

ESSEX COUNTY COUNCIL

THIS IS THE STATEMENT OF REASONS OF ESSEX COUNTY COUNCIL

FOR MAKING:

**THE ESSEX COUNTY COUNCIL (A120/A133 LINK ROAD) PHASE 1 (SOUTHERN SECTION))
(CLASSIFIED ROAD) (SIDE ROADS) ORDER 2023**

**THE ESSEX COUNTY COUNCIL (A120/A133 LINK ROAD) PHASE 1 (SOUTHERN SECTION))
COMPULSORY PURCHASE ORDER 2023**

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Statement of Reasons

1.0 INTRODUCTION

- 1.1 This statement explains the purpose of the above-mentioned Side Roads Order (SRO) and Compulsory Purchase Order (CPO) (which have been made by Essex County Council, the Council) for the construction of the first phase of a new Link Road between the A120 and A133 and its associated infrastructure and mitigation. Sections 2.1 to 2.5 of this document set out the need for the full Link Road scheme for context, and 2.6 onwards focusses on the detail of this first phase.
- 1.1.1 The Orders are solely for the Phase 1 Link Road project and associated infrastructure and mitigation, but it should be noted there is a parallel Scheme to the overall project which will provide the major sustainable transport element. That part of the project will deliver a Rapid Transit System (RTS) to Colchester from the existing Park and Ride site to the north, through the town centre to the vicinity of the University of Essex. There will then be a further section of Link Road (Phase 2) provided by the Tendring Colchester Borders Garden Community (TCBGC) giving the connection to and within the new development. A 'Park and Choose' (P&C) site is also to be provided at or near the University of Essex. Park and Choose is an evolution of Park and Ride, creating a transport hub for people looking to access other forms of transport in addition to the RTS. For example, it could offer cycle storage and lockers, electric bikes, connections into the wider bus network as well as parking facilities. TCBGC will also provide a wide network of non-motorised user infrastructure within the development which will connect up to the pedestrian and cycle facilities being provided as part of both phases of the Link Road scheme. These sustainable transport measures are all proposed to minimise the reliance on the private car.

2.0 GENERAL INFORMATION

2.1 Background and local context

- 2.1.1 Essex is one of the largest counties by population and area bordering London, with excellent rail and road connectivity. Essex hosts two major airports (London Stansted and London Southend), three major shipping ports (Tilbury, Harwich and London Gateway) and two universities (University of Essex and Anglia Ruskin University). Essex has an ambitious housing growth strategy to enable over 180,000 additional homes in the next 20 years.
- 2.1.2 To contribute to this housing growth, a new garden community proposed as part of the Garden Towns and Villages and Cities programme, run by the Ministry of Housing, Communities and Local Government, is planned to the east of Colchester: the Tendring Colchester Borders Garden Community (TCBGC). This Garden Community is proposed in the adopted Tendring District Local Plan 2013- 2033 and Beyond – North Essex Authorities’ Shared Section 1 Plan of Braintree District Council, Colchester Borough Council and Tendring District Council, (the ‘North Essex Authorities’, NEAs). The Shared Strategic Section 1 Local Plan establishes an agreed approach to large scale, plan led, housing and employment growth between the NEAs.
- 2.1.3 TCBGC is envisaged to comprise a development of between 7,000 and 9,000 new homes and associated employment and infrastructure to be built over a 30-40 year period, of which 2,500 homes are planned to come forward within the Local Plan period (2013-2033). The Shared Strategic Section 1 Local Plan emphasises the importance of the timely delivery of infrastructure to facilitate this scale of development. A specific requirement of the Shared Strategic Section 1 Local Plan is a long-term sustainable transport system at TCBGC that provides excellent access to jobs and services, as well as car travel in order to support economic growth.
- 2.1.4 In August 2019, ECC was successful in being awarded a grant from the Housing Infrastructure Fund (HIF) for the A120/A133 Link Road and RTS, to unlock delivery of the proposed TCBGC. The proposed Link Road, both sections Phase 1 and Phase 2 completed, would provide access for private vehicles to the future TCBGC via the Strategic Road Network and will also provide the new TCBGC with connectivity to the surrounding region.
- 2.1.5 The infrastructure being provided for TCBGC contributes to the wider transport strategy that is mapped out for Colchester in the Colchester Future Transport Strategy for which engagement was carried out in 2021. The Strategy outlines the importance of diverting traffic away from local roads onto the wider strategic network. The completed Link Road will improve connections to the Strategic Road Network (onto A120 and to A12) to the east of Colchester, enabling drivers with destinations in east Colchester, such as the University of Essex and Knowledge Gateway, to avoid routeing through Colchester town itself. Keeping traffic moving will relieve congestion in Colchester and surrounding areas and will help to improve local air quality in urban areas and encourage a shift to sustainable modes of transport by increasing capacity and creating a more attractive environment for active modes.

2.1.6 In addition, the completed full Link Road could be used to provide convenient access to a proposed park and choose (P&C) site in the southern part of the TCBGC. This would allow drivers to park at TCBGC and then choose whether to continue their journeys to destinations in Colchester on the RTS, or by bicycle, or electric scooter for example.

