associated engineering at A120, land north of Little Hadham, Hertfordshire Planning Decision Notice (dated 19 January 2017) – (HCC Application No: 3/2364-15 (CM0960))

**Hertfordshire County Council**