2.2 Understanding the problem and need for the Link Road

2.2.1 As part of the HIF bid a business case for the Link Road was developed, which considered the road with and without TCBGC and with and without the RTS and P&C facility. A key part of the business case pertaining to the Link Road is the preliminary research on options generation and assessment. This considered the current network and issues and problems, and then devised a wide set of options which included options based solely on sustainable transport without construction of the Link Road.

2.2.2 The area through which the proposed Link Road Scheme would be built suffers from several problems, therefore a number of opportunities were identified that it is hoped the scheme can address. These include:

- a) Current high levels of congestion on A133 during AM and PM peaks, and around Elmstead Market during AM peak – Link Road to act as alternative route to ease pressure on Elmstead Market;
- b) High numbers of collisions along Ipswich Road, and clustered around the junction of the A133 and the A120, the Link Road to redistribute some traffic off Ipswich Road;
- c) Lack of cycling infrastructure in the study area outside of central Colchester – Link Road and RTS to address this;
- d) Significant housing development across Colchester Borough and Tendring District, which will place additional stress on existing infrastructure – Link Road to provide significant piece of new infrastructure to relieve that stress;
- e) Connections between Colchester and the wider region and beyond in need of strengthening as part of developing a sustainable transport network – Link Road gives improved access to the A120 and faster more reliable access to the A12 from east/south-east Colchester; f) Planned improvements to other routes in the wider area, which will result in reduced congestion on other roads, and could draw additional traffic onto the A120 corridor and further increase pressure on the network.

2.2.3 Three Link Road options were shortlisted:

- 1) A proposed alignment and junction arrangements on the A120 and the A133 (as designed by the Council for the HIF bid and similar to the scheme being promoted as option 1C);
- 2) As above, but with additional access junctions to/from the adjacent TCBGC Settlement, with the Link Road serving as a local access road; and
- 3) No Link Road, but a 10% reduction in local traffic (to/from zone in the study area) as a sensitivity test to assess the potential impact of successful implementation of public transport and cycling/walking initiatives.

2.2.4 Four alternatives to a Link Road were also considered:

- 1) Improvements to existing public transport services;
- 2) Improvements to cycling and pedestrian infrastructure;
- 3) Extensions to bus routes and/or rapid transit corridors; and
- 4) Alternative road infrastructure/carriageway improvement schemes.

2.2.5 A high-level appraisal of the options showed usefulness of developing the public transport and sustainable transport alternatives alongside the Link Road.

2.3 Existing highway infrastructure

2.3.1 The A120 forms part of the Strategic Road Network, and within Essex it links London Stansted Airport and the M11 in the west with the towns of Braintree and Colchester, the A12, and the Port of Harwich in the east. At the location of the scheme it is dual-two all-purpose carriageway, carrying in the region of 45,000 vehicles per day, which includes a notable proportion which diverge to the east along the primary route section of A133 to the Tendring District coastal towns of Clacton, Frinton on Sea and Walton on the Naze. The A120 has no existing road junctions between the Ardleigh Crown Interchange/A12 J29 and the A133 at Hare Green, and all roads that cross it do so on overbridges with no connection to the dual carriageway. The location of the scheme is however close to two at-grade accesses off the A120, to Ardleigh South Services on the westbound carriageway and Colchester Waste Transfer Station on the eastbound carriageway. The A120 is subject to the national speed limit for a dual carriageway. The A133 forms part of the Council's principal road network. It is also dual-two lane at this location but is not to current design standards. It links Colchester in the west, with the villages of Elmstead Market and Frating in the east where it is single carriageway, before joining the A133 spur coming off the A120 as a Primary Route to Clacton. The A133 at this location carries in the region of 16,500 vehicles per day. It is subject to the national speed limit for a dual carriageway at this location, but has side road and direct property accesses and vehicular gaps in its central reservation. There is a footway along its northern side. There is a small network of local roads between the A120 and A133, serving scattered residential, farming, industrial and commercial properties. Aside from Tye Road, these are single track, making them opportunities for walkers, cyclists and horse riders. These groups also use a Restricted Byway south of the A120 which is the only public right of way (PRoW) severed by the scheme, although changes are proposed to adjacent sections of footpath around Allens Farm

2.4 Scheme Objectives and Detailed Assessment

2.4.1 Following research on initial option assessment the objectives galvanised around the current objectives for the Link Road which are:

- a) To support future housing growth – To provide essential infrastructure to unlock the future TCBGC, as outlined in the Shared Strategic Section 1 Local Plan
- b) To manage congestion and improve connectivity – To provide the future TCBGC with a means of access to the strategic road network, and help relieve congestion in and around Colchester
- c) To enable modal shift – To help to alleviate congestion in Colchester, thereby enabling the re-allocation of road space for public transport and active modes, including the proposed RTS

2.4.2 It is around these objectives that more detailed assessment for the HIF business case was carried out alongside the development of concept designs. Whilst a development at TCBGC would require road access, the assessment did still not exclude the possibility of shorter access roads to and from TCBGC instead of the Link Road.

Long list option for road access	Support strategic highway capacity	Distributes TCBGC traffic onto A120 or A133 local strategic routes	Supports access to TCBGC business zone off A120	Supports access to RTS for new park and ride/choose site of A133
Spine road connecting to A120	N	Partial	Partial	N
Spine road connecting to A133	N	Y	N	Partial
Local access road to east Colchester	N	N	N	N
A120/A133 Link Road (preferred option)	Y	Y	Y	Y

2.4.3 As summarised in the above table, the assessment of options in the HIF business case found that only the full Link Road was considered able to fully meet the objectives. However, this does not preclude the construction of the Link Road in two phases. Building the southern section of the link road first would be preferable to building the northern section first; as this better enables new residents to access key destinations in Colchester. In addition, it supports the plans to construct the southern neighbourhoods of the TCBGC in the first phases of that development. Traffic modelling has established that, assuming the RTS service is provided, that the highway network can perform satisfactorily with the only the first phase of the link road constructed up to 4,000 to 5,000 homes. However, the full link road would need to be opened to allow full development of the TCBGC, that is development between 7,000 and 9,000 homes. It should be noted that achieving satisfactory network performance also assumes that the TCBGC implements additional transport mitigation measures which are set to be identified in the TCGGC Development Planning Document.

2.4.4 Following the award of the HIF funding for the Link Road and RTS, design work has been accompanied by further assessment and consultation – to check that the proposed design, as set out in the Planning Application, still achieve the policy objectives. In addition, the emerging Colchester Transport Strategy is promoting a sustainable travel vision in line with the objectives for the Link Road, RTS and P&C working together. This vision is based on restrictions on travel by private car to the central zone of Colchester but improved choice for alternative travel by P&C, active modes and RTS. The P&C site at TCBGC is expected to be accessed off the A133 at or near to the new Link Road Phase 1 roundabout, and upon completion of Phase 2 the full Link Road will provide the access to this site from the A120 and beyond.

- 2.4.5 The proposed Link Road, based on the Preferred Route alignment, was agreed at the Council's Cabinet on 26th May 2020. The decision to split the scheme into two phases was approved by Homes England on 27th February 2023 and the Council resolved to proceed on that basis on 16th March 2023. The scheme to be delivered under the Phase 1 Link Road CPO and SRO is:
- 85 kph design speed, 50 mph posted speed limit 1.8 km length of dual two-lane carriageway;
 - A new roundabout at the junction with the Link Road and A133;
 - Two further roundabouts giving access to Allens Farm and to Tye Road (northwest) (junctions which the future TCBGC development will be able to connect to);
 - A 5 metre wide segregated footway/cycle track along the western side of the Link Road from the new roundabout at the A133 junction, up to Allens Lane;
 - A 5 metre wide PRow route from Allens Lane to the existing Restricted Byway PRow 162_21, which is to cater for walkers, cyclists and ridden horses.
- 2.4.6 The split between phases 1 and 2 happens at the roundabout which will give access to Allens Farm (the roundabout and new access are necessary because the Phase 1 Link Road severs the access to Allens Farm at Allens Lane to the south). To the north is the last stretch of road before the A120 grade separated junction which is to be delivered as part of Phase 2 and delivery of this junction cannot be split between the two Phases.
- 2.4.7 The site is notably flat, there is not the natural topography to work with to create the desirable cut/fill balance, therefore it is generally, to varying extents, above existing ground level and space is required within the CPO boundary for the embankment slopes. 1 in 3 was required for the embankment slope gradients to help them blend into the landscape and to allow planting to be more easily established and be safer to maintain. The alignment of the road with its gentle curves is designed to follow the grain of the landscape and avoid the creation of long straights promoting excessive speed, but this means the gradients have to be generated by the vertical alignment of the road to allow it to drain by gravity.
- 2.4.8 Groundwater levels are high creating another challenge and so the design has been prepared to mitigate this, and this leaves no opportunity for infiltration, so the attenuation features within the CPO boundary – ponds, swales and tanks - are all of a size to accommodate all of the surface water drainage.
- 2.4.9 Walkers, cyclists and, in certain locations, horse riders, have been considered through the full length of the scheme with the proposed 5 metre parallel route in the green corridor on the western side of the new Link Road, and opportunities taken for connections to the existing network including the footway along the northern side of the A133, Tye Road, Turnip Lodge Lane, Allens Lane and the Restricted Byway and Footpath in the vicinity of Allens Farm. Two traffic signal controlled crossings are to be provided towards the southern end.
- 2.4.10 In association with the Link Road, mitigation works are required. In many locations adjacent to sensitive receptors an approximately 10 metre depth of screening trees and bushes is to be provided. Elsewhere a hedge with scattered standard trees is to be provided to replicate the existing field boundary form and to allow some views to the wider landscape from the non-motorised user routes for example.

2.4.11 The works for Phase 1 of the Link Road are split into two parts, although the first part will have multiple contractors.:

- 1) Advanced Works Contracts: This comprises archaeological trial trenching, utility diversions, and facilitating works to existing land drainage and irrigation networks. These are needed to discharge some of the planning conditions.
- 2) Main Works Contract: All other works required to complete this road as shown on the Scheme Plan. Two borrow pit areas included in the consented Planning Application between the proposed road and Sixpenny Brook and not shown on the Scheme Plan or included in the CPO as, if they are to form part of the scheme, it would be under a separate arrangement between the landowner and contractor. Construction of the scheme is scheduled to start in 2024 and the opening date is set for 2026, although the new A133 roundabout is anticipated to be used by east/west journeys on the existing A133 prior to the entire Phase 1 Link Road scheme opening.

2.5 Consultation

- 2.5.1 The development of the design of the proposed full Link Road was informed through a consultation exercise and ongoing engagement with key stakeholders/landowners.
- 2.5.2 A non-statutory public consultation on the proposed Link Road was held between 4th November 2019 and 16th December 2019. This was supported through seven public events held at various points during the consultation, giving the public the opportunity to
- 2.5.3 A website (www.essex.gov.uk/link-road-and-rapid-transit) gave stakeholders the opportunity to find out about the scheme and complete the survey online. A consultation brochure was also produced which could be read either online or picked up as a physical copy from a number of locations around Colchester. ([a120-a133-link-rd-public-consultation-online.pdf](#) (essexhighways.org))
- 2.5.4 The consultation itself consisted of four options put forward for consideration - Options 1A, 1C, 1D and 3. All comprised between 2.1 and 2.3km of dual carriageway, a grade-separated junction at the A120 and at-grade junction at A130. Alongside these options the consultation document sets out the rationale for the options discounted.
- 2.5.5 Along with a programme of advertising, landowners, statutory bodies and identified stakeholders were contacted directly to give the opportunity to participate in the consultation, and a programme of engagement has continued post-consultation.
- 2.5.6 The feedback given through consultation was subsequently analysed and presented within a consultation report: (<https://www.essexhighways.org/uploads/downloads/link-road-and-rts-consultation-report%20.pdf>). This was considered and helped form part of the decision-making process in developing the chosen option, a variation of route 1C.
- 2.5.7 Early consultation with the affected landowners commenced in 2019 and is continuing in pursuit of settlements without the need to implement a CPO. The Council will continue to make meaningful attempts to reach agreement on a voluntary basis, however, the delivery programme has allowed sufficient time should landowners be unable to agree a reasonable settlement and a Public Local Inquiry into the Orders is required.

2.5.8 The proposed two phase delivery of the Link Road has not been consulted upon separately but the phasing is necessary due to reasons outlined earlier in this document and it remains the Council's intention, with TCBGC funding, that the full Link Road scheme will be delivered [by 20XX] [in line with the Local Plan aspirations].

2.6 Scheme Proposals

2.6.1 The land required for the Phase 1 Link Road is shown coloured yellow and green on drawing reference B355363A-LNK-LND-LNKP1-DR-ZL-0001 the Phase 1 Scheme Plan. The road design includes proposals for surface water drainage attenuation ponds and tanks; swales and ditches; landscape planting; maintenance access; street lighting at roundabouts and their approaches, and amendments to private means of access and PRow. Construction of the new highway is between the A133 (centre of junction at National Grid Reference point TM 04418 02450), and northern roundabout junction, initially for access to Allens Farm (centre of junction at National Grid Reference point TM 05034 26043).

2.6.2 The land outside the existing highway boundary that needs to be acquired to construct and mitigate the Link Road is at the following locations and is required for the following purposes:

- a) Land to the south of and including the Restricted Byway PRow 162_21, north of the A133, west of Allens Farm, Elmstead and east of Carpenters Lane and Wivenhoe Road for the construction of the proposed new Link Road, foot and cycle route and all associated infrastructure and mitigation;
- b) Land to the south of the A133 for construction of a new roundabout and associated infrastructure and mitigation;

2.6.3 All landowners have been identified. A significant proportion of the land required is freehold and principally used for arable purposes and was identified as such in the planning application.

2.6.4 There are two statutory undertakers impacted by the project, along with some private utilities.

- Openreach underground plant which is to be locally diverted and existing overhead cables are to be buried.
- Overhead local UK Power Networks cables are to be buried.

2.6.5 Easements will be created for access by the relevant statutory undertaker to all asset routes, some of which will be via scheme maintenance provision.

2.6.6 There are private irrigation networks across the site and these are to be locally diverted or protected, along with two private potable water supplies which will be protected under the new road

2.7 Borrow Pits

2.7.1 Two borrow pit areas were included in the planning application for the Link Road project. They were within the red line boundary of the site which gained consent in November 2021. They were included because of the scheme's cut/fill imbalance and the scheme project team identified a local opportunity for sourcing that required material, knowing that potentially suitable material exists below ground. The project team identified locations outside of the main

developable areas of the proposed TCBGC but adjacent to the line of the proposed Link Road. The utilisation of a source of the material on or close to the site of the new road would reduce transportation impacts. The restored pits also provide an opportunity for either farming irrigation or recreational features for the TCBGC. However, these areas are not included in the CPO and they will be subject to separate negotiation between the Link Road construction contractor and the landowner.

2.8 Financial Viability and Funding

- 2.8.1 The scheme is fully funded as ECC successfully secured £99m from HIF, and approximately £30m of that is allocated to construct the Phase 1 Link Road.

2.9 Planning Statement

- 2.9.1 The National Planning Policy Framework (NPPF) was revised on 20 July 2021 which replaces previous versions of the NPPF published in March 2012, and revised in July 2018 and updated in February 2019. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 12 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.9.2 Paragraph 48 of the NPPF states, in summary, that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.
- 2.9.3 At a district level, the adopted development plan of relevance to the Link Road project comprises the Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2.
- 2.9.4 The Shared Strategic Section 1 Local Plan (2021) has been jointly brought forward by the North Essex Authorities (Braintree District Council, Tendring District Council and Colchester Borough Council). This Local Plan establishes an agreed approach to large scale, plan led, housing and employment growth and the required infrastructure for the TCBGC. The need of the A120/A133 Link Road is established in Policy SP6 Infrastructure and Connectivity, which states that *'before any planning approval is granted for development forming part of the Tendring / Colchester Borders Garden Community, the following strategic transport infrastructure must have secured planning consent and funding approval:*
- a) *A120-A133 Link Road;*
 - b) *Route 1 of the rapid transit system as defined in the North Essex Rapid Transit System: From Vision to Plan document (July 2019).'*
- 2.9.5 Due to the Link Road coming forward in advance the TCBGC, the road's alignment has been developed with the TCBGC's Concept Framework Plan in mind, to ensure it does not preclude future landscape and environmental design aspirations which are likely to come forward through the TCBGC Masterplan Development Plan Document and subsequent development proposals.

- 2.9.6 Colchester City Local Plan 2017-2033 Section 2 was formally adopted by the Council on 4 July 2022.
- 2.9.7 Tendring Colchester Borders Garden Community Development Plan Document (DPD) has been approved by Tendring and Colchester Councils for formal consultation (Regulation 19) during May and June 2023 prior to submission to the Secretary of State for Examination in Public.
- 2.9.8 Other supplementary planning documents relevant to the A120/A133 Link Road include the draft consultation Colchester Future Transport Strategy (2020) which highlights the A120/A133 Link Road's importance in providing significant improvement to the North Essex road network and Strategic Road Network connections, reducing journey times and alleviating congestion and providing sustainable travel options within Colchester and the surrounding areas. The Link Road will increase capacity on strategic roads to the east of Colchester, enabling drivers approaching from the east along the A120 to access the University of Essex and Knowledge Gateway without routing through Colchester town.
- 2.9.9 At a county level, the adopted Development Plan of relevance to the proposed Scheme is the Essex Minerals Local Plan (July 2014) and the Essex and Southend-on-Sea Waste Local Plan (2017). The Council is the Minerals and Waste Planning Authority for the county of Essex. The Minerals Local Plan provides a policy framework for all parties involved in future minerals and minerals related development as it provides a picture of mineral development in the county up to 2029. The Waste Local Plan sets out how Essex and Southend-on-Sea aim to manage waste for its duration. It also seeks to deal with waste more sustainably, encouraging recycling and reducing reliance on landfill.
- 2.9.10 Taking into account the NPPF and the relevant policies of the Development Plan taken as a whole the proposal for the Link Road as set out in the planning application and the CPO represents sustainable development in the context of the NPPF.
- 2.9.11 Following notice to, and no intervention by, the Secretary of State, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission for the Link Road was granted on 2nd November 2021. 23 Planning Conditions were imposed. Some of the planning conditions will initially require partial discharge to account for advanced works and then will need to be fully discharged for the main works (see 2.4.4) associated with the scheme.

3.0 COMPULSORY PURCHASE ORDER LAND REQUIREMENTS

3.1 Outline of purpose and justification for making Order

3.1.1 The CPO is entitled THE ESSEX COUNTY COUNCIL (A120 TO A133 LINK ROAD) (PHASE 1 (SOUTHERN SECTION)) COMPULSORY PURCHASE ORDER 2023.

3.1.2 The Council's purpose in making the CPO is to secure the acquisition of all relevant interests in the Order land to facilitate the delivery of the southern section of the A120/A133 Link Road. The need for the Link Road is explicitly recognized in the Development Plan Document for the TCBGC.

3.1.3 The CPO together with the SRO is intended to enable the new highway infrastructure to be constructed to facilitate the proposed TCBGC.

3.2 Enabling Powers

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

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

3.2.2 The CPO is required to expedite the land acquisition to enable the construction of the A120/A133 Link Road to deliver the Scheme objectives.

3.2.3 The Compulsory Purchase Order also engages:

- section 240 Highways Act 1980 - private means of accesses to premises, alteration of side roads and working space for the construction/improvement;
- section 246 Highways Act 1980 - the acquisition of land outside the boundary of the highway to reduce the adverse effects on its surroundings; and
- section 250(2) Highways Act 1980 – new rights to be created..

3.3 Description of Order land

3.3.1 The land required includes:

- Highway;
- Farmland (arable);
- Private access roads.

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

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

3.3.4 Following convention, the land to be acquired (including for essential/permanent licence) is coloured pink and the land over which new rights are to be acquired is coloured blue on the CPO plan.

3.4 Land Ownership and Order Schedule

3.4.1 The Order land comprised in the following plots, full title to the land is required for the new Link Road, for associated drainage works, for the provision of ancillary highways, and improvements to existing highways to connect the new Phase 1 Link Road to the existing network:

- Site Plan: Plots 1, 2, 2a, 2o, 2p, 3, 3a, 3e, 3g, 3n, 3r, 3s, 3u, 3y and 3z.

3.4.2 The Order land comprised in the following plots, full title is required for the provision of accommodation tracks to give third party rights of access to land to which access has been affected but which new access is outside the boundary of the new Phase 1 Link Road:

- Site Plan: Plots 2h, 2j, 2k, 2L, 2m, 2n, 3d, 3j, 3k, 3p and 3w.

3.4.3 The Order land comprised in the following plots, full title is required to provide for temporary access and working space, including site compounds and/or topsoil storage areas, associated with the construction of the Phase 1 scheme:

- Site Plan: Plots 2b, 2e, 2f, 2g, 3b, 3c, 3d, 3h, 3k, 3L, 3m, 3o, 3p, 3q, 3t, 3v, 3x, 3aa and 3ab.

3.4.4 Subject to agreement with the relevant affected landowner(s), in relation to the plots listed in 3.12, the Council may seek to negotiate a temporary licence to occupy during construction in place of full title acquisition. However, in the absence of such agreement the Council requires the security of the right to acquire full title.

3.4.5 The Order land comprised in the following plots, rights are required by the highway authority for the purpose of construction and maintenance of drainage pipes and outfalls:

- Site Plan: Plots 2c and 2d.

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

4.0 THE SIDE ROADS ORDER

4.1 The SRO is entitled **THE ESSEX COUNTY COUNCIL (A120 – A133 LINK ROAD) (PHASE 1 (SOUTHERN SECTION)) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2023** and is made under sections 14 and 125 of the Highways Act 1980 and will, if confirmed by the Secretary of State for Transport, authorise the Council to make the following changes shown on the Side Roads Order Site Plan.

4.2

- a) To improve the link between the proposed roundabout at Allens Farm and the existing Restricted Byway (PROW 162_21) and the proposed unclassified road linking Restricted Byway (PROW 162_21) to Allens Lane.
- b) To improve the link between the proposed roundabout at Tye Road and the existing Tye Road.
- c) To improve the link between the proposed private vehicular access serving Allens Farm and the existing Tye Road.
- d) To improve the link between the existing Allens Lane and the proposed unclassified road linking Restricted Byway (162_21) to Allens Lane.
- e) To stop up part of Footpath (PROW 162_2) for a distance of 183 metres (S1) associated with the reconfiguration of the public rights of way network to provide safe segregated crossing of the new classified road. The Footpath will be replaced by a new unclassified road (A) that once created will be restricted to use by pedestrians, cyclists, equestrians, and horse drawn vehicles via separate Traffic Order. The Council is of the view that the proposed replacement route under the Side Roads Order will provide suitable replacement provision for pedestrians.
- f) To stop up part of unclassified road known as Allens Lane for a distance of 290 metres (S2) severed by the proposed classified road. The non-vehicular access will be addressed by a new unclassified road (A) that once created will be restricted to use by pedestrians, cyclists, equestrians, and horse drawn vehicles via separate Traffic Order. Vehicular access will be addressed by the new classified road and private means of access (1a), (1b) and (1c). The Council is of the view that the proposed replacement route under the Side Roads Order will provide suitable replacement provision.
- g) To stop up part of Restricted Byway (PROW 162_21) leading to the property known as Allens Farm for a distance of 115 metres (S3) associated with the reconfiguration of the public right of way network to provide safe segregated crossing of the new classified road. The non-vehicular access will be addressed by a new unclassified road (A) that once created will be restricted to use by pedestrians, cyclists, equestrians, and horse drawn vehicles via separate Traffic Order. Vehicular access will be addressed by the new classified road and private means of access (1a), (1b) and (1c). The Council is of the view that the proposed replacement route under the Side Roads Order will provide suitable replacement provision.
- h) To stop up part of unclassified road known as Tye Road for a distance of 152 metres (S4) severed and replaced by the new classified road. The Council is of the view that the proposed replacement route under the Side Roads Order will provide suitable replacement provision.

- i) To stop up part of unclassified road known as Turnip Lodge Lane for a distance of 289 metres (S5) severed by the proposed classified road. Alternative provision for vehicular access will be the existing road network and new classified road. The unclassified road will be replaced by a new Cycle track facility on the line of the existing (B). The Council is of the view that the proposed replacement route under the Side Roads Order will provide suitable replacement provision for pedestrians and cyclists.
- j) To create a new means of access serving enclosure No. 4700 severed by the new classified road (2a). The Council is of the view that the new means of access will provide a suitable and convenient alternative.
- k) To create a new means of access serving enclosure No. 6100 severed by the new classified road (2b). The Council is of the view that the new means of access will provide a suitable and convenient alternative.
- l) To create a new means of access serving enclosure No. 7952 severed by the new classified road (2c). The Council is of the view that the new means of access will provide a suitable and convenient alternative.
- m) To create a new means of access serving enclosure No. 7952 severed by the new classified road (2d). The Council is of the view that the new means of access will provide a suitable and convenient alternative.
- n) To create a new means of access serving enclosure No. 337 and 6200 severed by the new classified road (2e). The Council is of the view that the new means of access will provide a suitable and convenient alternative.
- o) To create a new means of access serving enclosure No. 6200 and 6840 severed by the new classified road (2f). The Council is of the view that the new means of access will provide a suitable and convenient alternative.
- p) To create a new means of access serving enclosure No. 3859 severed by the new classified road (2g). The Council is of the view that the new means of access will provide a suitable and convenient alternative.
- q) To create a new means of access serving the property known as Blossomwood Cottages (2h). The Council is of the view that the new means of access will provide a suitable and convenient alternative.

5.0 ASSOCIATED ORDERS

5.1 Orders under the Road Traffic Regulation Act 1984 are proposed to achieve the following. Some additional restrictions will be required for the Link Road to operate safely.

- a) Introduce a clearway and 50mph speed limit on the new Link Road;
- b) Permanently reduce the existing speed limit on the A133 on the approach to the new Phase 1 Link Road roundabout in both directions to 50mph;
- c) Prohibit motor vehicles except farm vehicles on the west 'arm' of the Allens Farm Roundabout;
- d) Prohibit traffic on Turnip Lodge Lane from the Carpenters Lane junction to the Link Road;
- e) Prohibit right turns in two locations on the A133 (gap closures in central reserve x2);
- f) Prohibit U-turns through the central reserve gap on the A133 west of Carpenters Lane for HGVs;
- g) Prohibit traffic southbound on Elmstead Road; and
- h) Prohibit motor vehicles using the proposed new highway identified as A on the Side Roads Order.

5.2 These orders will be made by the Council.

5.3 Classification for the new Link Road off the A133:

- The Link Road will be numbered A1331 forming part of the county Principal Road network and a PR1 route.
- (It will be designated as an A road (major roads intended to provide large-scale transport links within or between areas) as once the northern section is added it will link traffic between the A120 and the A133);

6.0 HUMAN RIGHTS and PUBLIC SECTOR EQUALITY DUTY

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

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

6.3 Article 1 (of the First Protocol)

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

6.4 Article 8

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

6.5 Article 14

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

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

6.5.3 In the case of each of these Articles (and indeed other provisions of the Convention) the Council should be conscious of the need to strike a balance between the rights of the individual and the interests of the public. In the light of the significant public benefit that will arise from the construction of the proposed road it is considered that it would be appropriate to make the Order. In considering this Order, the Council has considered the balance to be struck between individual rights and the wider public interest. Any interference with Convention rights is considered to be necessary and proportionate in the context of the delivery of the Scheme and is justified in order to secure the economic, social and physical regeneration that the highway works will bring. In the circumstances, it is not considered that the Order would constitute an unlawful interference with the individual property rights.

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

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

6.6 Public Sector Equality Duty (PSED)

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

7.0 CONCLUSION

- 7.1.1 The Council is promoting the Orders to secure the required highway improvement. Confirmation of the Orders will enable the implementation of the highway improvements and associated landscaping and other mitigation works.
- 7.1.2 The Scheme is key to the enhancement of the highways network and connectivity in the wider area. It will act as a driver for further economic activity boosting prosperity and housing development in accordance with the emerging Local Plans in the neighbouring administrative areas. It will help to resolve identified existing transport congestion issues and improve journey times and connectivity.
- 7.1.3 It will be evident that the Council considers that it has advanced a compelling case in the public interest for the compulsory acquisition of all of the CPO land to support the project.
- 7.1.4 The land comprised in the Compulsory Purchase Order is immediately required for the road construction/landscaping/ecological impact mitigation/water control measures incorporated in the project. However, some areas are only required for use during the construction period for working space or for access. In resolving to make this Compulsory Purchase Order the Council has taken into account the rights of property owners and occupiers under the European Convention of Human Rights, as incorporated into domestic law by the Human Rights Act 1998. In this respect the Council has had particular regard to Article 1 of the First Protocol of the Convention which relates to the protection of rights of everyone to the peaceful enjoyment of possessions and to Article 8 which relates to the protection and family life, home and correspondence. In taking into account these considerations the Council has been conscious of the need to strike a balance between the rights of the individuals affected and interests of the public. In the light of the significant benefits arising from the implementation of the project, as set out in this statement, the Council has concluded that it would be appropriate to make the Compulsory Purchase Order. Negotiations have taken place and shall continue with those holding remaining land interests in order to achieve the maximum possible permissions and land take by way of voluntary agreements. Subject to agreement with the relevant affected landowner(s), the Council may seek to negotiate a temporary licence to occupy during construction or a licence to occupy during construction followed by access rights in place of full title acquisition in place of full title acquisition. However, in the absence of such agreement the Council requires the security of the right to acquire full title.
- 7.1.5 The Council is satisfied that the Compulsory Purchase Order has been promoted in the public interest and that it is fully compliant with the strategic planning and highways policies of the Council and supports the emerging Local Plan strategies of the other Local Planning Authorities in the surrounding areas.
- 7.1.6 The Side Roads Order and Section 10 Order support delivery of the Link Road project by making formal changes to the legal status of public and private routes to ensure the Link Road can be delivered.

8.0 STATUS OF THE STATEMENT OF REASONS

- 8.1.1 This Statement of Reasons has been prepared for the purposes of the making of the Compulsory Purchase Order and the Side Roads Order associated with the A120/A133 Link Road project. It is not intended to discharge the Council's requirement to produce or is to be taken as their Statement of Case in the event that the Secretary of State for Transport shall call a Public Local Inquiry to be held to consider any objections received to the Orders and will produce such Statement of Case as may be required under the appropriate rules and at the appropriate time.

9.0 FURTHER INFORMATION AND ENQUIRIES

- 9.1.1 The formal notice contains the deadlines for objection to the made. The period to object to the Compulsory Purchase Order is shorter than the period for the Side Roads Order. If objections are received, the Secretary of State for Transport will take the decision on the orders and whether they should be confirmed, with or without modifications. It is expected that any unresolved objections to the Compulsory Purchase Order and/or Side Roads Order for the A120/A133 Link Road project will be considered at a Public Inquiry.
- 9.1.2 Further information on the Engineering aspects of the proposal should be addressed to Sam Salisbury, the Council's Major Projects Sponsor by phone 03330 130 563 or email sam.salisbury@essex.gov.uk.
- 9.1.3 Queries relating to land negotiations and compensation may be raised with Roger Moore by phone 01245 215 543 or e-mail RMoore@lsh.co.uk.
- 9.1.4 Queries in relation to the service of notices or publicity may be raised with Morgan Evans by phone on 029 2035 3259 or email morgan.evans@jacobs.com.
- 9.1.5 Postal enquires should be sent FAO Sam Salisbury, Essex County Council, County Hall, Market Road, Chelmsford, CM1 1QH
- 9.1.6 The website for the project is [A120 to A133 Link Road | Essex County Council \(essexhighways.org\)](http://A120%20to%20A133%20Link%20Road%20|%20Essex%20County%20Council%20(essexhighways.org))

10.0 LIST OF DOCUMENTS IN SUPPORT OF ORDER SUBMISSION

10.1 These documents can be inspected at the places of deposit or viewed via the link provided as indicated below:

10.2 Scheme Documents

- 1) THE ESSEX COUNTY COUNCIL (A120/A133 LINK ROAD) COMPULSORY PURCHASE ORDER 2021
- 2) ESSEX COUNTY COUNCIL (A120/A133 LINK ROAD) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2021
- 3) Side Road Order – Plan folio
- 4) Scheme plan B355363A-LNK-LND-LNKP1-DR-ZL-0001 – showing areas that are being amended/purchased (reasons why)

10.3 Planning Documents – provided as historic reference – supplied for information

- 1) Planning Application Drawings
- 2) Environmental Statement
- 3) National Planning Policy Framework 2021
- 4) Planning decision dated 2 November 2021.

10.3.1 The documents referred to in Points 1, 2 and 4 in para 10.3 can all be found in the 'Associated Documents' section via this link <https://planning.essex.gov.uk/Planning/Display/CC/TEN/31/21>

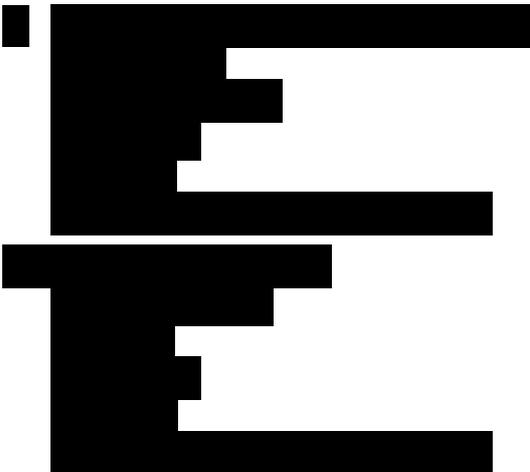
10.4 Legislation and Statutory Guidance – Links or list for research

- 1) Acquisition of Land Act 1981 – [[Acquisition of Land Act 1981 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1981/45)]
- 2) Highways Act 1980 – [[Highways Act 1980 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1980/16)]
- 3) Local Authority Circular 1/97 (Department of Transport) Highways Act 1980: Orders under section 14 of the Highways Act 1980 and opposed orders under section 124 of that Act – [[DoT Local Authority Circular \(essexhighways.org\)](https://www.essexhighways.org/Document/1/97)]
- 4) DfT Circular 2/97 [[Department for Transport Circular \(semms.info\)](https://www.semms.info/circulars/2/97)]
[REDACTED]
- 6) Town and Country Planning General Regulations 1992 – Reg 3 [[The Town and Country Planning General Regulations 1992 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukreg/1992/1000)]
- 7) The Town and Country Planning (General Permitted Development) (England) Order 2015 [[The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukoi/2015/1000)]
- 8) Human Rights Act 1998 [[Human Rights Act 1998 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1998/42)]
- 9) Equality Act 2010 [[Equality Act 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2010/15)]

- 10) DRMB <https://www.standardsforhighways.co.uk/dmrb>
- 11) Guidance on Compulsory purchase process and The Crichel Down Rules, [Ministry of Housing, Communities & Local Government](#), Published 29 October 2015, updated July 2019 [[CPO guidance \(publishing.service.gov.uk\)](#)].
- 12) Local Transport Note 1/20 Cycle Infrastructure Design [[Cycle infrastructure design \(LTN 1/20\) - GOV.UK \(www.gov.uk\)](#)]

10.5 The places of deposit are:

- Essex County Council, Council Offices, Chelmsford Library, Ground Floor, County Hall, Market Road, Chelmsford CM1 1QH
During normal opening hours
Contact Number: 03456 037 628
- Colchester Library
Trinity Square
Colchester
CO1 1JB
During normal opening hours
Contact Number: 0345 603 7628
- Wivenhoe Library
104/106 High Street
Wivenhoe
CO7 9AB
During normal opening hours
Contact Number: 0345 603 7628
- Greenstead Library
Hawthorn Avenue
Colchester
CO4 3QE
During normal opening hours
Contact Number: 0345 603 7628



S. Salisbury
Sam Salisbury
Major Scheme Sponsor
Essex County Council

County Hall
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Dated: July 2023